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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COMMITTEE OF EXPERTS ON  
THE INTERPRETATION AND REVISION OF THE CONVENTION

Third Session

Geneva, February 17 - 20, 1976

## COMMENTS OF PARTICIPANTS

Proposal of the Republic of Ireland

The Department of Agriculture and Fisheries of the Republic of Ireland transmitted on January 23, 1976, the attached observations for consideration by the Committee of Experts on the Interpretation and Revision of the Convention at the third session of this Committee.

[Annex follows]

Observer delegation of Ireland

Observations submitted for consideration by the Committee of Experts on the Interpretation and Revision of the Convention at its Third Session in Geneva on 17 - 20 February, 1976.

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1. The Irish seed industry, except for potatoes, is one dependent to a considerable extent on imported seed. While some breeding of new varieties has been done by State agencies, there are not any private breeders in Ireland.
2. Consequently the need for a system of plant breeders' rights in Ireland derives principally from our reliance on imported new varieties being available for propagation here and their subsequent release as certified seed. In recent years we have found that the breeders of certain foreign varieties which we wished to obtain were reluctant to supply the necessary seed in the absence of a rights system here.
3. We are impressed by the argument that the existence in a member State of a system of plant breeders' rights, in accordance with the Paris Convention, provides a stimulus to breeding in that State. Plant breeders' rights legislation might therefore encourage the breeding of new varieties in Ireland. We would welcome this development as it would raise the status of the seed industry in Ireland. Above all the establishment of a system of plant breeders' rights in Ireland would ensure that valuable new varieties would be available for propagation to Irish growers. Thus we have concluded that a system of plant rights conforming with the Paris Convention would be in the long-term interests of Irish agriculture.
4. It must be appreciated that Ireland is a relatively small country by European standards, viz -

Area	7.03 million hectares
Total Farm Land	4.80 million hectares
Population	2.98 million
Work-force engaged in agriculture	0.25 million

Our resources would be correspondingly limited in such a highly specialised field as plant breeders' rights. In addition, as our country represents a relatively small outlet for plant varieties, we would not anticipate a substantial volume of applications for grant of rights in the event of our accession to the Convention.

5. Having regard to the foregoing factors, our authorities do not consider that there would be either need or justification for establishing in Ireland an

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- elaborate rights system capable of handling a very large number of species. Indeed, we would envisage considerable difficulty in complying fully with Article 4 of the Convention requiring that the principles of the Convention must be applied to 13 genera/ species within 8 years after accession. We consider however that we could apply the Convention initially to five genera which are of central importance in our agricultural economy - namely, wheat, oats, barley, potatoes, ryegrass - and we are now making preparations for that eventuality.
6. Considering our limited involvement in breeding of new varieties and in plant breeders' rights systems, the observer delegation of Ireland would not consider it appropriate to put forward positive proposals for interpretation or revision of the Convention. We have however noted with interest that several items in this context are listed in UPOV Document IRC/III/2 dated 15 December, 1975 for consideration at the Third Session of the Committee of Experts on the Interpretation and Revision of the Convention in Geneva on 17 - 20 February, 1976.
  7. We are particularly interested in item No 3 of Document IRC/III/2 regarding the requirement under Article 4(3) of the Convention that member States must apply the Convention to specified genera and species within certain periods. We would strongly support any proposal aimed at easing the obligations of new member States in this respect - for example by reducing the number of genera and species to which the Convention must be initially applied or laying down a less rigid programme for application of the Convention to other genera in the years subsequent to the accession of a new member State. If it is deemed essential to prescribe a minimum number of genera to which the Convention must be applied and specific periods within which it must be applied, then perhaps provision should be made in the Convention, whereby by way of derogation a particular member State could obtain an easing of or exemption from those conditions, subject of course to the approval of the Council of UPOV.
  8. We would also strongly support item No 16 in UPOV Document IRC/III/2 as to the possibility of an arrangement whereby the title of protection granted in one member State would, subject to certain conditions, have effect also in other member States. It is presumed that if this possibility were developed, it would be open to a member State to make a grant of rights without undertaking a special examination of the variety, on the basis of the examination and grant of rights effected in another member State. Thus a member State which did not possess the facilities for the testing of certain species would have the option of accepting the finding of

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another member State which did have such facilities. If our understanding of this item is correct then the possibility which it offers would considerably ease the problem of potential member States, such as Ireland, whose resources and involvement in the matter of plant breeding are, as we have indicated, very limited.

9. We have also noted with interest, and would support, the possibility mentioned in Item 12 of UFOV Document IRC/III/2 that methods of examination which do not include growing tests would be acceptable in certain cases.

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