



Disclaimer: unless otherwise agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.

This document has been scanned from a paper copy and may have some discrepancies from the original document.

Avertissement: sauf si le Conseil de l'UPOV en décide autrement, seuls les documents adoptés par le Conseil de l'UPOV n'ayant pas été remplacés peuvent représenter les principes ou les orientations de l'UPOV.

Ce document a été numérisé à partir d'une copie papier et peut contenir des différences avec le document original.

Allgemeiner Haftungsausschluß: Sofern nicht anders vom Rat der UPOV vereinbart, geben nur Dokumente, die vom Rat der UPOV angenommen und nicht ersetzt wurden, Grundsätze oder eine Anleitung der UPOV wieder.

Dieses Dokument wurde von einer Papierkopie gescannt und könnte Abweichungen vom Originaldokument aufweisen.

Descargo de responsabilidad: salvo que el Consejo de la UPOV decida de otro modo, solo se considerarán documentos de políticas u orientaciones de la UPOV los que hayan sido aprobados por el Consejo de la UPOV y no hayan sido reemplazados.

Este documento ha sido escaneado a partir de una copia en papel y puede que existan divergencias en relación con el documento original.

UPOV

DC/DC/ 2

ORIGINAL: English, French,
German

DATE: October 17, 1978

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

DIPLOMATIC CONFERENCE
ON THE REVISION OF THE INTERNATIONAL CONVENTION
FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva, October 9 to 23, 1978

DRAFT

INTERNATIONAL CONVENTION FOR THE PROTECTION
OF NEW VARIETIES OF PLANTS

(Articles 1, 24, 30 and 34)

submitted to the Drafting Committee
by the Secretariat

Article 1

Purpose of the Convention; Constitution
of a Union; Seat of the Union

- (1) The purpose of this Convention is to recognise and to ensure to the breeder of a new plant variety or to his successor in title (both hereinafter referred to as "the breeder") a right under the conditions hereinafter defined.
- (2) The States parties to this Convention (hereinafter referred to as "the member States of the Union") constitute a Union for the Protection of New Varieties of Plants.
- (3) The seat of the Union and its permanent organs shall be at Geneva.

Article 24 ~~N:23A in document DC/31/~~

Legal Status

- (1) The Union shall have legal personality.
- (2) The Union shall enjoy on the territory of each member State of the Union, in conformity with the laws of that State, such legal capacity as may be necessary for the fulfilment of the Union's objectives and for the exercise of its functions.
- (3) The Union shall conclude a headquarters agreement with the Swiss Confederation.

Article 30

Implementation of the Convention on the Domestic
Level; Contracts on the Joint Utilisation of
Examination Services

(1) Each member State of the Union shall undertake to adopt all measures necessary for the application of this Convention. In particular, each member State shall undertake to:

(a) ^{provide for} ~~ensure to nationals of the other member States of the Union~~ appropriate legal remedies for the effective defence of the rights provided for in this Convention;

(b) set up a special authority for the protection of new varieties of plants or ~~to~~ entrust their protection to an existing authority; ~~and~~

(c) ensure that the public is informed of matters concerning such protection, including as a minimum the periodical publication of the list of titles of protection issued.

(2) Contracts may be concluded between the competent authorities of the member States of the Union, with a view to the joint utilisation of the services of the authorities entrusted with the examination of varieties in accordance with the provisions of Article 7 and with assembling the necessary reference collections and documents.

(3) It shall be understood that, on depositing its instrument of ratification, ^h or accession, each State must be in a position, under its own domestic law, to give effect to the provisions of this Convention.

h. acceptance, approval

DC/DC/2

page 4

Article 34 ~~(32B in document DC/3)~~Relations Between States Bound by Different Texts

(1) Any member State of the Union which, on the day on which this Act enters into force with respect to that State, is bound by the Convention of 1961 as amended by the Additional Act of 1972 shall, in its relations with any other member State of the Union which is not bound by this Act, continue to apply, until the present Act enters into force also with respect to that other State, the said Convention as amended by the said Additional Act.

(2) Any member State of the Union not bound by this Act ~~but bound by the Convention of 1961 as amended by the Additional Act of 1972~~ ("the former State") may declare, in a notification addressed to the Secretary-General, that it ~~shall~~ ^{will} apply the ~~said~~ ^{said} Convention ^{as amended by the said Additional Act} in its relations with any State bound by this Act which becomes a member of the Union through ratification ^{of} or accession to this Act ("the latter State"). ^{As} from the beginning of one month after the date of any such notification and until the entry into force of this Act with respect to the former State, the former State shall apply the Convention of 1961 as amended by the Additional Act of 1972 ^{in its relations with any such latter State, whereas any such latter State shall apply this Act in its relations with the former State.}

1, acceptance or approval

[End of document]