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UPOV

CAJ/III/7

ORIGINAL: English

DATE: January 25, 1979

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Third Session

Geneva, April 24 and 25, 1979

UPOV FORM FOR THE TRANSMITTAL OF OBSERVATIONS ON
A SUBMITTED VARIETY DENOMINATIONDocument prepared by the Office of the Union

1. At its first session, the Administrative and Legal Committee agreed that all member States whose authorities checked variety denominations against trademarks should be invited also to state the name and address of the trademark owner on the forms used to transmit objections to a variety denomination to the authorities of other member States where such an objection was based on the existence of a trademark. Such a measure would enable the applicant for plant variety protection, if he were interested in doing so, to get in touch with the trademark owner with a view to obtaining the latter's permission to register the denomination (see document CAJ/I/11, paragraphs 23 and 24).
2. It is considered that the best way of ensuring the application of the measure advocated by the Administrative and Legal Committee is to provide expressly in the relevant form for the name and address of the trademark holder to be specified. Since the form presently in use (see Annex I), which was approved by the Council at its fifth ordinary session (October 13 to 15, 1971) at the same time as the Provisional Rules of Procedure for the Exchange of Variety Denominations (document C/V/33), does not make provision for this information to be given, it is proposed that the form be amended.
3. It is further proposed that the said form be improved (in particular, that space be provided for indicating the issuing authority) and adapted to the new wording of Article 13(6) of the Convention ("objection" being replaced by "observations" and reference being made to rights in trademarks and also to other rights which might hamper the free use of the variety denomination). The fact that the new text of the Convention has not yet entered into force does not hinder such a change. The proposed new form appears in Annex II.

[Annexes follow]

ANNEX I/ANNEXE I/ANLAGE I

FORM APPROVED BY THE COUNCIL AT ITS FIFTH ORDINARY SESSION
 FORMULAIRE APPROUVE PAR LE CONSEIL A SA CINQUIEME SESSION ORDINAIRE
 VOM RAT AUF SEINER FÜNFTEN ORDENTLICHEN SITZUNG GENEHMIGTES FORMBLATT

Y/Ref. - I/Zn. - V/réf.:

O/Ref. - U/Zn. - N/réf.:

Objection to a Submitted Variety Denomination Einwendung gegen eine angemeldete Sortenbezeichnung Objection à une dénomination variétale déposée
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To/An/A

Variety Denomination:
 Sortenbezeichnung:
 Dénomination variétale:

Species (in Latin):
 Art (auf lateinisch):
 Espèce (en latin):

National Bulletin:
 Nationales Amtsblatt:
 Bulletin officiel (Month/Monat/ (Year/Jahr/ (Page/Seite)
 national: mois) année)

Applicant:
 Anmelder:
 Demandeur:

Objection:
 Einwendung:

.....

Copies to the competent authorities of the other UPOV States.
 Kopien an die zuständigen Behörden der anderen UPOV-Staaten.
 Copies aux autorités compétentes des autres Etats de l'UPOV.

Date/Datum:

Signature/Unterschrift:

[Annex II follows/
 l'annexe II suit/
 Anlage II folgt]

CAJ/III/7
ANNEX II/ANNEXE II/ANLAGE II

PROPOSED AMENDED FORM
FORMULAIRE AMENDE PROPOSE
VORGESCHLAGENES GEÄNDERTES FORMBLATT

From/Von/De

Your ref./Ihr Zeichen/Votre réf.

Our ref./Unser Zeichen/Notre réf.

Observations on a Submitted Variety Denomination Bemerkungen zu einer angemeldeten Sortenbezeichnung Observations sur une dénomination variétale déposée

To/An/A

Variety Denomination:
Sortenbezeichnung:
Dénomination variétale:

Species (in Latin):
Art (auf lateinisch):
Espèce (en latin):

(Month/Monat/Mois) (Year/Jahr/Année)

Bulletin:
Amtsblatt:
Bulletin:

(Page/Seite)

Applicant:
Anmelder:
Demandeur:

Observations:
Bemerkungen:

If the observations refer to a trademark or another right, name and address of the holder thereof (if possible):
Falls sich die Bemerkungen auf ein Warenzeichen oder ein anderes Recht beziehen, Name und Anschrift des Inhabers (falls möglich):
Si les observations se réfèrent à une marque de fabrique ou à un autre droit, nom et adresse de son titulaire (si possible):

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Kopien an die zuständigen Behörden der anderen UPOV-Verbandsstaaten.
Copies aux services compétents des autres Etats membres de l'UPOV.

Date/Datum:

Signature/Unterschrift:

[End of document/
fin du document/
Ende des Dokuments]