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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

Sixth Session

Geneva, September 20 to 23, 1977

ARTICLE 6(1)(b)

Note by the Office of the Union

It has been proposed that Article 6(1)(b) of the Convention be drafted as follows:

"(b) At the time of the application for protection in a member State of the Union, the variety

"(i) must not--or where the law of that State so provides, must not for longer than one year--have been offered for sale or marketed, with the agreement of the breeder or his successor in title, in the territory of that State and

"(ii) must not have been offered for sale or marketed, with the agreement of the breeder or his successor in title, in the territory of any other State for longer than six years in the case of vines, forest trees, fruit trees and ornamental trees, including their rootstocks, or for longer than four years in the case of all other plants.

"Mere trials of the variety not involving offering for sale or marketing shall not affect the right to protection. The fact that the variety has become a matter of common knowledge in ways other than through offering for sale or marketing shall also not affect the right to protection."

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