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# PLANT VARIETY PROTECTION

Gazette and Newsletter  
of the  
International Union for the Protection of New Varieties of Plants (UPOV)

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GAZETTE
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RATIFICATION OF THE REVISED ACT OF 1978 OF THE UPOV CONVENTION
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#### France

The Government of France deposited on February 17, 1983, its instrument of ratification of the Geneva Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972.

The instrument contained a declaration under Article 36(1) of the Act that the Act was applicable to the territory of the French Republic, including the overseas departments and territories.

The Act entered into force with respect to France one month after the date on which France deposited its instrument of ratification, i.e. on March 17, 1983.

It is recalled that France became a member of UPOV on October 3, 1971, by ratifying the International Convention for the Protection of New Varieties of Plants of December 2, 1961.

ACCESSION TO THE REVISED ACT OF 1978 OF THE UPOV CONVENTION
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#### Hungary

The Government of Hungary deposited on March 16, 1983, its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978.

The instrument contained a declaration under Article 35(1) of the Convention that Hungary will apply the provisions of that Convention to all genera and species.

The International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978, entered into force with respect to Hungary one month after the date on which Hungary deposited its instrument of accession, i.e. on April 16, 1983.

## EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

**Federal Republic of Germany**

By virtue of the Fourth Order, of December 14, 1982 (Bundesgesetzblatt, Part I, of December 18, 1982, page 1743), Amending the Order Concerning the List of Species under the Plant Variety Protection Law, protection was extended to the following with effect from December 19, 1982 (the Latin and German names appear in the Order, whereas the English and French common names have been added, without guarantee of concordance, by the Office of the Union).

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Achimenes-Hybridi	Achimenes	Achimenes	Achimenes
Aechmea Ruiz et Pav.	Aechmea	Aechmea	Aechmea
Chrysanthemum frutescens L.	Marguerite, Paris Daisy	Marguerite	Strauchmargerite
Prunus L.	Plum, Quetsch, excluding ornamental varieties	Prunier, Quetsche, sauf variétés ornementales	Pflaume, Zwetschge, ausser Ziersorten
Rhipsalidopsis Britt. et Rose	Easter Cactus	Cactus de Pâques	Osterkaktus
Schlumbergera Lem.	Christmas Cactus	Cactus de Noël	Weihnachtskaktus
Trifolium subterraneum L.	Subterranean Clover	Trèfle souterrain	Bodenfrüchtiger Klee
Ulmus L.	Elm	Orme	Ulme
Vaccinium vitis-idaea L.	Cowberry, Mountain Cranberry	Airelle rouge	Preiselbeere

Pursuant to Article 18 of the Plant Variety Protection Law, protection extends:

(i) in the case of plum, quetsch and elm, to the end of the twenty-fifth year following the grant of protection;

(ii) in the case of the other above-mentioned taxa, to the end of the twentieth year following the grant.

As regards the availability of protection to foreigners, reference is made to the item "Federal Republic of Germany: New Notice Concerning Reciprocity," on page 41 of this issue.

Pursuant to the second sentence of Article 2(3) of that Law, applications that relate to recently created varieties of the above-mentioned taxa and are to benefit from the transitional limitation of the requirement of novelty must be filed within the six months following inclusion of the taxon concerned in the List of Species under the Plant Variety Protection Law, i.e. before June 19, 1983.

In addition to the extension of protection to further taxa, a number of entries of the List of Species were reworded in order to take account of recent developments of plant taxonomy or to simplify them.

The list of taxa covered by plant variety protection legislation is given hereunder with the same proviso as for the above list.

List of Taxa Covered by Plant Variety Protection Legislation  
in the Federal Republic of Germany

Liste des taxons couverts par la législation sur la protection des  
obtentions végétales en République fédérale d'Allemagne

Liste der taxonomischen Einheiten, die in der Bundesrepublik  
Deutschland der Sortenschutzgesetzgebung unterliegen

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Abies Mill.	Abies	Sapin	Tanne
Achimenes-Hybriden <sup>1</sup>	Achimenes	Achimenes	Achimenes
Aechmea Ruiz et Pav. <sup>1</sup>	Aechmea	Aechmea	Aechmea
Agrostis L.	Bentgrass	Agrostis, Agrostide	Straussgras
Allium cepa L.	Onion	Oignon	Zwiebel
Allium porrum L.	Leek	Poireau	Poree
Allium schoenoprasum L.	Chives	Ciboulette, Civette	Schnittlauch
Alopecurus pratensis L.	Meadow Foxtail	Vulpin des prés	Wiesenfuchsschwanz
Alstroemeria-Hybriden	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume
Apium graveolens L.	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Arrhenatherum elatius (L.) P. Beauv. ex J. et C. Presl <sup>2</sup>	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
Asparagus officinalis L.	Asparagus	Asperge	Spargel
Avena nuda L.	Naked Oats	Avoine nue	Nackthafer
Avena sativa L.	Oats	Avoine	Hafer
Begonia-Elatior-Hybriden	Elatior Begonia	Bégonia elatior	Elatior-Begonie
Beta vulgaris L. ssp. vulgaris var. alba DC.	Fodder Beet	Betterave fourragère	Runkelrübe
Beta vulgaris L. ssp. vulgaris var. altissima Doell	Sugar Beet	Betterave sucrière	Zuckerrübe
Beta vulgaris L. ssp. vulgaris var. conditiva Alef.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
Beta vulgaris L. ssp. vulgaris var. vulgaris	Mangel, Leaf Beet, Swiss Chard	Bette commune, Poirée	Mangold
Brassica juncea (L.) Czern. et Coss. in Czern. <sup>2</sup>	Brown Mustard	Moutarde brune	Sareptasenf

<sup>1</sup> Entry added as a result of the Fourth Order / Entrée ajoutée en vertu de la Quatrième ordonnance / Aufgenommen aufgrund der Vierten Verordnung.

<sup>2</sup> Entry amended as a result of the Fourth Order / Entrée modifiée en vertu de la Quatrième ordonnance / Geändert aufgrund der Vierten Verordnung.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Brassica napus</i> . L. emend. Metzger var. <i>napobrassica</i> (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe
<i>Brassica napus</i> . L. ssp. <i>oleifera</i> (Metzg.) Sinsk. <sup>2</sup>	Swede Rape, incl. Oilseed Rape	Colza	Raps
<i>Brassica nigra</i> (L.) W. Koch	Black Mustard	Moutarde noire	Schwarzer Senf
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i> L.	Kohlrabi	Chou-rave	Kohlrabi
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>sabellica</i> L.	Curly Kale	Chou frisé	Grünkohl
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>viridis</i> L. + var. <i>medullosa</i> Thell.	Fodder Kale	Chou fourrager	Futterkohl
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i>	Cauliflower	Chou-fleur	Blumenkohl
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i>	Cabbage	Chou pommé	Rotkohl, Weisskohl
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy Cabbage	Chou de Milan	Wirsing
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
<i>Brassica rapa</i> L. <sup>2</sup>	Turnip, Turnip Rape	Navet, Navette	Herbstrübe, Mairübe, Rübsen
<i>Bromus inermis</i> Leyss.	Smooth Brome (Awnless Brome)	Brome inerme	Wehrlose Trespe
<i>Calluna vulgaris</i> (L.) Hull	Heather, Ling	Callune	Besenheide
<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf
<i>Capsicum annum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Cattleya</i> Lindl.	Cattleya	Cattleya	Cattleya
<i>Chamaecyparis</i> Spach	Chamaecyparis	Chamaecyparis	Scheinzypresse
<i>Chrysanthemum frutescens</i> L. <sup>1</sup>	Marguerite, Paris Daisy	Marguerite	Strauchmargerite
<i>Chrysanthemum-Indicum-Hybriden</i>	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cichorium endivia</i> L.	Endive	Chicorée frisée, Scarole	Winterendivie
<i>Cichorium intybus</i> L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
<i>Cotoneaster</i> Medik.	Cotoneaster	Cotoneaster	Cotoneaster
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita maxima</i> Duch.	Pumpkin	Potiron, Giraumon	Riesenkürbis

<sup>1, 2</sup> See footnotes, page 4 / Voir les notes en bas de la page 4 / Siehe Fussnoten auf Seite 4.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Cucurbita pepo L.	Pumpkin, Marrow, Courgette, Vegetable Marrow	Courge, Pâtisson, Citrouille	Gartenkürbis, Ölkürbis
Cydonia Mill.	Quince	Cognassier	Quitte
Cymbidium Sw.	Cymbidium	Cymbidium	Cymbidie
Cynosurus cristatus L.	Crested Dog's-tail	Crételle	Kammgras
Dactylis glomerata L.	Cocksfoot, Orchard Grass	Dactyle	Knautgras
Dahlia Cav.	Dahlia	Dahlia	Dahlie
Daucus carota L. <sup>2</sup>	Carrot	Carotte	Möhre
Dianthus-Caryophyllus-Hybriden	Carnation	Oeillet	Nelke
X Doritaenopsis hort.	Doritaenopsis	Doritaenopsis	Doritaenopsis
Erica gracilis Salisb.	Heath	Bruyère	Erika
Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
Euphorbia lathyris L.	Caper Spurge	Euphorbe épurge	Kreuzblättrige Wolfsmilch
Euphorbia-Milii-Hybriden	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie (Weih- nachtsstern)
Fagopyrum esculentum Moench	Buckwheat	Sarrasin, Blé noir	Buchweizen
Festuca L.	Fescue	Fétuque	Schwingel
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia-Hybriden	Freesia	Freesia	Freesie
Gerbera L.	Gerbera	Gerbera	Gerbera
Glycine max (L.) Merrill	Soya Bean, Soybean	Soja	Sojabohne
Helianthus annuus L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Helianthus tuberosus L.	Jerusalem Artichoke	Topinambour	Topinambur
Hordeum vulgare L. sensu lato <sup>2</sup>	Barley	Orge	Gerste
Humulus lupulus L.	Hop	Houblon	Hopfen
Hydrangea L.	Hydrangea	Hortensia	Hortensie
Ilex L.	Holly	Houx	Stechpalme
Juniperus L.	Juniper	Genévrier	Wacholder
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lactuca sativa L.	Lettuce	Laitue	Salat
X Laeliocattleya Rolfe	Laeliocattleya	Laeliocattleya	Laeliocattleya
Larix Mill.	Larch	Mélèze	Lärche

