



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agreed by the Council of UPOV, only documents that have been adopted by the Council of UPOV and that have not been superseded can represent UPOV policies or guidance.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/VI/7

0482

ORIGINAL: English

DATE: August 8, 1977

# 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

ADDENDUM TO DOCUMENT IRC/VI/3

prepared by the Office of the Union

1. After consultation with the President of the Council of UPOV on June 14, 1977, and with his agreement, the Secretary-General of UPOV discussed, on June 20, 1977, the question of the special role of Switzerland in UPOV with the Head of the Permanent Mission of Switzerland to the International Organizations in Geneva. At that occasion, the Secretary-General handed over an aide-memoire to the Head of the said Mission; copy of that aide-memoire is attached to this document.
2. The Representative of Switzerland in the Council of UPOV was kept informed by the Vice Secretary-General of UPOV.
3. On July 29, 1977, the Head of the said Mission wrote to the Director General as follows: "I am not yet in a position to give a reply to you on the attitude of the [Swiss] Federal authorities in respect to their renouncing their role of supervision over UPOV but I think that I shall soon be able to say that on the part of the Département politique fédéral [the Ministry of Foreign Affairs of Switzerland] there would be no objection to renounce the mandate of supervisory authority over UPOV and I presume that I shall shortly be in a position to confirm to you that this is the position of the [Swiss] Federal authorities in their totality."  
[translated from French]

[Annex follows]

ROLE OF THE SWISS GOVERNMENT  
IN THE ADMINISTRATION OF UPOV

1. In 1961, when the Convention establishing the Union for the Protection of New Varieties of Plants (UPOV) was concluded, it was foreseen that the administration of the said Convention should, to a certain extent, be entrusted to BIRPI. Article 25 of the Convention of 1961 provides in fact as follows:

"The procedures for technical and administrative cooperation between the Union for the Protection of New Varieties of Plants and the Unions administered by the United International Bureaux for the Protection of Industrial, Literary and Artistic Property shall be governed by rules established by the Government of the Swiss Confederation in agreement with the Unions concerned."

2. At that time, that is, in 1961, BIRPI was under the supervision of the Swiss Government. It may be assumed that the reason for which the Convention establishing UPOV gives a certain role to the Swiss Government in the administration of UPOV lies in the fact that it was desired to establish a certain parallelism with BIRPI in the administration of which the Swiss Government also played a certain role. The role of the Swiss Government in UPOV is provided for in Articles 15(b), 20(2), 21(g), 23, 24, 25, 32(2) and (4), 33(1) and (2), 34(1) and 40(2) of the Convention establishing UPOV.

3. However, in 1967, the Convention establishing WIPO was adopted in Stockholm. That Convention provides for the replacement of BIRPI by the International Bureau of WIPO. The said Convention entered into force in 1970. Although, from a legal viewpoint, BIRPI continues to exist for the purposes of those--not many--countries which have not yet ratified the texts established in 1967 in Stockholm, BIRPI has, in fact, practically ceased to exist.

4. Contrary to what is the case as far as BIRPI is concerned, the Swiss Government has no role of supervisory authority as far as WIPO is concerned. WIPO is placed under the supervision of all the member States.

5. The Convention of UPOV of 1961 will be submitted to a general revision by a diplomatic conference scheduled for October 1978.

6. The question which arises is whether the Swiss Government would have any objection if the revised UPOV Convention would not retain those of the provisions of the 1961 Convention which have given it a special role and if the revised UPOV Convention would make the role of the Swiss Government in respect of UPOV similar to the role which that Government has in respect of WIPO." [Translated from French]

[End of Annex and of document]