



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agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.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



IOM/IV/6

ORIGINAL: French

DATE: September 29, 1989

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

FOURTH MEETING WITH INTERNATIONAL ORGANIZATIONS

Geneva, October 9 and 10, 1989

COMMENTS FROM COGECA AND COPA

Document prepared by the Office of the Union

The annex to this document contains the comments from the General Committee for Agricultural Cooperation in the European Economic Community (COGECA) and the Committee of Agricultural Organizations in the European Economic Community (COPA) on the revision of the Convention. They were transmitted to the Office of the Union by letter of September 25, 1989.

[Annex follows]

ANNEX

COMMENTS FROM COGECA AND COPA
ON THE REVISION OF THE CONVENTION

The position of COPA and COGECA concerning the legal protection of plant varieties is based on the following considerations:

1. There cannot be double protection for varieties.
2. The rights of the breeder should extend to any reproductive material, that is, plants, plant parts, cells and protoplasts.
3. The free access to the variety for experimental purposes with a view to creating a new variety must be guaranteed, including where the variety embodies an invention protected by a patent.
4. The well-established principle of the plant-breeding world whereby farmers may freely use reproductive material for sowing a new crop must be set out in the Convention.

COPA and COGECA propose the following definition for the farmers' privilege:

"The farmers' privilege covers acts of reproduction or multiplication of reproductive material in the soil with treatments made by the farmer himself using his own farming equipment, irrespective of whether these acts are undertaken by himself or under cost-free farmers' self-help arrangements involving mutual benefits, to sow or plant a new crop on his premises."

5. The introduction of a derived right is acceptable provided that there is a perceivable sign of improvement of the variety (there should be no protection for plagiarism).

[End of document]