1, 2 See footnotes, page 4 / Voir les notes en bas de la page 4 / Siehe Fussnoten auf Seite 4.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lathyrus cicera</i> L.	Dwarf Chickling Vetch	Gesse chiche, Jarrosse	Rotblühende Platterbse
<i>Lathyrus sativus</i> L.	Grass Pea Vine	Gesse cultivée	Gewöhnliche Platterbse
<i>Lathyrus tingitanus</i> L.	Tangier Pea	Gesse du Maroc	Purpurblühende Platterbse
<i>Lens culinaris</i> Med.	Lentil	Lentille	Linse
<i>Linum usitatissimum</i> L.	Flax, Linseed	Lin	Lein
<i>Lolium</i> L.	Ryegrass	Ray-grass	Weidelgras
<i>Lotus corniculatus</i> L.	Bird's Foot Trefoil	Lotier corniculé	Hornschotenklee
<i>Lotus uliginosus</i> Schkuhr	Major Bird's Foot Trefoil	Lotier velu, Lotier des marais	Sumpfschotenklee
<i>Lupinus albus</i> L.	White Lupin	Lupin blanc	Weisslupine
<i>Lupinus angustifolius</i> L.	Blue Lupin	Lupin bleu	Blaue Lupine
<i>Lupinus luteus</i> L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex Farw.	Tomato	Tomate	Tomate
<i>Malus</i> Mill.	Apple	Pommier	Apfel
<i>Medicago falcata</i> L.	Yellow Lucerne (Sickle Medick), Variegated Lucerne	Luzerne (en faucille)	Sichelluzerne
<i>Medicago lupulina</i> L.	Black Medick, Yellow Trefoil	Luzerne lupuline, Minette	Gelbklee (Hopfenklee)
<i>Medicago sativa</i> L.	Lucerne, Alfalfa	Luzerne (cultivée)	Blaue Luzerne
<i>Medicago X varia</i> Martyn	(Hybrid) Lucerne	Luzerne hybride	Bastardluzerne
<i>Nicotiana rustica</i> L.	-	Nicotiane rustique	Bauerntabak
<i>Nicotiana tabacum</i> L.	Tobacco (common)	Tabac	Tabak
<i>Onobrychis viciifolia</i> Scop.	Sainfoin	Sainfoin, Esparcette	Esparsette
<i>Ornithopus sativus</i> Brot.	Serradella	Serradelle	Serradella
<i>Panicum miliaceum</i> L.	Common Millet	Millet commun, Panic millet, Panic faux millet	Rispenhirse
<i>Papaver somniferum</i> L.	Opium Poppy	Oeillette, Pavot	Mohn
<i>Paphiopedilum</i> Pfitz.	Lady's Slipper	Sabot de Vénus	Venusschuh
<i>Pelargonium-Peltatum-Hybriden</i>	Ivy-leaved Pelargonium	Géranium-lierre	Efeupelargonie
<i>Pelargonium-Zonale-Hybriden</i>	Zonal Pelargonium	Géranium, Pelargonium zonale	Zonalpelargonie
<i>Pelargonium Peltatum X Pelargonium-Zonale-Hybriden</i>	-	-	Halbpeltaten



<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Petroselinum crispum</i> (Mill.) Nym. ex A.W. Hill	Parsley	Persil	Petersilie
<i>Phacelia tanacetifolia</i> Benth.	-	Phacélie à feuilles de tanaïs	Phazelie
<i>Phalaenopsis</i> Bl.	Moth Orchid	Orchidée papillon	Phalaenopsis
<i>Phalaris arundinacea</i> L.	Reed Canary Grass	Alpiste roseau	Rohrglanzgras
<i>Phaseolus coccineus</i> L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
<i>Phaseolus vulgaris</i> L. <sup>2</sup>	Dwarf French Bean, Climbing French Bean	Haricot nain, Haricot à rames	Buschbohne, Stangenbohne
<i>Phleum bertolonii</i> DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
<i>Phleum pratense</i> L.	Timothy	Fléole des prés	Wiesenlieschgras
<i>Picea</i> A. Dietr.	Spruce	Epicéa	Fichte
<i>Pinus</i> L.	Pine	Pin	Kiefer
<i>Pisum sativum</i> L. <sup>2</sup>	Pea	Pois	Erbse
<i>Poa</i> L.	Meadow-grass	Pâturin	Rispengras
<i>Populus</i> L.	Poplar	Peuplier	Pappel
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil	Potentille ligneuse	Strauch- Fingerkraut
<i>Prunus</i> L. <sup>1</sup>	Cherry, Plum, Quetsch, except ornamental vari- eties	Cerisier, Prunier Quetsche, sauf variétés ornemen- tales	Kirsche, Pflaume, Zwetsche, ausser Ziersorten
<i>Pseudotsuga</i> Carr.	Douglas Fir	Sapin de Douglas	Douglasie
<i>Pyracantha</i> M.J. Roem.	Firethorn	Pyracantha, Buisson ardent	Feuerdorn
<i>Pyrus</i> L.	Pear, except ornamental vari- eties	Poirier, sauf variétés ornemen- tales	Birne, ausser Ziersorten
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
<i>Raphanus sativus</i> L. var. <i>olei- formis</i> Pers.	Fodder Radish	Radis oléifère, Radis chinois	Ölrettich
<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis de tous les mois	Radieschen
<i>Rhipsalidopsis</i> Britt. et Rose <sup>1</sup>	Easter Cactus	Cactus de Pâques	Osterkaktus
<i>Rhododendron</i> L.	Rhododendron, Azalea	Rhododendron, Azalée	Rhododendron, Azalee
<i>Ribes</i> L.	Currants, Goose- berry, except ornamental vari- eties	Cassis, Groseil- liers, sauf variétés ornemen- tales	Johannisbeere, Stachelbeere, ausser Ziersorten

1, 2 See footnotes, page 4 / Voir les notes en bas de la page 4 / Siehe Fussnoten auf Seite 4.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Rosa L.	Rose	Rosier	Rose
Rubus L.	Raspberry, Bramble, except ornamental varieties	Framboisier, Ronce, sauf variétés ornementales	Brombeere, Himbeere, ausser Ziersorten
Saintpaulia ionantha H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
Salix L.	Willow	Saule	Weide
Scorzonera hispanica L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
Schlumbergera Lem. <sup>1</sup>	Christmas Cactus	Cactus de Noël	Weihnachtskaktus
Secale cereale L.	Rye	Seigle	Roggen
Setaria italica (L.) Beauv.	Foxtail Millet, Italian Millet	Millet d'Italie, Millet des oiseaux	Kolbenhirse
Sinapis alba L.	White Mustard	Moutarde blanche	Weisser Senf
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
Sorghum dochna (Forssk.) Snowden	Sweet Sorghum, Broom Corn	Sorgho sucré, Sorgho à balai	Besenhirse, Zuckerhirse
Spinacia oleracea L.	Spinach	Epinard	Spinat
Streptocarpus Lindl.	Streptocarpus	Streptocarpus	Drehfrucht
Thuja L.	Thuya	Thuya	Lebensbaum
Trifolium alexandrinum L.	Berseem Clover	Trèfle d'Alexandrie	Alexandrin Klee
Trifolium hybridum L.	Alsike Clover	Trèfle hybride	Schwedenklee
Trifolium incarnatum L.	Crimson Clover	Trèfle incarnat	Inkarnatklee
Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee
Trifolium repens L.	White Clover	Trèfle blanc	Weissklee
Trifolium resupinatum L.	Persian Clover	Trèfle de Perse	Persischer Klee
Trifolium subterraneum L. <sup>1</sup>	Subterranean Clover	Trèfle souterrain	Bodenfrüchtiger Klee
Trisetum flavescens (L.) Beauv.	Golden Oatgrass	Avoine jaunâtre	Goldhafer
X Triticale	Triticale	Triticale	Triticale
Triticum aestivum L. emend. Fiori et Paol.	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen
Triticum durum Desf. <sup>2</sup>	Durum Wheat, Macaroni Wheat, Hard Wheat	Blé dur	Hartweizen
Triticum spelta L.	Spelt	Epeautre	Spelz
Ulmus L. <sup>1</sup>	Elm	Orme	Ulme
Vaccinium-Corymbosum-Hybriden	Blueberry	Myrtille	Kulturheidelbeere
Vaccinium vitis-idaea L. <sup>1</sup>	Cowberry, Mountain Cranberry	Airelle rouge	Preiselbeere

<sup>1, 2</sup> See footnotes, page 4 / Voir les notes en bas de la page 4 / Siehe Fussnoten auf Seite 4.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Valerianella locusta (L.) Laterrade	Cornsalad, Lamb's Lettuce	Mâche, Doucette	Feldsalat
Vicia articulata Hornem.	One-flowered Vetch	Vesce	Wicklinse
Vicia faba L. <sup>2</sup>	Field Bean, Tick Bean, Broad Bean, Horse Bean	Féverole, Fève	Ackerbohne, Dicke Bohne (Puffbohne)
Vicia pannonica Crantz	Hungarian Vetch	Vesce de Pannonie	Pannonische Wicke
Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
Vicia sepium L.	Bush Vetch, Hedge Vetch	Vesce des haies	Zaunwicke
Vicia villosa Roth	Hairy Vetch	Vesce velue	Zottelwicke
Vitis L.	Vine, except orna- mental varieties	Vigne, sauf variétés ornementales	Rebe, ausser Ziersorten
Vriesea splendens (Brongn.) Lem.	Vriesea	Vriesea	Vriesea
X Vuylstekeara hort.	Vuylstekeara	Vuylstekeara	Vuylstekeara
Zea mays L.	Maize	Maïs	Mais

1, 2 See footnotes, page 4 / Voir les notes en bas de la page 4 / Siehe Fussnoten auf Seite 4.

#### Switzerland

By virtue of the Amendment of February 28, 1983, to the Plant Variety Protection Order of May 11, 1977, which entered into force on April 5, 1983, protection was extended to the following (the Latin, French and German names appear in the above-mentioned text, whereas the English and Italian common names have been added, without guarantee of concordance, by the Office of the Union).

