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UPOV/72DC/12
Original: French
Date: November 9, 1972

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

DIPLOMATIC CONFERENCE

Geneva, November 7 to 10, 1972

DRAFT ADDITIONAL ACT

prepared by the Drafting Committee

ADDITIONAL ACT OF NOVEMBER 10, 1972, AMENDING THE INTERNATIONAL
CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

The Contracting States,

Considering that in the light of the experience gained since the entry into force of the International Convention for the Protection of New Varieties of Plants, of December 2, 1961, the system of contributions of Member States of the Union provided for by that Convention does not allow for sufficient differentiation among the Member States of the Union as to the relative share in the total of the contributions that should be allotted to each of them,

Considering further that it is desirable to amend the provisions of that Convention on the contributions of Member States of the Union and, in the event of arrears in the payment of such contributions, on the right to vote,

Having regard to the provisions of Article 27 of the said Convention,

Have agreed as follows:

Article I

Article 22 of the International Convention for the Protection of New Varieties of Plants, of December 2, 1961, (hereinafter referred to as the Convention), shall be replaced by the following text:

" Decisions of the Council shall be taken by a simple majority of the members present, except in the cases provided for in Articles 20, 27, 28 and 32, for the vote on the budget, for the fixing of the contributions of each Member State of the Union, for the faculty provided for in Article 26, paragraph (5), concerning payment of one-half of the contribution corresponding to Class V and for any decision regarding voting rights under Article 26, paragraph (6). In these last four cases, the majority required shall be three-quarters of the members present."

Article II

Article 26 of the Convention shall be replaced by the following text:

" (1) The expenses of the Union shall be met from:

- (a) annual contributions of Member States of the Union,
- (b) payments received for services rendered, and
- (c) miscellaneous receipts.

" (2) For the purpose of determining the amount of their annual contribution, the Member States of the Union shall be divided into five classes:

Class I	5 units
Class II	4 units
Class III	3 units
Class IV	2 units
Class V	1 unit

" Each Member State of the Union shall contribute in proportion to the number of units of the class to which it belongs.

" (3) For each budgetary period, the value of the unit of contribution shall be obtained by dividing the total expenditure to be met from the contributions of Member States of the Union by the total number of units.

" (4) Each Member State of the Union shall indicate, on joining the Union, the class in which it wishes to be placed. Any Member State of the Union may, however, subsequently declare that it wishes to be placed in another class.

" Such declaration must be addressed to the Secretary General of the Union at least six months before the end of the financial year preceding that in which the change of class is to take effect.

" (5) At the request of a Member State of the Union or of a State applying for accession to the Convention according to Article 32 and indicating the wish to be placed in Class V, the Council may, in exceptional circumstances, decide to allow such State to pay only half of the contribution corresponding to Class V. Such decision will stand until the State concerned waives the faculty granted or declares that it wishes to be placed in another class or until the Council revokes its decision.

" (6) A Member State of the Union which is in arrears in the payment of its contributions may not exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years, but it shall not be relieved of its obligations under this Convention, nor shall it be deprived of any other rights thereunder. However, the Council may allow such a State to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances."

Article III

The Provisions of Article 26, paragraph (6), shall apply only if all Member States of the Union have ratified or acceded to this Additional Act.

Article IV

Member States of the Union shall be placed in the class under this Additional Act which contains the same number of units as the class they have chosen under the Convention, unless, at the moment of depositing their instrument of ratification or accession, they declare their wish to be placed in another class under this Additional Act.

Article V

(1) This Additional Act shall be open for signature until April 1, 1973, by Member States of the Union and by States signatory of the Convention.

(2) This Additional Act shall be subject to ratification.

(3) This Additional Act shall be open to accession by non-signatory States in accordance with the provisions of Article 32, paragraphs (2) and (3), of the Convention.

(4) After the entry into force of this Additional Act, a State may only accede to the Convention if it accedes to this Additional Act at the same time.

(5) Instruments of ratification of or accession to this Additional Act by States which have ratified the Convention or which ratify it at the same time as they ratify or accede to this Additional Act shall be deposited with the Government of the French Republic. Instruments of ratification of or accession to this Additional Act by States which have acceded to the Convention or which accede to it at the same time as they ratify or accede to this Additional Act shall be deposited with the Government of the Swiss Confederation.

Article VI

(1) This Additional Act shall enter into force in accordance with the first and second sentences of Article 27, paragraph (4), of the Convention.

(2) With respect to any State which deposits its instrument of ratification of or accession to this Additional Act after the date of its entry into force, this Additional Act shall enter into force thirty days after the deposit of such instrument.

Article VII

No reservations to this Additional Act are permitted.

Article VIII

(1) This Additional Act shall be signed in a single original in the French language, which shall be deposited in the archives of the Government of the French Republic.

(2) Official translations of this Additional Act shall be established by the Secretary General of the Union, after consultation with the interested Governments, in Dutch, English, German, Italian and Spanish, and in such other languages as the Council of the Union may designate. In the latter event, the Secretary General of the Union shall also establish an official translation of the Convention in the language so designated.

(3) The Secretary General of the Union shall transmit two copies, certified by the Government of the French Republic, of the signed text of this Additional Act to the Governments of the States referred to in Article V, paragraph (1), to the Government of any other State when it accedes to the Convention, and on request to the Government of any other State.

(4) The Secretary General of the Union shall register this Additional Act with the Secretariat of the United Nations.

(5) The Government of the French Republic shall notify the Secretary General of the Union of the signatures of this Additional Act and of the deposit with such Government of instruments of ratification or accession. The Government of the Swiss Confederation shall notify the Secretary General of the Union of the deposit with such Government of instruments of ratification or accession.

(6) The Secretary General of the Union shall inform the States parties to the Convention and the other States referred to in Article V, paragraph (1), of the notifications received pursuant to the preceding paragraph and of the entry into force of this Additional Act.

* * *

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Additional Act.

DONE at Geneva, this tenth
day of November, 1972.

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