



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agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.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

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

DRAFT NOTES AND LETTERS OF INVITATION
TO THE DIPLOMATIC CONFERENCE ON THE REVISION
OF THE UPOV CONVENTIONprepared by the Office of the Union

1. This document contains in its Annexes draft circulars concerning the invitations to the Diplomatic Conference on the Revision of the UPOV Convention, which is scheduled to be held in October 1978. The Annexes specify also the addresses of each circular.
2. Annex I contains the draft of a Note Verbale which is proposed to be sent to the Ministers for Foreign Affairs of all States which are members of the United Nations, any of the specialized agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or are party to the Statute of the International Court of Justice. The Circular indicates the main difference between the rights which States members of UPOV and the other States will have in the Diplomatic Conference. The list of member States of UPOV appearing in the sixth paragraph of the Note Verbale has been established under the assumption that South Africa will have deposited its instrument of accession to the UPOV Convention before the said Note Verbale is issued (probably January 1978).
3. The other assumptions which underlie this Circular and the others are that the Diplomatic Conference will be held from October 10 to 26, 1978, and that the documents referred to will be ready in time for them to be sent together with the Circulars.
4. In conformity with the established practice of UPOV, it is proposed that a copy of the Circular addressed to the Minister for Foreign Affairs of a country and copies of all the documents sent to him be sent to the Minister of Agriculture of that country (see Annex II).
5. It is also proposed that copies of the working documents be sent to certain individuals, in particular:
 - (i) the delegates of member and non-member States having participated in recent sessions of the Council and/or of the Committee of Experts on the Interpretation and Revision of the Convention, and
 - (ii) the heads of the national plant breeders' rights offices and, where the protection of plant varieties is a matter expressly falling within the competence of the patent offices, the heads of such patent offices.

Annex III contains the draft of a Circular which would accompany such documents.

6. Annex IV contains the draft of a Circular which would be sent to the international governmental and non-governmental organizations to be invited. A tentative list of such organizations appears in Annex VI.

7. The Committee of Experts is invited:

(i) to examine the attached draft circulars concerning invitations to the Diplomatic Conference (Annexes I to IV),

(ii) to examine the attached list of organizations (Annex VI),

(iii) to approve, subject to any amendment agreed upon, their submission to the Council at its eleventh ordinary session, to be held in December 1977, for final approval.

[Six Annexes follow]

(NOTE VERBALE TO BE SENT TO THE MINISTERS FOR FOREIGN AFFAIRS)

Circular No. ...

The Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) presents his compliments to the Minister for Foreign Affairs and has the honor to invite, on behalf of the Council of UPOV, His Excellency's Government to participate in the Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, which will be held at the headquarters of UPOV, (34, chemin des Colombettes, Geneva, Switzerland) from October 10 to 26, 1978, and will start at 10 a.m. on Tuesday, October 10, 1978.

The working languages will be English, French and German and simultaneous interpretation will be provided in these languages.

The objective of the Conference is to adopt, on the basis of a draft submitted by the Council of UPOV, a revised text of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, and Additional Act of November 10, 1972.

- ./.
 - ./.
 - ./.
- The Provisional Agenda of the Diplomatic Conference (document UPOV/78DC/1), the Provisional Rules of Procedure of the Diplomatic Conference (document UPOV/78DC/2) and the Draft of the Revised Text (with comments) (document UPOV/78DC/3) are enclosed.

The Secretary-General would appreciate it if the comments, if any, of His Excellency's Government on any of these three documents could be communicated to him by June 30, 1978.

Assuming that the relevant provisions of the Rules of Procedure will be adopted as proposed in document UPOV/78DC/2:

(i) the member States of UPOV, that is, at the date of this Note, Belgium, Denmark, France, Germany (Federal Republic of), Italy, the Netherlands, South Africa, Sweden, Switzerland and the United Kingdom, will have full participating and voting rights in the Diplomatic Conference and the right to sign the revised text of the International Convention for the Protection of New Varieties of Plants;

(ii) any States other than those referred to above which are members of the United Nations, any of the specialized agencies brought into relationship with the United Nations, or the International Atomic Energy Agency, or are party to the Statute of the International Court of Justice, will have the right to participate in the plenary of the Diplomatic Conference, will be eligible for membership in its Drafting Committee and working groups, and will have the right to sign the revised text of the said Convention.

Attention is drawn to the necessity of providing representatives with appropriate credentials, including, where applicable, a statement expressly empowering one or more of them to sign the new Act of the Convention to be adopted. Credentials and full powers should be issued by the Head of the State or Government, or by the Minister responsible for external affairs (see Rule 6(3) of the Provisional Rules of Procedure of the Diplomatic Conference).

The Secretary-General would appreciate it if the names and functions of the representatives of His Excellency's Government could be communicated to him by October 1, 1978.

(Date)

[Annex II follows]

0461

IRC/VI/6

ANNEX II

(NOTE VERBALE TO BE SENT TO THE MINISTERS OF AGRICULTURE)

Circular. ...

The Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) presents his compliments to the Minister of Agriculture ./. and has the honor to send His Excellency a copy of his Note [reference], and the ./. documents mentioned therein, which are being sent today to the Minister for Foreign Affairs of His Excellency's Government. The said Note relates to the Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, which will be held at the headquarters of UPOV (34, chemin des Colombettes, Geneva, Switzerland) from October 10 to 26, 1978.