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Italiano</u>
Allium cepa	Onion (long-day types only)	Oignon (seule- ment variétés à jours longs)	Zwiebel (nur Langtagstypen)	Cipolla (solo varietà per giorni lunghi)
Begonia-Elatior- Hybridi	Begonia	Bégonia	Begonie	Begonia
Chrysanthemum	Chrysanthemum, Aster	Chrysanthème, Aster	Chrysantheme, Aster	Crisantemo, Aster
Daucus carota	Carrot	Carotte	Möhre	Carota
Dianthus L.	Carnation (vegetatively propagated varieties only)	Oeillet (seule- ment variétés multipliées végétativement)	Nelke (nur vegetativ vermehrte Sorten)	Garofano (solo le varietà multipli- cate vegetativa- mente)
Euphorbia pulcherrima	Poinsettia	Poinsettia	Weihnachtsstern	Stella di Natale
Gerbera Cass.	Gerbera (vegetatively propagated varieties only)	Gerbera (seule- ment variétés multipliées végétativement)	Gerbera (nur vegetativ vermehrte Sorten)	Gerbera (solo le varietà multipli- cate vegetativa- mente)
Helianthus annuus	Common Sunflower (except ornamental varieties)	Tournesol (sauf variétés d'ornement)	Sonnenblume (ausser Zier- sorten)	Girasole (escluse le varietà ornamentali)
Lactuca sativa	Lettuce	Laitue	Salat	Lattuga
Phaseolus vulgaris var. nanus	Dwarf French Bean	Haricot nain	Buschbohne	Fagiolo nano

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Italiano</u>
<i>Phaseolus vulgaris</i> var. <i>vulgaris</i>	Climbing French Bean	Haricot à rames	Stangenbohne	Fagiolo rampicante
<i>Pisum sativum</i> (sensu lato)	Pea	Pois	Erbse	Pisello
<i>Prunus</i>	Sweet and Sour Cherry (excluding ornamental varieties, including rootstocks)	Cerise et griotte (sauf variétés d'ornement, y compris porte-greffes)	Süss- und Sauerkirsche (ausser Ziersorten, einschl. Unterlagen)	Ciliegia dolce e acida (escluse le varietà ornamentali, inclusi i portainnesti)
<i>Prunus</i>	Plum, Quetsch, Japanese Plum and other diploid plum varieties (excluding ornamental varieties, including rootstocks)	Prune, quetsche, prune japonaise et d'autres variétés diploïdes (sauf variétés d'ornement, y compris porte-greffes)	Pflaume, Zwetschge, Ostasiatische Pflaume und andere diploide Pflaumensorten (ausser Ziersorten, einschl. Unterlagen)	Prugna, prugna giapponese ed altre varietà di prugne diploidi (escluse le varietà ornamentali, inclusi i portainnesti)
<i>Rhododendron</i>	Azalea (pot and garden varieties)	Azalée (variétés en pot et en plein air)	Azalee (Topf- und Freiland-sorten)	Azalea (varietà in vaso e in terreni aperti)
<i>Ribes</i>	Black Currant, Red Currant, Gooseberry and hybrids (excluding ornamental varieties)	Cassis, Groseillier rouge, Groseillier à maquereau et hybrides (sauf variétés d'ornement)	Johannisbeere, Stachelbeere, Josta-Beere und andere (ausser Ziersorten)	Ribes nero, ribes rosso, uva crispa ed altri (escluse le varietà ornamentali)
<i>Rubus</i>	Blackberry and hybrids (excluding ornamental varieties)	mûre et hybrides (sauf variétés d'ornement)	Brombeere und andere (ausser Ziersorten)	more ed altri (escluse le varietà ornamentali)
<i>Secale cereale</i>	Rye	Seigle	Roggen	Segale
<i>Streptocarpus</i>	Streptocarpus, Herb Lily	Streptocarpus	Drehfrucht	Streptocarpus
<i>Trifolium repens</i>	White Clover	Trèfle blanc	Weissklee	Trifoglio bianco
<i>Triticale</i>	Triticale	Triticale	Triticale	Triticale
<i>Valerianella locusta</i> et <i>eriocarpa</i>	Lamb's Lettuce, Cornsalad	Doucette, mâche	Nüssler, Feldsalat	Valerianella, Dolcetta

Pursuant to Article 2(1) of the Federal Law on the Protection of New Plant Varieties, protection is available to:

(i) Swiss nationals and persons having their domicile or registered office in Switzerland;

(ii) nationals and residents of another member State of UPOV if that State protects varieties of the same species, or if the variety belongs to a species mentioned in the Annex to the UPOV Convention of 1961 (this being the case of carnation, French bean, lettuce and pea, in addition to apple, barley, maize, oats, potato, red clover, rose, ryegrass and wheat).

Article 2(2) of the Law provides that States granting reciprocity to Switzerland are treated on the same footing as member States and that persons having their domicile or registered office in one of those States enjoy the same treatment as their nationals.

Pursuant to Article 53 of the Law, applications that relate to recently created varieties of the above-mentioned taxa and are to benefit from the transitional limitation of the requirement of novelty must be filed within the year following the extension of protection, i.e. before April 5, 1984.

The list of taxa covered by plant variety protection legislation is given hereunder with some details on the duration of protection and on the examination fee, and with the same proviso as for the above list. In the case of rose, protection extends to cut flowers. Pursuant to the second sentence of Article 13(2) of the Law, such extended protection is only available to Swiss holders and to nationals of States granting reciprocity in that respect.

Plant Variety Protection in Switzerland  
Protection des obtentions végétales en Suisse  
Sortenschutz in der Schweiz  
Protezione delle novità vegetali in Svizzera

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Italiano</u>	<u>A*</u>	<u>B**</u>
Allium cepa	Onion (long-day types only)	Oignon (seulement variétés à jours longs)	Zwiebel (nur Langtagstypen)	Cipolla (solo varietà per giorni lunghi)	20	BSA
Avena sativa	Oats	Avoine	Hafer	Avena	20	CPOV
Begonia-Elatior-Hybridi	Begonia	Bégonia	Begonie	Begonia	20	BSA
Brassica oleracea var. gongylodes	Kohlrabi	Chou-rave	Kohlrabi	Cavolo rapa	20	BSA
Chrysanthemum	Chrysanthemum, Aster	Chrysanthème, Aster	Chrysanthemum, Aster	Crisantemo, Aster	20	CPVR
Dactylis glomerata	Cocksfoot	Dactyle	Knautgras	Erba mazzolina	20	BSA
Daucus carota	Carrot	Carotte	Möhre	Carota	20	BSA
Dianthus L.	Carnation (vegetatively propagated varieties only)	Oeillet (seulement variétés multipliées végétativement)	Nelke (nur vegetativ vermehrte Sorten)	Garofano (solo le varietà moltiplicate vegetativamente)	20	CPOV
Euphorbia pulcherrima	Poinsettia	Poinsettia	Weihnachtsstern	Stella di Natale	20	PN
Festuca pratensis	Meadow Fescue	Fétuque des prés	Wiesenschwingel	Festuca dei prati	20	BSA
Foeniculum vulgare	Fenrel	Fenouil	Fenchel	Finocchio	20	400

\* Duration in years as from the grant of the title, protection expiring at the end of the calendar year mentioned in the table.

Durée en années à compter de la délivrance du titre, la protection expirant à la fin de l'année civile mentionnée dans le tableau.

Dauer in Jahren ab Schutzrechtserteilung; der Sortenschutz endet mit dem in der Tabelle angegebenen vollen Kalenderjahr.

\*\* Examination fee in Swiss francs, for each growing cycle. Where examination is carried out by another UPOV member State, the tariff applicable is that charged by the foreign service to the Swiss office (see list below). Where an examination report is purchased, an administrative fee of 350 Swiss francs is charged.

Taxe d'examen en francs suisses, pour chaque cycle de végétation. Lorsque l'examen est effectué par un autre Etat membre de l'UPOV, le tarif applicable est celui qui est facturé par le service étranger au Bureau suisse (voir la liste ci-dessous). Lorsqu'un rapport d'examen est acheté, une taxe administrative de 350 francs suisses est perçue.

Prüfungsgebühr in Schweizer Franken, pro Wachstumsperiode. Wird die Prüfung auf Antrag in einem anderen UPOV-Verbandsstaat durchgeführt, so gilt der Tarif, den die ausländische Stelle dem schweizerischen Büro in Rechnung stellt (siehe die nachstehende Liste). Wird ein Prüfungsbericht übernommen, so wird eine Verwaltungsgebühr von 350 Schweizer Franken erhoben.

BSA Bundessortenamt (Federal Republic of Germany / République fédérale d'Allemagne / Bundesrepublik Deutschland)

CPOV Comité de la protection des obtentions végétales (France / Frankreich)

CPVR Controller of Plant Variety Rights (United Kingdom / Royaume-Uni / Vereinigtes Königreich)

PN Plantenyhedsnaevnet (Denmark / Danemark / Dänemark)

RKR Raad voor het Kwekersrecht (Netherlands / Pays-Bas / Niederlande)

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Italiano</u>	A*	B**
Fragaria	Strawberry	Fraisier	Erdbeere	Fragola	20	BSA
Gerbera Cass.	Gerbera (vegetatively propagated varieties only)	Gerbera (seule- ment variétés multipliées végétativement)	Gerbera (nur vegetativ vermehrte Sorten)	Gerbera (solo le varietà moltiplicate vegetativamente)	20	RKR
Helianthus annuus	Common Sun- flower (except ornamental varieties)	Tournesol (sauf variétés d'ornement)	Sonnenblume (ausser Zier- sorten)	Girasole (escluse le varietà ornamentali)	20	CPOV
Hordeum vulgare	Barley	Orge	Gerste	Orzo	20	CPOV
Hydrangea	Hydrangea	Hortensia	Hortensie	Ortensia	20	CPOV
Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë	20	BSA
Lactuca sativa	Lettuce	Laitue	Salat	Lattuga	20	BSA + RKR
Lolium	Ryegrass	Ray-grass	Raigras	Loglio	20	BSA
Malus	Apple (exclud- ing ornamental varieties, including rootstocks)	Pomme (sauf variétés d'ornement, y compris porte-greffes)	Apfel (ausser Ziersorten, einschl. Unterlagen)	Melo (escluse le varietà ornamentali, inclusi i portainnesti)	25	CPVR
Pelargonium peltatum	Ivy-leaved Pelargonium	Géranium- lierre	Efeupelargonie	Geranio ederaceo	20	BSA
Pelargonium zonale	Zonal Pelargo- nium	Géranium	Zonalpelar- gonie	Geranio	20	BSA
Pelargonium peltatum X Pelargonium zonale	-	-	Halbpeltate	-	20	BSA
Phaseolus vulgaris var. nanus	Dwarf French Bean	Haricot nain	Buschbohne	Fagiolo nano	20	CPOV
Phaseolus vulgaris var. vulgaris	Climbing French Bean	Haricot à rames	Stangenbohne	Fagiolo rampicante	20	CPOV
Pisum sativum (sensu lato)	Pea	Pois	Erbse	Pisello	20	BSA
Prunus	Sweet and Sour Cherry (exclud- ing ornamental varieties, including rootstocks)	Cerise et griotte (sauf variétés d'ornement, y compris porte-greffes)	Süss- und Sauerkirsche (ausser Ziersorten, einschl. Unterlagen)	Ciliegia dolce e acida (esclu- se le varietà ornamentali, inclusi i portainnesti)	25	CPOV
Prunus	Plum, Quetsch, Japanese Plum and other diploid plum varieties (excluding ornamental varieties, including rootstocks)	Prune, quetsche, prune japonaise et d'autres varié- tés diploïdes (sauf variétés d'ornement, y compris porte-greffes)	Pflaume, Zwetschge, Ostasiatische Pflaume und andere diploide Pflaumensorten (ausser Ziersorten, einschl. Unterlagen)	Prugna, prugna giapponese ed altre varietà de prugne di- ploidi (escluse le varietà ornamentali, inclusi i portainnesti)	25	CPOV

