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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Twenty-eighth Session

Geneva, October 12 to 16, 1990

REVISION OF THE CONVENTION:

ORDER OF THE PROVISIONS

Document prepared by the Office of the Union

1. The annex to this document contains a revised version of the proposal from the delegation of the Federal Republic of Germany concerning the structure of the Convention. Some amendments to the previous version (document CAJ/27/3) proposed by the said delegation are incorporated. The Office of the Union has updated and adapted the document to the most recent text proposed for the new Act of the Convention (documents IOM/5/2 and IOM/5/3).

2. It is recalled that the Administrative and Legal Committee decided at its twenty-seventh session on the following procedure: the Office of the Union was to establish the said proposed text on the basis of the order retained in document CAJ/27/2 and CAJ/27/4; it should prepare the final text after this, the twenty-eighth, session on the basis of the order agreed in this session; that final text would then be submitted to the Council for its approval to the submission of the text to the Diplomatic Conference. Document CAJ/27/3 contains further information on the history of this subject.

[Annex follows]

ANNEX

PROPOSED STRUCTURE OF THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
submitted by the delegation of the Federal Republic of Germany and updated by the Office of the Union

		Corresponding Articles in	
		Present Text	Documents IOM/5/2 & 3*
PART ONE	GENERAL PROVISIONS		
Article 1	International Union for the Protection of New Varieties of Plants	1(1) and (2)	15(1) 2(1)
Article 2	Legal Status of the Union	24(1) and (2)	15(2) and (3)
Article 3	Organs and Seat of the Union	15 1(3) 24(3)	16 15(4) and (5)
Article 4	Definitions	-	1
Article 5	Field of Application	4	4
Article 6	National Treatment	3	5
PART TWO	BREEDER'S RIGHT		
Chapter I	Conditions for the Grant of the Breeder's Right		
Article 7	Varieties Eligible for Protection	6(1), Introduction, and (e), and (2)	7(1) and (2)
Article 8	Distinctness	6(1)(a)	7(4)
Article 9	Homogeneity	6(1)(c)	7(5)
Article 10	Stability	6(1)(d)	7(6)
Article 11	Novelty	6(1)(b) 38	7(3)
Article 12	Variety Denomination	13(1), first sentence, and (2) to (6)	14(1), first sentence, and (2) to (6)
Chapter II	Application for the Granting of the Breeder's Right		
Article 13	Free Choice of the Member of the Union in which an Application is Filed	11(1) and (2)	6
Article 14	Priority	12	8
Article 15	Examination of the Application	7(1) and (2) 30(2)	9(1) and (2)
Article 16	Provisional Protection	7(3)	9(3)
Chapter III	Effects of the Breeder's Right		
Article 17	Content of the Breeder's Right	5(1), (2) and (4)	12(1) and (2)
Article 18	Limitation of the Effects of the Breeder's Right	5(3)	12(3)
Article 19	Limitations in the Exercise of the Breeder's Right	9	13
Article 20	Exhaustion of the Breeders' Rights	-	12(4)

* Articles 1 to 14 appear in document IOM/5/2, and Articles 16 to 38 in document IOM/5/3.

		Corresponding Articles in	
		Present Text	Documents IOM/5/2 & 3
Article 21	Use of the Variety Denomination	13(1), 2 nd sentence, (7) and (8)	16(1), 2 nd sentence (7) and (8)
Article 22	Independence of the Breeder's Right in Different Members of the Union	11(3)	-
Article 23	Independence of the Breeder's Right from Measures for the Regulation of the Seed Trade	14	3
Chapter IV	Duration and Termination of the Breeder's Right		
Article 24	Duration of the Breeder's Right	8	10
Article 25	Nullity of the Breeder's Right	10(1) and (4)	11(1) and (4)
Article 26	Forfeiture of the Breeder's Right	10(2) to (4)	11(2) to (4)
PART THREE	INSTITUTIONAL PROVISIONS		
Chapter I	The Council, the Office of the Union		
Article 27	Composition of the Council	16(1) and (2)	17(1) and (2)
Article 28	Presidency	18	19
Article 29	Sessions	19	20
Article 30	Observers	17	18
Article 31	Tasks	21 20	22 21
Article 32	Votes	22 16(3)	23 17(3)
Article 33	Office of the Union	23	24
Article 34	Languages	28	28
Chapter II	Financial Provisions		
Article 35	Meeting of Expenses	26(1)	26(1)
Article 36	Contributions of the Members of the Union	26(2) to (5)	26(2) to (5)
Article 37	Auditing of the Accounts	25	25
PART FOUR	EFFECTS ON THE MEMBERS OF THE UNION		
Article 38	Implementation of the Convention on the Domestic Level	30	2(2) 31(4)
Article 39	Relations Between Members of the Union Bound by Different Texts	34	33
Article 40	Special Agreements	29	29
PART FIVE	FINAL PROVISIONS		
Article 41	Signature	31	30
Article 42	Ratification, Acceptance or Approval; Accession	32	31(1) to (3)
Article 43	Reservations	40	36(1)

	Corresponding Articles in	
	Present Text	Documents IOM/5/2 & 3
Article 44 Territorial Scope of Application	36	-
Article 45 Communications	35	34
Article 46 Exception for Protection under Two Forms	37	36(2)
Article 47 Entry into Force	33	32
Article 48 Duration	41(1)	-
Article 49 Revision	27	27
Article 50 Denunciation	41(2) to (4)	37
Article 51 Preservation of Existing Rights	39	35
Article 52 Languages of the Convention; Depositary Functions	42(1) and (3)	38(1) and (3)
Article 53 Transmission and Notifications	42(2), (4) and (5)	38(2) and (4)

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