



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agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.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



IRC/v/6

0203

ORIGINAL: English

DATE: February 14, 1977

# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COMMITTEE OF EXPERTS ON THE INTERPRETATION AND REVISION OF THE CONVENTION

Fifth Session

Geneva, March 8 to 10, 1977

### COMMENTS OF PARTICIPANTS

#### Comments of the Delegation of the Netherlands

The Delegation of the Netherlands has transmitted on February 9, 1977, the attached observations for consideration by the Committee of Experts on the Interpretation and Revision of the Convention at the fifth session of this Committee.

[Annex follows]

THE SALE OF PLANTLETS  
Note of the Delegation of the Netherlands

1. In the meeting of the Committee of experts on the interpretation and revision of the Convention the question was discussed whether or not the production and sale of plantlets produced from seed of a protected variety falls within the scope of protection. It was decided in the fourth session of said Committee to rediscuss the question during the next session (see IRC/IV/8, point 49).
2. The delegation of the Netherlands promised to make a note on this question.
3. In some countries between 80 and 100% of the seed of some vegetables is sold to specialized firms, which grow plantlets from this seed, with the intention of selling these plantlets to market-gardeners. Particularly this is the case with lettuce, cucumber, tomato, endive, pepper and gherkin.
4. One can expect, that within a short time this will also be introduced rather quickly with other vegetables.
5. As long as these firms are only growing plantlets from seed they buy from the breeder, nothing special is going on. The breeder is getting his remuneration then as well as when he sells the seed directly to market-gardeners.
6. The situation changes however, when the specialized firms start to multiply the seed bought to larger quantities of seed and then grow plantlets for the market out of their own multiplied seed. In these cases they need to buy from the breeder only a very small quantity of seed.
7. When plantlets of vegetables are not considered to be propagating material and consequently do not fall under the scope of protection, this can lead to a serious undermining of plant breeders rights.
8. Whether this is the case depends on the definition of propagating material. In the Dutch law it reads as follows: "Propagating material shall mean plants and parts thereof intended for cultivation by planting or sowing or by any other means".
9. In order to prevent, that this development, which in itself is very favourable, will lead to an undermining of plant breeders rights, it could be considered to insert a definition corresponding with the above mentioned for propagating material in the Convention.

9 February 1977

ir. J.I.C. Butler

[End of document]