\* \*\* See footnotes, page 12 / Voir les notes en bas de la page 12 / Siehe Fussnoten auf Seite 12.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Italiano</u>	<u>A*</u>	<u>B**</u>
Rhododendron	Azalea (pot and garden varieties)	Azalée (variétés en pot et en plein air)	Azalee (Topf- und Freiland-sorten)	Azalea (varietà in vaso e in terreni aperti)	20	BSA
Ribes	Black Currant, Red Currant, Gooseberry and hybrids (excluding ornamental varieties)	Cassis, Gro-seillier rouge, Groseillier à maquereau et hybrides (sauf variétés d'ornement)	Johannisbeere, Stachelbeere, Josta-Beere und andere (ausser Zier-sorten)	Ribes nero, ribes rosso, uva crisper ed altri (escluse le varietà ornamentali)	20	BSA
Rosa	Rose (ornamental varieties only)	Rose (seulement les variétés d'ornement)	Rose (nur Ziersorten)	Rosa (solo le varietà ornamentali)	20	BSA
Rubus	Raspberry, Blackberry and hybrids (excluding ornamental varieties)	Framboise, mûre et hybrides (sauf variétés d'ornement)	Himbeere, Brombeere und andere (ausser Ziersorten)	Lampone, more ed altri (escluse le varietà ornamentali)	20	BSA
Saintpaulia ionantha	African Violet	Saintpaulia	Usambaraveilchen	Violetta africana	20	BSA
Secale cereale	Rye	Seigle	Roggen	Segale	20	BSA
Solanum tuberosum	Potato	Pomme de terre	Kartoffel	Patata	25	RKR
Streptocarpus	Streptocarpus, Herb Lily	Streptocarpus	Drehfrucht	Streptocarpus	20	RKR
Trifolium pratense	Red Clover	Trèfle violet	Rotklee	Trifoglio pratense	20	PN
Trifolium repens	White Clover	Trèfle blanc	Weissklee	Trifoglio bianco	20	PN
Triticale	Triticale	Triticale	Triticale	Triticale	20	BSA
Triticum aestivum	Spring and Winter Wheat	Froment de printemps et d'automne	Sommer- und Winterweizen	Fumento primaverile ed autunnale	20	CPOV
Triticum spelta L.	Spelt	Epeautre	Spelz, Dinkel	Spelta	20	BSA
Valerianella locusta et eriocarpa	Lamb's Lettuce, Cornsalad	Doucette, mâche	Nüssler, Feldsalat	Valerianella, Dolcetta	20	CPOV
Vitis	Vine (excluding ornamental varieties, including rootstocks)	Vigne (sauf variétés d'ornement, y compris porte-greffes)	Rebe (ausser Ziersorten, einschl. Unterlagen)	Vite (escluse le varietà ornamentali, inclusi i portainnesti)	25	CPOV
Zea mays	Maize	Maïs	Mais	Granoturco	20	CPOV

\* \*\* See footnotes, page 12 / Voir les notes en bas de la page 12 / Siehe Fussnoten auf Seite 12.

## NEWSLETTER

UPOV

## The International Union for the Protection of New Varieties of Plants in 1982

State of the Union\*

On September 3, 1982, Japan became the sixteenth member of UPOV, following the deposit, on August 3, 1982, of its instrument of acceptance of the Revised Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants (hereinafter referred to as "the 1978 Act"). At the end of 1982, the Union comprised the following States: Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Sweden, already a member of UPOV since 1971, deposited on December 1, 1982, its instrument of ratification of the 1978 Act. That Act entered into force with respect to Sweden on January 1, 1983, by which date eight States were bound by that Act.

The table appearing on page 19 summarizes the position of the various States as regards the various Acts of the Convention.

Sessions

During 1982, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

The Council held its fifth extraordinary session on April 29, 1982, under the chairmanship of Dr. W. Gfeller (Switzerland). The session was devoted to examining of the conformity of the Laws of the Hungarian People's Republic on the protection of plant varieties with the 1978 Act. The Council took a positive decision in that respect, thus opening for the Government of the Hungarian People's Republic the possibility of depositing an instrument of accession, pursuant to Article 32(3) of that Act.\*

The Council held its sixteenth ordinary session from October 13 to 15, 1982, under the chairmanship of Dr. W. Gfeller (Switzerland). The session was attended by observers from Austria, Brazil, Canada, Chile, Egypt, Hungary (now a member State), Iran, the Ivory Coast, Norway, Panama, Poland and the Soviet Union. The Food and Agriculture Organization of the United Nations (FAO) and the Commission of the European Communities (CEC) were also represented by observers.

The first day of the session was devoted, for the third year running, to a symposium. The subject of the 1982 Symposium was "Genetic Engineering and Plant Breeding." The following lectures were given:

(i) "Genetic Engineering: A New Tool for Plant Breeders," by Dr. David J. Padwa, Chairman of the Board and Chief Executive Officer, Agrigenetics Corporation, Denver, Colorado, United States of America;

(ii) "The Scientific Background of Genetic Engineering: Current Technologies and Prospects for the Future," by Dr. Robert H. Lawrence, Vice-President and Director of Research, Agrigenetics Corporation, Denver, Colorado, United States of America;

(iii) "Intellectual Property Aspects of Plant Variety Genetic Engineering: Views of an American Lawyer," by Dr. Sidney B. Williams, Jr., Manager, Patent Group 3, Patent Law Department, The Upjohn Company, Kalamazoo, Michigan, United States of America;

(iv) "Introducing New Technology to Plant Improvement," by Mr. Max Rives, Research Director, French National Institute of Agronomic Research (INRA), Versailles, France;

\* For more recent developments, see page 2 of this issue.



(v) "Intellectual Property Aspects of Plant Variety Genetic Engineering: Views of a European Lawyer," by Dr. Peter Kreye, Attorney-at-Law, Hamburg, Federal Republic of Germany.

In addition to the representatives of member and non-member States, the World Intellectual Property Organization (WIPO), FAO and CEC, the Symposium was attended by more than 30 representatives of six international non-governmental organizations (European Association for Research on Plant Breeding (EUCARPIA), International Association for the Protection of Industrial Property (IAPIP), International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA), International Federation of the Seed Trade (FIS)) and by some 50 individual participants from ten countries. The proceedings were also followed by journalists and other representatives of the media, including a production team from a Japanese television station. The records of the proceedings of the Symposium form the subject of a special UPOV publication (number 340) in English, French, German and Spanish and will also be published, in English, in the next issue of "Plant Variety Protection."

The main decisions taken by the Council at its sixteenth ordinary session were:

(i) the report of the Secretary-General on the activities of the Union in 1981 and the first nine months of 1982, the report on his management and the financial situation of the Union in 1981, and the accounts of the Union for 1981 were approved;

(ii) the program and budget for 1983 was examined and approved;

(iii) the reports on the progress made by the various committees and technical working parties, including their plans for future work, were approved;

(iv) the 1983 Symposium was to be devoted to the topic "Nomenclature";

(v) new internal rules and regulations made necessary by the entry into force of the 1978 Act were adopted;

(vi) Mr. M. Heuver (Netherlands) was elected Chairman of the Administrative and Legal Committee for a term of three years expiring at the end of the nineteenth ordinary session of the Council (1985).

The Consultative Committee held its twenty-fifth session on April 28 and 29, 1982, and its twenty-sixth session on October 12 and 15, 1982, both under the chairmanship of Dr. W. Gfeller (Switzerland). The sessions were devoted mainly to the preparation of the fifth extraordinary and sixteenth ordinary sessions of the Council.

The Administrative and Legal Committee held its ninth session on April 26 and 27, 1982, under the chairmanship of Mr. P.W. Murphy (United Kingdom), and its tenth session on November 16 and 17, 1982, under the chairmanship of Mr. M. Heuver (Netherlands). The ninth session was attended by observers from Japan (at that time a non-member State), Mexico, the CEC and the European Free Trade Association (EFTA), and the tenth session by an observer from the CEC. During its tenth session, the Committee held a joint meeting with the Technical Committee, conducted by the latter's Chairman, Mr. C. Hutin (France).

The main business of the ninth session was as follows:

(i) The Committee concluded its discussion on the question whether breeders should be given access to tests of varieties for distinctness, homogeneity and stability. It noted that the points of view expressed by the international professional organizations consulted were divergent--one organization favoring confidentiality of the tests and two others being in favor of breeders being allowed to visit the testing premises under certain conditions--as were the practices adopted by the member States. As far as cooperation in examination was concerned, it also noted that the UPOV Model Agreement on International Cooperation in the Testing of Varieties enabled member States carrying out trials both to adopt the policy of their choice with regard to the varieties examined on their own behalf and to provide all necessary guarantees with regard to the varieties they examined for other member States. In view of that situation, the Committee invited member States to take the points of view of the professional organizations into account when the occasion arose, within the limits imposed by domestic law, of course.