(Date)

[Annex III follows]

(LETTER TO BE SENT TO SELECTED INDIVIDUALS)

Circular No. ...

(Date)

Sir/Madam,

./.

I have the honor to send you herewith a set of the documents which are being sent today to the Minister for Foreign Affairs of your country and which relate to the Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, which will be held at the headquarters of UPOV (34, chemin des Colombettes, Geneva, Switzerland) from October 10 to 26, 1978.

Sincerely yours,

Arpad Bogsch
Secretary-General

0467

IRC/VI/6

ANNEX IV

(LETTER TO BE SENT TO THE INTERNATIONAL ORGANIZATIONS)

Circular No. ...

(Date)

Sir,

I have the honor to invite, on behalf of the Council of UPOV, your Organization to be represented by observers at the Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, which will be held at the headquarters of UPOV (34, Chemin des Colombettes, Geneva, Switzerland) from October 10 to 26, 1978, and will start at 10 a.m. on Tuesday, October 10, 1978.

The working languages will be English, French and German and simultaneous interpretation will be provided in these languages.

The objective of the Conference is to adopt, on the basis of a draft submitted by the Council of UPOV, a revised text of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, and Additional Act of November 10, 1972.

- ./.
 - ./.
 - ./.
- The Provisional Agenda of the Diplomatic Conference (document UPOV/78DC/1), the Provisional Rules of Procedure of the Diplomatic Conference (document UPOV/78DC/2) and the Draft of the Revised Text (with comments) (document UPOV/78DC/3) are enclosed.

Attention is drawn to the necessity of providing representatives with appropriate letters or other documents appointing them, signed by the Head (Director General, Secretary General, or President) of your Organization (see Rules 7 and 8 of the Provisional Rules of Procedure of the Diplomatic Conference).

Sincerely yours,

Arpad Bogsch
Secretary-General

[Annex V follows]

LIST OF STATES TO BE INVITED TO THE DIPLOMATIC CONFERENCE

(This list might have to be brought up to date
at the time of mailing the Circulars)

Afghanistan	Germany, Federal	Norway
Albania	Republic of	Oman
Algeria	Ghana	Pakistan
Angola	Greece	Panama
Argentina	Grenada	Papua New Guinea
Australia	Guatemala	Paraguay
Austria	Guinea	Peru
Bahamas	Guinea-Bissau	Philippines
Bahrain	Guyana	Poland
Bangladesh	Haiti	Portugal
Barbados	Holy See	Qatar
Belgium	Honduras	Republic of Korea
Benin	Hungary	Romania
Bhutan	Iceland	Rwanda
Bolivia	India	Samoa
Botswana	Indonesia	San Marino
Brazil	Iran	Sao Tome and Principe
Bulgaria	Iraq	Saudi Arabia
Burma	Ireland	Senegal
Burundi	Israel	Seychelles
Byelorussian SSR	Italy	Sierra Leone
Cameroon	Ivory Coast	Singapore
Canada	Jamaica	Socialist Republic of
Cape Verde	Japan	Viet Nam
Central African Empire	Jordan	Somalia
Chad	Kenya	South Africa
Chile	Kuwait	Soviet Union
China	Laos	Spain
Colombia	Lebanon	Sri Lanka
Comoros	Lesotho	Sudan
Congo	Liberia	Surinam
Costa Rica	Libyan Arab Jamahiriya	Swaziland
Cuba	Liechtenstein	Sweden
Cyprus	Luxembourg	Switzerland
Czechoslovakia	Madagascar	Syria
Democratic Kampuchea	Malawi	Tanzania
Democratic People's	Malaysia	Thailand
Republic of Korea	Maldives	Togo
Democratic Yemen	Mali	Tonga
Denmark	Malta	Trinidad and Tobago
Dominican Republic	Mauritania	Tunisia
Ecuador	Mauritius	Turkey
Egypt	Mexico	Uganda
El Salvador	Monaco	Ukrainian SSR
Equatorial Guinea	Mongolia	United Arab Emirates
Ethiopia	Morocco	United Kingdom
Fiji	Mozambique	United States of America
Finland	Nauru	Upper Volta
France	Nepal	Uruguay
Gabon	Netherlands	Venezuela
Gambia	New Zealand	Yemen
German Democratic	Nicaragua	Yugoslavia
Republic	Niger	Zaire
	Nigeria	Zambia

LIST OF INTERNATIONAL ORGANIZATIONS TO BE
INVITED TO THE DIPLOMATIC CONFERENCE1. Intergovernmental Organizations

UN	United Nations
WIPO	World Intellectual Property Organization
FAO	United Nations Food and Agriculture Organization
ISTA	International Seed Testing Association
EEC (Commission)	European Economic Community
EEC (Council)	European Economic Community
EFTA	European Free Trade Association

2. Non-Governmental Organizations

AIPH	International Association of Horticultural Producers
AIPPI	International Association for the Protection of Industrial Property
ASSINSEL	International Association of Plant Breeders for the Protection of Plant Varieties
CIOPORA	International Community of Breeders of Asexually Reproduced Ornamentals
FIS	International Association of the Seed Trade
ICC	International Chamber of Commerce

International Commission for the Nomenclature of Cultivated Plants of the
International Union of Biological Sciences

[One organization representing the users of varieties still to be determined]