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UPOV

IRC/ VI/2 Corr.

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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

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CORRIGENDUM TO DOCUMENT IRC/VI/2

Prepared by the Office of the Union

1. The proposed new text of Article 6(1)(b), appearing on page 17 of document IRC/VI/2, should read 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, fruit trees and their rootstocks, forest trees, ornamental trees and similar plants, or for longer than four years in the case of all other plants.

"The fact that a variety has been entered in trials, or has been submitted for registration or entered in an official register, shall not prejudice the breeder of such variety or his successor in title."

2. The description of the proposed new text of Article 13(3), appearing on page 37 of document IRC/VI/2, should read as follows:

"(3) [Same as paragraph (4) of the present text, except omit the word "new" and replace "paragraphs" by "paragraph."]"

3. The comments on Article 13(4) in the present text (Article 13(3) in the new text), appearing on page 38, should read as follows:

"Ad paragraph (4) in the present text (paragraph (3) in the new text): It is proposed to omit the word "new"; for explanations, see the Observation under Article 1(1). It is further proposed to put the expression "of the preceding paragraphs" into singular since, as a consequence of the proposed amendment of paragraph (3) in the present text and of the interchanging of paragraphs (3) and (4) in the new text, the proposed denomination would have to satisfy the requirements of one paragraph only (namely of paragraph (2))."

4. The present text of Article 13(6), second subparagraph, appearing on page 39, should read as follows:

"The competent authority of each member State of the Union shall notify each registration of the denomination of a new variety and each refusal of registration to the Office of the Union, which shall inform the competent authorities of the other member States of the Union. Registrations shall also be communicated by the Office to the member States of the Paris Union for the Protection of Industrial Property."

5. In the comments on Article 13(8) in the present text (Article 13(9) in the new text), appearing on page 38, the reference should be to paragraph (4) (rather than paragraph (3)).

6. The last word of Article 34A(1), appearing on page 45, should read "fact" (rather than "Act").

7. The proposed new text of Article 36, appearing on page 49, should read as follows:

"[New Text]

"Article 36

"Transitional Rule Concerning the Use of a Former Designation

"[There would be no provision in the new text corresponding to paragraph (1) of the present text.]

"If, after the date at which a member State of the Union applies for the first time the provisions of this Convention to a genus or a species to which a variety belongs, protection is granted in respect of that variety under the terms of Article 35 and a new denomination is registered for that variety, the breeder or his successor in title may not prohibit the use of the previous designation by persons who were obliged to use it before the said date, until a period of one year has expired from the publication of the new denomination."

[End of document]