(ii) The Committee continued its work on the revision of the Guidelines for Variety Denominations, which date back to 1973. It gave a first reading to a draft set of Recommendations on Variety Denominations.

At its tenth session, the Committee mainly gave a second reading to the draft set of Recommendations on Variety Denominations.

At both sessions, the Committee noted the latest developments regarding amendments to national plant variety protection legislation either introduced or planned by member States, particularly in relation to the ratification of the 1978 Act.

At the joint meeting with the Technical Committee, two subjects were examined. Firstly, in connection with the revision of the Guidelines for Variety Denominations, the revision of the "List of Classes" forming an appendix to those Guidelines was considered. The meeting decided that the experts from the member States should submit proposals in accordance with a number of basic principles established during its discussions. Secondly, in anticipation of the meeting with international organizations planned for November 9 and 10, 1983, the question of "minimum distances between varieties" (i.e. the distance that has to exist between varieties--in terms of differences in recognizable and describable characteristics--for protection to be granted to a variety) was discussed. The meeting decided that the question should be further discussed, in April 1983, by the Administrative and Legal Committee and the Consultative Committee and that the interested organizations should be invited to make known their opinions and proposals for consideration by the Technical Committee in October 1983.

The Technical Committee held its eighteenth session on November 18 and 19, 1982, under the chairmanship of Mr. C. Hutin (France), with a joint meeting with the Administrative and Legal Committee on November 17, 1982 (see above).

The main business of the session was as follows:

(i) The Committee adopted Test Guidelines for Celery (TG/82/3), Citrus (TG/83/3), French Bean (TG/12/4)--being a revision of the existing Test Guidelines--and for Japanese Plum (TG/84/3).

(ii) As in previous years, the Committee, supported by its four Technical Working Parties, discussed a number of questions arising from the practical application of the principles established in the General Introduction to the Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability of New Varieties of Plants and in the individual Test Guidelines. Among them were: tolerances for off-types; lists of varieties under test; example varieties and, in particular, the need to replace obsolete ones; criteria for assessing whether a "technological" characteristic obtained by methods such as electrophoresis could be used for establishing distinctness; compilation of a list of reference documents used in connection with variety testing. The Committee also discussed the need to publish a UPOV color chart and to continue with the work of assessing the usefulness for variety testing purposes of colorimeters. The Committee decided to set up a technical working party to study the question of harmonization of automation and computer programs.

(iii) The Committee heard reports on the progress of the work of the four Technical Working Parties, gave guidance on a number of questions raised by them and instructed them on the major aspects of their future work.

The Technical Working Party for Vegetables held its fifteenth session from May 11 to 13, 1982, under the chairmanship of Mr. F. Schneider (Netherlands). In addition to its work on the two Test Guidelines for vegetables adopted by the Technical Committee, it completed a first draft of Test Guidelines for Leek for submission to the professional organizations for comment and dealt with the Test Guidelines for Curly Kale and a revised edition for Broad Beans.

The Technical Working Party for Agricultural Crops held its eleventh session in Madrid (Spain) from May 19 to 21, 1982, under the chairmanship of Dr. G. Fuchs (Federal Republic of Germany). It mainly dealt with the Test Guidelines for Cotton, Groundnut, Safflower, Soya Bean, Sunflower and Swede, and the revised editions for Potato and Rice.

The Technical Working Party for Fruit Crops held its thirteenth session in Faversham (United Kingdom) from September 29 to October 1, 1982, under the chairmanship of Dr. G.S. Bredell (South Africa). It completed its work on the two Test Guidelines for fruit crops that were subsequently adopted by the Technical Committee and dealt with the Test Guidelines for Kiwi Fruit and the revised editions for Apple and Strawberry.

The Technical Working Party for Ornamental Plants and Forest Trees held its fifteenth session in Cambridge (United Kingdom) from October 5 to 7, 1982, under the chairmanship of Mrs. U. Löscher (Federal Republic of Germany). It completed the first drafts of Test Guidelines for Anthurium and Narcissi, and of revised editions for African Violet and Carnation, for submission to the professional organizations for comment. It also considered the setting up of revised Test Guidelines for Chrysanthemum.

#### Contacts with States and Organizations

The following contacts with States deserve special mention: in July, the Secretary-General and the Vice Secretary-General were received at the Federal Ministry of Food, Agriculture and Forestry of the Federal Republic of Germany in Bonn-Duisdorf; in August, the Vice Secretary-General visited the competent authorities of the French Republic in Paris, at their invitation; in September, he attended a ceremony in Hanover (Federal Republic of Germany), to mark the thirtieth anniversary of the Bundessortenamt (Federal Plant Varieties Office) and the inauguration of its new headquarters; in November, he was visited by the Secretary of State for Food at the Ministry of Agriculture, Fisheries and Food of the Spain.

UPOV was represented at a meeting of the Vegetable Section of ASSINSEL, held in March in Geneva; at the annual Congresses of ASSINSEL and of FIS, both held in May in Venice (Italy); at an extraordinary meeting of the Governing Board of the European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), held in June in Geneva; at a conference on breeders' rights for decorative cultivars, organized by the Faculty of Law of the University of Southampton and held in September in Cambridge (United Kingdom); at the Thirty-Fourth Congress of AIPH, held in Amsterdam (Netherlands); at the Fourth International Colloquium on the Protection of New Varieties of Plants, organized by CIOPOA and held in October in Geneva.

In November, an Information Meeting was held at the headquarters of UPOV in Geneva. The purpose of the meeting, the first of its kind between the Office of UPOV and international non-governmental organizations interested in the activities of the Union, was to exchange information and to give an occasion for representatives of the organizations to express, in an informal way, their wishes and suggestions concerning the future development of plant breeders' rights in general and UPOV in particular. The organizations represented were: AIPH, ASSINSEL, CIOPOA, Association of Plant Breeders of the European Economic Community (COMASSO), FIS, National Association of Plant Patent Owners (NAPPO). The Office of the Union took note of the matters raised by the organizations, the representatives of which expressed their satisfaction at the convening of the meeting and asked that similar meetings be held in the future.

#### IV. Publications

In 1982, the Office of the Union published the Records of the 1978 Geneva Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, in French (publication 337(F)); the Rules of Procedure of the Council (as of October 15, 1982), in English, French and German (publications INF/7); the Agreement Between WIPO and UPOV (signed on November 26, 1982), in English, French and German (publications INF/8); five issues of "Plant Variety Protection"; brochures containing the Arabic and Japanese texts of the Revised Act of 1978 of the UPOV Convention (publications 295(A) and (J), respectively); the Records of the 1981 Symposium on "Plant Breeding Activities of Government Institutes, International Centers and the Private Sector," in English, French, German and Spanish (publications 339(E), (F), (G) and (S), respectively); an updated version of the UPOV General Information Brochure in English, French, German and Spanish (publications 408(E), (F), (G) and (S), respectively); four Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability.

## Membership of the Union (as of June 1, 1983)

State	Date of Entry into Force of*:		
	Paris Act of 1961	Additional Act of 1972	Geneva Act of 1978
Belgium	December 5, 1976	February 11, 1977	-
Canada**	-	-	-
Denmark	October 6, 1968	February 11, 1977	November 8, 1981
France	October 3, 1971	February 11, 1977	March 17, 1983
Germany (Federal Republic of)	August 10, 1968	February 11, 1977	-
Hungary	-	-	April 16, 1983
Ireland	-	-	November 8, 1981
Israel	December 12, 1979	December 12, 1979	-
Italy	July 1, 1977	July 1, 1977	-
Japan	-	-	September 3, 1982
Mexico**	-	-	-
Netherlands	August 10, 1968	February 11, 1977	-
New Zealand	-	-	November 8, 1981
South Africa	November 6, 1977	November 6, 1977	November 8, 1981
Spain	May 18, 1980	May 18, 1980	-
Sweden	December 17, 1971	February 11, 1977	January 1, 1983
Switzerland	July 10, 1977	July 10, 1977	November 8, 1981
United Kingdom	August 10, 1968	July 31, 1980	-
United States of America	-	-	November 8, 1981
Total (17 member States)	12	12	10

\* Full titles: Paris Act of 1961: International Convention for the Protection of New Varieties of Plants of December 2, 1961; Additional Act of 1972: Additional Act of November 10, 1972, Amending the International Convention for the Protection of New Varieties of Plants; Geneva Act of 1978: International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978.

\*\* Not yet a member State of UPOV. Canada signed the Geneva Act of 1978 on October 31, 1978, and Mexico on July 25, 1979.

MEMBER STATES
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**Belgium: Modification of National Listing Fees**

The Moniteur belge of October 9, 1982, contains the Royal Order of September 24, 1982, Fixing the Fees Levied in Relation to the Entry of Varieties in the National Catalogues of Varieties. That Order replaces the Royal Order of July 22, 1977, Harmonizing the Considerations due for the Participation of Varieties in the Official Tests with a View to Possible Entry in the Register of Varieties and in the National Catalogues of Varieties.

**France: Amendment of the Decree Concerning New Plant Variety Certificates and the Issue and Renewal Thereof**

By virtue of Decree No. 83-10 of January 5, 1983 (Journal officiel of January 9, 1983, page 234), the second paragraph of Article 5(a) of Decree No. 71-764 of September 9, 1971, Concerning New Plant Variety Certificates and the Issue and Renewal Thereof was amended with a view to introducing a period of six years ending on the date of application for protection during which varieties of vines, forest trees, fruit trees and ornamental trees, including, in each case, their rootstocks, may be offered for sale or marketed without prejudice to their novelty, as provided in Article 6(1)(b)(ii) of the Geneva Act of 1978 of the UPOV Convention. Pursuant to its Article 2, Decree No. 83-10 entered into force on the date on which the Geneva Act of 1978 of the UPOV Convention entered into force with respect to France, i.e. on March 17, 1983.

A consolidated text of Decree No. 71-764 of September 9, 1971, as amended by Decree No. 83-10 of January 5, 1983, compiled by the Office of the Union, is published in the "Legislation" subsection, starting on page 21.

**France: New Order Concerning Variety Denominations**

In view of the amendment of Article 13 of the UPOV Convention made in the Geneva Act of 1978 of the UPOV Convention, a new Order Concerning the Denomination of Plant Varieties in Respect of Which Either an Entry has been Made in the Catalogue of Species and Varieties of Cultivated Plants or a New Plant Variety Certificate has been Issued was issued and published in the Journal officiel of September 23, 1982. It replaces the Order of March 14, 1974.

