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UPOV

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Eighteenth Session
Geneva, November 18 and 19, 1986

SCOPE OF PROTECTION

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MOTION OF THE VEGETABLE SEED SECTION OF FIS

Document prepared by the Office of the Union

The Annex to this document contains a motion of the Vegetable Seed Section of the International Federation of the Seed Trade (FIS) relating to the scope of protection. The motion was transmitted to the Office of the Union by letter of October 31, 1986.

[Annex follows]

ANNEX

MOTION OF THE VEGETABLE SEED SECTION OF FIS
RELATING TO THE SCOPE OF PROTECTION*

The Vegetable Seed Section of the International Federation of the Seed Trade,

Having regard to article 5(1) and (4) of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978;

Conscious of the fact that the scope of the protection laid down in Article 5(1) may create special problems with regard to certain genera and species;

Witnessing the development of techniques that permit the use of any part of the plant as reproductive material;

Considering it of great importance that breeders be enabled effectively to safeguard their interests;

Recognizing at the same time that an equitable balance must be struck between the interests of breeders and those of users of new varieties;

Recommends that, where, in respect of any genus or species, the granting of more extensive rights than those provided for in Article 5(1) is desirable to safeguard the legitimate interests of the breeders, the International Union for the Protection of New Varieties of Plants as well as its member States take adequate measures pursuant to Article 5.

It is clearly understood that by this motion, the Section is not aiming at the protection of the final product.

The motion was unanimously adopted on May 28, 1986.

[End of document]

* The covering letter concluded by expressing the hope that the motion would be duly attended to and would result in the adoption of appropriate measures by UPOV.