The Order is published in the "Legislation" subsection, starting on page 37.

**France: Appointment of a New President of the Committee for the Protection of New Plant Varieties**

Mr. Edouard Fontana, Counsellor at the Court of Appeal of Paris, has been appointed President of the Comité de la Protection des Obtentions Végétales (Committee for the Protection of New Plant Varieties) for a period of four years as from January 1, 1983, in replacement of Mr. François Grégoire.

**France: Change of Address of the Committee for the Protection of New Plant Varieties**

The Secretariat General of the Comité de la Protection des Obtentions Végétales (Committee for the Protection of New Plant Varieties) moved to the following address:

Comité de la protection des obtentions végétales (CPOV)  
17, avenue de Tourville  
F - 75007 Paris  
(Tél.: 555.91.07)

**Federal Republic of Germany: Amendment of Provisions Under the Seed Marketing Law**

The Bundesgesetzblatt, Part I, of July 23, 1982, contains on pages 987 to 991, the Ninth Order Amending Provisions Under the Seed Marketing Law. A corrigendum thereto is published in the issue of September 10, 1982, on page 1304.

[Subsection continued on page 42]

## FRANCE

**Decree Concerning New Plant Variety Certificates  
and the Issue and Renewal Thereof\***

Consolidated Text of Decree No. 71-764 of September 9, 1971,  
as Amended by Decree No. 83-10 of January 5, 1983\*\*

## CHAPTER I

**Filing of Applications for New Plant Variety Certificates**Article 1

The application for a new plant variety certificate shall be filed with the Secretariat General of the Committee for the Protection of New Plant Varieties. The filing of the application may also be made by registered mail with a request for notice of receipt.

Article 2

The filing may be made by the applicant or by an agent having his domicile, registered office or establishment in France.

Article 3

Natural or legal persons not having their domicile, registered office or establishment in France who apply for new plant variety certificates in accordance with Article 10 of the Law mentioned above<sup>1</sup> shall, within two months from the receipt of the notification addressed to them to that effect, appoint an agent having his domicile, registered office or establishment in France.

Unless otherwise provided, the power of attorney of the agent appointed in accordance with Article 2 above or with the preceding paragraph shall cover all acts and the receipt of all the notifications provided for in this Decree, with the exception of the withdrawal of the application or the surrender of the certificate.

Such power of attorney shall not require authentication.

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\* French title (of Decree No. 71-764): Décret relatif aux demandes de certificats d'obtention végétale, à la délivrance et au maintien de ces titres.

\*\* Consolidated text prepared by the Office of the Union from the texts published in the Journal officiel:

Decree No. 71-764: J. O. of September 18, 1971;  
Decree No. 83-10: J. O. of January 9, 1983.

<sup>1</sup> Law on the Protection of New Plant Varieties No. 70-489 of June 11, 1970; J.O. of June 12, 1970 (published in Plant Variety Protection No. 33).

#### Article 4

The application for a new plant variety certificate shall include, in particular:

- a description of the manner in which the variety was bred or discovered;
- a full description of the variety, specifying the characteristics which, in the applicant's opinion, enable it to be distinguished from the already known varieties. For varieties whose commercial production requires the repeated use of another variety, the characteristics of that other variety shall also be described;
- the denomination proposed by the breeder;
- the names, where appropriate, of the States in which applications for protection have been filed, and an authorization for the Committee to exchange with the competent authorities of any State, whether or not a member of the International Union for the Protection of New Varieties of Plants, all items of information on the results of past or current examinations of the variety concerned.

The application may be accompanied by drawings or photographs and by any information which may assist the Committee for the Protection of New Plant Varieties concerning, in particular, official or private trial cultures carried out in France or abroad.

#### Article 5

The applicant shall submit the following with the application for a new plant variety certificate:

- (a) A declaration stating:
  - that the variety for which protection is sought is, to his knowledge, a new plant variety within the meaning of Article 1 of the Law of June 11, 1970, mentioned above;
  - that the variety has not been offered for sale or marketed in France with the agreement of the breeder or his successor or successors in title;
  - that the variety has not been offered for sale or marketed with the agreement of the breeder on the territory of any other State for longer than six years in the case of grape vine, forest trees, fruit trees and ornamental trees, including in each case their rootstocks, or for longer than four years in the case of other genera or species.
- (b) Where appropriate, if the application relates to a variety whose commercial production requires the repeated use of a protected variety, the written authorization of the owner of the new plant variety certificate to use that protected variety;
- (c) An undertaking to provide at the request of the Committee and within the period laid down, on pain of rejection of the application, such reproductive or vegetative propagating material of the variety as may allow that variety to be examined, including, where applicable, the various hereditary components necessary for the reproduction of the variety;
- (d) Where relevant, the power of attorney of the agent;
- (e) Proof of payment of the fees due at the time of filing the application.

#### Article 6

Subject to the provisions laid down in Article 7 below, to be registrable the denomination must enable the variety to be identified and distinguished from any other variety, and shall not give rise to any risk of confusion with another variety of the same or a closely related botanical species, in France or in States party to the Paris Convention of December 2, 1961, for the Protection of New Varieties of Plants. The denomination shall not be liable to

mislead or to cause confusion as to the origin, source, characteristics or value of the variety, or the identity of the breeder. It shall not be contrary to public policy or morality.

Where the denomination has been filed as a trademark, within the meaning of Law No. 64-1360 of December 31, 1964, on Trademarks and Service Marks, by the breeder or his successor or successors in title in France or in a State party to the Convention mentioned above, in respect of identical or similar goods, or where the denomination is likely to cause confusion with another mark used by him, the breeder shall make a written undertaking, on behalf of himself and, where appropriate, of all his successors in title, to finally renounce, with effect from the day of issue of the new plant variety certificate, all rights to use the said mark in France and in the States of the Union in which his variety may be protected by legislation enacted in accordance with the Convention mentioned above.

Trademarks filed under the Law of December 31, 1964, mentioned above shall be understood as including the trademarks internationally registered under the Madrid Agreement of April 14, 1891, concerning the International Registration of Trademarks, which enjoy protection on the territories to which this law applies.

Renunciation under this Article shall not affect the validity of the trademark filing itself.

#### Article 7

Where a variety has already been the subject of an application for protection in another State of the International Union for the Protection of New Varieties of Plants and if a denomination has been accepted by that State, it shall be mandatory to use that denomination in France for designating the variety in question, unless it has been the subject of observations found to be justified under the conditions provided for in Article 17 *et seq.* of this Decree or the Committee for the Protection of New Plant Varieties has found it to be unsuitable in the territories to which this Law applies or the denomination does not meet the requirements of the first paragraph of Article 6 above.

#### Article 8

The application for a new plant variety certificate may include, under the conditions provided for in Article 10 of the Law of June 11, 1970, mentioned above, a priority claim based on a prior filing in one of the States of the International Union for the Protection of New Varieties of Plants. Such claim shall be submitted in writing at the same time as the documents referred to in Article 5 of this Decree. It shall specify the date and references of the prior filing, the denomination under which the variety was registered or, failing this, the provisional breeder's reference, the country in which the filing was made and the name of the owner of the rights deriving from the filing. It shall be accompanied by proof of payment of the prescribed fee.

#### Article 9

Subject to the provisions of Article 36 of the Law of June 11, 1970, mentioned above, enjoyment of the right of priority shall be granted only if:

(a) within three months from the filing of the application, the applicant provides the Secretariat General of the Committee with copies of the documents constituting the prior filing in any other country of the Union, certified to be true copies by the office having received such filing and accompanied by a translation;

(b) within four years from the same date, the applicant furnishes the complementary documentation and, where applicable, the reproductive or vegetative propagating material necessary for the preliminary examination.



#### Article 10

The documents to be submitted under Articles 4, 5 and 6 above and Articles 15, 17 and 36 below shall be drawn up in French.

The Committee may require any other document communicated to it to be drawn up in French or accompanied by a translation.

#### Article 11

The filing date of an application for a certificate shall be secured if at least the documents specified in Article 5 of this Decree are produced at the time of such filing, even if they contain formal defects.

If the filing does not include the aforementioned documents, the application shall be declared inadmissible and returned to the applicant; any fees paid shall be refunded.

If the filing contains formal defects, they shall be remedied within two months of the notification to the applicant, failing which the application shall be rejected and returned to the applicant.

#### Article 12

Notwithstanding Article 4 above, a provisional reference may be given in place of a denomination to designate the variety being the subject matter of the application at the time of the filing of the application. In such case the denomination must be proposed, on pain of inadmissibility of the application, within two months of the notification addressed by the Committee to the owner of the application.

#### Article 13

A copy of the application for a new plant variety certificate, bearing a stamp giving the day and time of filing and a registration number, shall be handed to the applicant at the time of filing.

Where the filing is made by mail, the applicant's copy of the application may be sent to him by the same means. The date and time of filing shall in that case be the date and time of receipt, by the Secretariat General of the Committee for the Protection of New Plant Varieties, of the envelope containing the application; if payment of the fees due at the time of filing is not made until later, the date of filing of the application by mail shall be the date of such payment and the time of filing shall be the closing time, on that day, of the offices of the Secretariat General of the Committee. The application shall be declared inadmissible if payment is not made within two months of the receipt of the application by the Secretariat General of the Committee for the Protection of New Plant Varieties.

#### Article 14

The application shall be entered in the Register of Applications for New Plant Variety Certificates provided for in Article 38 below, in the order of its filing and under the number communicated to the applicant.

This number shall appear on all notifications under this Decree until the new plant variety certificate is issued.

#### Article 15

Until the new plant variety certificate is issued, the applicant may request correction of substantive errors discovered in the documents submitted.

Such request shall be presented in writing and shall contain the text of the amendments proposed by the applicant. It shall be entered in the Register of Applications for New Plant Variety Certificates and shall not be admissible unless it is accompanied by proof of payment of the prescribed fee.

## CHAPTER II

### Processing of Applications for New Plant Variety Certificates

#### Article 16

Subject to the provisions of Article 51 of this Decree, any application for a new plant variety certificate filed in due form shall be announced in an official bulletin to be published by the Committee for the Protection of New Plant Varieties.

The purpose of this publication shall be, in particular, to bring the application for a new plant variety certificate to the notice of any person having an interest therein.

The publication shall specify the date of filing, the name and address of the applicant, and that of the breeder when he is not the applicant, the denomination proposed or, failing this, the breeder's reference, the genus or species to which the variety belongs and a summary of the latter's characteristics.

As from the day of the publication in accordance with the preceding paragraphs, any person may take cognizance of the application as entered in the Register of Applications for New Plant Variety Certificates.

#### Article 17

Within two months of the date of the publication in accordance with the preceding Article, any person having an interest therein may submit observations to the Committee for the Protection of New Plant Varieties.

#### Article 18

Disputes relating to the validity of the breeder's right to the variety for which a new plant variety certificate is sought shall be brought directly before the district courts (tribunaux de grande instance) or, in overseas territories, before the courts of first instance.

Such disputes shall be entered in the Register.

#### Article 19

Where the variety denomination proposed by the breeder or his successor in title did not appear in the initial application, or where the breeder proposes a new denomination at the request of the Committee, such denomination shall be published in the Official Bulletin of the Committee for the Protection of New Plant Varieties.

#### Article 20

Observations submitted shall be notified by the Committee for the Protection of New Plant Varieties to the owner of the application. The Committee shall fix the time by which the applicant must reply.

### Article 21

Where a filing has been duly made in accordance with the above requirements, the Committee shall examine the application for a new plant variety certificate, and any observations relating thereto.

It shall fix its own examination procedure.

Pursuant to the provisions of Article 5 of the Law of June 11, 1970, mentioned above, it may decide not to make a preliminary examination of the variety if French or foreign documents in its possession show that such an examination has already been made and the information contained in those documents appears sufficient for it to be able to take a decision.

Where the Committee decides to order an examination of the variety, it shall lay down its duration and its details. Examination shall relate to novelty, homogeneity and stability, excluding any evaluation of the variety's value for cultivation; it shall be made only upon proof of payment of the fee due.

### Article 22

Where a proposed denomination is found by the Committee to be at variance with Articles 6 and 7 of this Decree and with the orders issued for its implementation, or is the subject of observations found to be relevant by the Committee, the breeder shall be invited to submit another denomination within two months of the notification to this effect. The new denomination shall undergo the same process of examination and publication. If the breeder does not propose a new denomination within the prescribed period, the application for a certificate shall be declared inadmissible. Fees already paid shall not be refunded.

### Article 23

The examination shall be suspended at the written request of any person who provides proof that he has brought before the district court or, in overseas territories, before the court of first instance an action claiming title to the application for a new plant variety certificate. Trials decided upon by the Committee may be carried out, however.

The examination shall be resumed as soon as the court has rendered a final decision. It may also be resumed at any time, with the written consent of the person who has brought the action. Such consent shall be irrevocable. During this period the owner of the application may not withdraw it without the consent of the person who has brought the action. Furthermore, the latter shall be called upon to take part in the examination procedure on the same footing as the owner of the application.

### Article 24

When the various examination measures decided by the Committee have been carried out, a summary report on the results of the examination shall be communicated to the owner of the application; the latter shall have two months in which to submit his observations. He may, during this period, inspect the whole examination file at the Secretariat General of the Committee.

Any person who has submitted observations under the conditions prescribed by this Decree and by such orders of the Minister of Agriculture as may be issued for its implementation shall be informed of the conclusions of the report on his observations. At his request, the Committee may authorize him to inspect the file relating to those observations. He may submit further observations during the same period as stated above.

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**CHAPTER III****Issue of New Plant Variety Certificates****Article 25**

On expiration of the period laid down in the preceding Article, the Committee shall take a decision on the application. It may decide either to issue the new plant variety certificate, or to reject the application, or to have an additional examination carried out under conditions and within periods which it shall itself fix.

The Committee shall give reasons for its decision. The decision shall be notified to the applicant and to any persons who have submitted observations.

**Article 26**

The new plant variety certificate shall be issued by the Committee for the Protection of New Plant Varieties. It shall be made out in the name of the owner of the application for a new plant variety certificate. If the owner of the application is not the breeder, the latter's name shall be mentioned on the new plant variety certificate.

The certificate shall in particular specify, in addition to the denomination of the variety and its botanical description, the date of filing of the application, the date of issue of the certificate, the various publicity measures and details concerning the priorities where there are claimed thereto.

Where, pursuant to the provisions of Articles 4, 7 and 22 above, the variety is designated by one or more other denominations in the various States of the International Union for the Protection of New Varieties of Plants, those other denominations shall be mentioned, for information purposes, on the new plant variety certificate.

**Article 27**

The certificate shall be entered in the National Register of New Plant Variety Certificates in accordance with Article 40 below.

**Article 28**

The issue of the new plant variety certificate shall be published in the Official Bulletin of the Committee for the Protection of New Plant Varieties within three months from the date of notification of issue to the owner of the new plant variety certificate.

**Article 29**

As from the day of publication in the Official Bulletin, any person may take cognizance of the new plant variety certificate as entered in the Register of New Plant Variety Certificates, at the headquarters of the Committee. Such person may obtain, at his expense, extracts from the Register. He may also take cognizance of the documents in the file relating to the application and the examination procedure, or obtain copies thereof at his expense, and generally receive all information on the variety concerned, subject to any special measures which may be decided by the Committee for the Protection of New Plant Varieties to protect the rights of the breeder in varieties whose commercial production requires the repeated use of one or more other varieties.

### Article 30

The Committee for the Protection of New Plant Varieties shall not be obliged to retain applications for new plant variety certificates beyond a period of ten years after the expiration of the rights deriving from the corresponding certificates.

## CHAPTER IV

### Annual Fees

### Article 31

The annual fee referred to in Article 11 (2nd paragraph) of the Law of June 11, 1970, mentioned above shall fall due for the first time on the date of issue of the new plant variety certificate. It shall be paid within two months of the notification to the owner of the new plant variety certificate by the Committee for the Protection of New Plant Varieties.

In subsequent years, the fee shall fall due on the last day of the same month as that in which the new plant variety certificate was issued.

As from the second year, if payment of the annual fee is not made on the due date as defined above, it may still be validly made within a further period of six months, subject to payment of a surcharge.

### Article 32

If the payment of an annual fee is not made on the normal due date, a reminder shall be sent to the owner of the new plant variety certificate, informing him that he will risk the forfeiture of his rights if such payment, together with the surcharge, is not made before expiration of the period provided for in the third paragraph of Article 31 above. Failure to send a reminder or any error which such reminder might contain shall not give ground for reinstatement of the rights of the owner of the new plant variety certificate.

### Article 33

If the payment of an annual fee, together with the surcharge, where appropriate, is not made within the periods specified above, the Committee for the Protection of New Plant Varieties shall declare the breeder's rights to be forfeited.

Such forfeiture shall be entered in the National Register of New Plant Variety Certificates and published in the Official Bulletin of the Committee for the Protection of New Plant Varieties. The grounds for the decision shall be stated and the forfeiture shall be notified to the person who is the owner of the new plant variety certificate at the time of the entry in the National Register of New Plant Variety Certificates. The person concerned shall be informed that he has six months from the expiration of the last period in which to appeal to the Committee for reinstatement of his rights under the conditions provided for in Article 22 of the Law of June 11, 1970, mentioned above.

To be valid, the appeal must be accompanied by proof of payment of the annual fee and of a fee for the entry of the appeal in the National Register of New Plant Variety Certificates.

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#### Article 34

The Committee for the Protection of New Plant Varieties shall take a decision within two months. Where the appeal is dismissed the amount of the last annual fee shall be refunded.

The Committee's decision shall be notified to the owner of the new plant variety certificate; it shall be entered in the National Register of New Plant Variety Certificates and published in the Official Bulletin of the Committee for the Protection of New Plant Varieties.

#### Article 35

If the owner of the new plant variety certificate has lodged an appeal before the Court of Appeal of Paris against the decision taken by the Committee under Article 22 of the Law of June 11, 1970, mentioned above, this fact shall be entered ex officio in the National Register of Plant Variety Certificates and the effects of forfeiture shall be suspended until the decision of the Court has become final.

The decision of the Court of Appeal of Paris shall be entered in the National Register of New Plant Variety certificates. It shall be accompanied, where applicable, by mention of the fact that the owner of the new plant variety certificate has lodged an appeal with the Cour de cassation. In the latter case, the decision of the Cour de cassation shall be entered in the Register under the same conditions.

### CHAPTER V

#### Surrender - Forfeiture

#### Article 36

A new plant variety certificate may be surrendered in writing. Such surrender shall be made to the Committee by the certificate owner or by an agent invested with special powers. If the certificate belongs to several persons, it may only be surrendered at the request of all the joint owners.

Where real property rights, deriving from a pledge or a license, have been entered in the National Register of New Plant Variety Certificates, the surrender shall be admissible only if it is accompanied by the consent of the owners of such rights.

The surrender shall be recorded after payment of a fee for cancellation from the National Register of New Plant Variety Certificates. It shall be effective as from the date of such recording.

#### Article 37

The breeder who is liable to forfeiture of his rights under (1) and (2) of the first paragraph of Article 22 of the Law of June 11, 1970, mentioned above shall be formally requested to put an end to the situation in a notification addressed to him by the Committee for the Protection of New Plant Varieties. If, on expiration of a period of two months from receipt of the notification, the formal request has not been complied with, the Committee shall declare the breeder's rights to be forfeited.

The decision of the Committee shall be notified to the owner of the new plant variety certificate. It shall be entered in the National Register of New Plant Variety Certificates and published in the Official Bulletin of the Committee for the Protection of New Plant Varieties.

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**CHAPTER VI****Register of Applications for New Plant Variety Certificates  
and National Register of New Plant Variety Certificates****Article 38**

The Committee for the Protection of New Plant Varieties shall keep a Register of Applications for New Plant Variety Certificates and a National Register of New Plant Variety Certificates.

**Article 39**

Applications for new plant variety certificates shall be entered in chronological order in the Register of Applications as soon as they have been filed.

The entry relating to each application shall in particular comprise:

the provisional registration number;

the filing date;

the genus or species to which the variety belongs;

the name and address of the breeder and, where applicable, of his agent or successor in title where the breeder is not the applicant;

the denomination proposed or, failing this, the breeder's reference, and, where applicable, the denomination used to designate the variety in other States of the Union;

the claim to priority, where made;

a reference to the observations referred to in Articles 17 et seq.;

the date of issue of the new plant variety certificate, with the number of the entry in the National Register of New Plant Variety Certificates or mention of a final decision of rejection.

The description of the variety made by the applicant and that of the breeding process shall appear in an annex to the Register, subject to Article 51 of this Decree.

**Article 40**

New plant variety certificates shall be entered in the National Register of New Plant Varieties in the order of their issue.

The entry shall comprise:

the serial number under which the certificate was issued;

the genus or species to which the variety belongs;

the denomination and, where applicable, any other denomination used to designate the variety in other States of the Union;

a botanical description;

the name and address of the owner of the new plant variety certificate and the name and address of the breeder if he is not the owner;

where relevant, the claim to priority;

the dates on which protection begins and expires and, where applicable, premature surrender or the decision declaring forfeiture of the owner's rights.

The entry shall be supplemented, where applicable, by a reference to judicial decisions as to ownership of the right.

The entry shall be further supplemented by a reference to any instruments concerning the transfer of ownership of the breeder's rights, the assignment or the grant of a right of exploitation, any ex officio license and any other instrument for the transfer or modification of the rights deriving from a new plant variety certificate. These additional entries shall be made subject to payment of fees.

#### Article 41

The supplementary entries relating to judicial decisions shall be made at the request of the Registrar of the court which rendered the decision, and other entries at the request of any interested party, on presentation of one of the originals of the instrument if it is a private agreement, or of a copy if it is authentic, or of a document evidencing the transfer in the case of transfer on death.

#### Article 42

Any person shall be issued, on request and against payment of the prescribed fee, with copies of supplementary entries in the National Register of New Plant Variety Certificates, or with certificates stating that no entries exist.

### CHAPTER VII

#### Appeals against Decisions of the Committee for the Protection of New Plant Varieties

#### Article 43

The time limit for appeal before the Court of Appeal of Paris against decisions of the Committee for the Protection of New Plant Varieties shall be one month. Where the appellant resides outside metropolitan France, the period shall be extended by one month if he resides in Europe and by two months if he resides in any other part of the world.

#### Article 44

The appeal period laid down in the preceding Article shall run from the date of receipt by the appellant of the notification of the Committee's decision.

#### Article 45

The appeal shall be lodged by means of a petition addressed to the First President of the Court of Appeal of Paris by the appellant himself, by an attorney practising at the Court of Appeal, or by an attorney-at-law duly registered at a Bar.

Where the appellant does not appear in person, he may be represented or assisted in the manner described in the first paragraph of this Article.

#### Article 46

Where the appeal is lodged by a person other than the owner of the application for a new plant variety certificate, the latter shall be summoned to the proceedings by the Chief Registrar of the Court of Appeal by registered letter with a request for notice of receipt.



**Article 47**

The Court of Appeal shall render its decision after the Public Prosecutor has been heard.

**Article 48**

Any appeal lodged against a decision of the Committee for the Protection of New Plant Varieties shall be reported within fifteen days by the Registrar of the Court of Appeal to the Committee by registered letter with a request for notice of receipt.

The decision rendered by the Court on the appeal shall be notified to the applicant and to the Committee for the Protection of New Plant Varieties by the Registrar in the same manner.

**Article 49**

The Registrar shall send a copy of the decision rendered to the Committee for the Protection of New Plant Varieties.

The decision shall be entered ex officio in the National Register of New Plant Variety Certificates.

The decision of the Court of Appeal shall be enforced within two months of its notification.

**CHAPTER VIII****Applications for New Plant Variety Certificates  
with National Defense Implications****Article 50**

Specially authorized agents of the Minister responsible for National Defense, whose names and capacities shall have been brought to the knowledge of the Minister of Agriculture by the Minister responsible for National Defense, shall take cognizance of the applications filed for new plant variety certificates at the headquarters of the Committee for the Protection of New Plant Varieties.

The applications shall be presented to the agents within fifteen days from the date of their receipt by the Committee for the Protection of New Plant Varieties.

When so requested by the agents of the Minister responsible for National Defense, the Committee for the Protection of New Plant Varieties shall, if it has not already done so, invite the breeder or his successor in title to provide in as short a time as is compatible with the mode of reproduction or vegetative propagation of the variety, the material referred to in Article 5(c) above and communicate it on receipt to the agents of the Minister responsible for National Defense.

**Article 51**

With respect to applications for new plant variety certificates relating to varieties belonging to the species included in the list fixed by order issued under Article 18 of the Law of June 11, 1970, the procedures provided for in Chapter II (processing of applications for certificates) and Chapter III (issue of titles of protection) of this Decree may not, except where special authorization under the aforesaid Article 18 has been given, be initiated during the period in which the prohibitions specified in that Article are in

force. Neither may they be initiated during the period for which the prohibitions have been extended under Article 19 of the Law.

During the period of those prohibitions, the annexing to the Register of Applications for New Plant Variety Certificates, provided for in Article 39 above, of the description of the variety made by the applicant and of the breeding process shall also be suspended.

#### Article 52

The request for authorization to disclose and freely use a new plant variety belonging to one of the species referred to in the preceding Article before the end of the period laid down in Article 18 of the Law of June 11, 1970, shall be submitted to the Committee for the Protection of New Plant Varieties; it may be submitted as soon as the application for a certificate has been filed. Authorization shall be notified to the applicant by the Minister of Agriculture after consulting the Minister responsible for National Defense.

In the absence of such authorization, a request for special authorization to perform specific acts of exploitation may, at any time, be submitted directly by the owner of the application for a certificate to the Minister responsible for National Defense. If he grants the authorization requested, the latter shall specify the conditions to which such acts shall be subject.

Where the special authorization concerns the assignment of the application for a certificate or the granting of an exploitation license, the Minister responsible for National Defense shall send a copy of his decision to the Minister of Agriculture.

#### Article 53

The demand sent to the Minister of Agriculture by the Minister responsible for National Defense for the extension of the prohibitions on disclosure and free use of a new plant variety which is the subject matter of an application for a certificate must reach the Committee for the Protection of New Plant Varieties not later than fifteen days before the end of the five-month period provided for in Article 18 of the Law of June 11, 1970.

Any demand for the renewal of an extension must arrive under the same conditions not later than fifteen days before the end of the current period of one year.

The extension of the prohibitions on disclosure and free use shall be declared by order of the Minister of Agriculture and notified to the applicant before the end of the current period of prohibition.

Special authorizations to carry out specific acts of exploitation may be granted under the conditions laid down in the second and third paragraphs of Article 52 of this Decree.

The Minister responsible for National Defense may at any time inform the Minister of Agriculture of the lifting of prohibitions extended under Article 19 of the Law of June 11, 1970. This measure shall be the subject of an order of the Minister of Agriculture, which shall be notified to the owner of the application for a certificate.

#### Article 54

The provisions of Articles 17, 18 and 20 of Decree No. 68-1100 of December 5, 1968, and those of Article 39 of Decree No. 69-975 of October 18, 1969, issued for the implementation of Law No. 68-1 to Promote Inventive Activity and Revise the Patent System, of January 2, 1968, shall apply to requests submitted and proceedings instituted under Articles 19 and 20 of the Law of June 11, 1970.

## CHAPTER IX

### Miscellaneous Provisions

#### Article 55

The notifications provided for in this Decree and in Article 13 of the Law of June 11, 1970, mentioned above shall be made by registered letter with a request for notice of receipt.

#### Article 56

Any notification shall be deemed to be in order if it is served on the last owner of the application for a new plant variety certificate or of the new plant variety certificate, as appearing in the Register of Applications for New Plant Variety Certificates or in the National Register of New Plant Variety Certificates.

If the owner is domiciled abroad, notification shall be made to the last agent at the last address for service communicated to the Committee for the Protection of New Plant Varieties.

#### Article 57

All periods prescribed by this Decree shall be in whole days. Neither the day of the act or decision which causes the period to run nor the last day shall be counted.

Any period which normally would expire on a Saturday, Sunday or public holiday shall be extended to the next working day.

#### Article 58

Applications for new plant variety certificates filed under Article 36 of the Law of June 11, 1970, mentioned above shall be examined and the new plant variety certificates issued according to the procedure established by this Decree with the following provisos:

(a) to be admissible, applications must be filed not later than December 31 of the year following that in which the Law of June 11, 1970, mentioned above was declared to apply to the species to which the variety belongs;

(b) the declaration of non-marketing required under Article 5(a) of this Decree shall refer to non-marketing as on the date of the patent application, of registration in a French or foreign official catalogue or of registration with a French professional association approved by the Committee for the Protection of New Plant Varieties.

#### Article 59

The district courts hearing civil actions instituted under Article 33 of the Law of June 11, 1970, mentioned above shall be those designated in Article 1 of Decree No. 68-1098 of December 5, 1968, issued for the implementation of the Law of January 2, 1968, mentioned above.

#### Article 60

The detailed description, with or without effective seizure, of the plants, parts of plants, or any elements of reproduction or vegetative propagation of the variety alleged to constitute infringement, as provided for in Article 27 of the Law of June 11, 1970, mentioned above, shall be ordered by the president of the district court or, in overseas territories, of the court of first instance within whose jurisdiction the operations are to be carried out.

The order shall be issued on request and on presentation of either the new plant variety certificate or, in the case provided for in Article 26 of the Law mentioned above, of a certified copy of the application for a new plant variety certificate.

If the request is made by the holder of an exclusive right of exploitation or of an *ex officio* license under Articles 12 and 15 of the Law of June 11, 1970, mentioned above, the applicant must provide proof of inaction on the part of the owner of the new plant variety certificate after a summons to take action.

#### Article 61

Where effective seizure of goods is ordered, the judge may require security to be deposited by the claimant before the seizure is effected.

On pain of nullity and of damages against the bailiff, the latter must, before effecting seizure, serve a copy of the order and, where applicable, of the document certifying the deposit of security on the persons having plants, parts of plants or elements of reproduction or vegetative propagation of the respective variety in their possession. A copy of the report on the seizure shall also be given to such persons.

#### Article 62

The period referred to in the second paragraph of Article 27 of the Law of June 11, 1970, mentioned above for petitioning the court shall be fifteen days from the date of seizure or description.

#### Article 63

Orders issued by the Minister of Agriculture after consulting the Committee for the Protection of New Plant Varieties shall determine as and when necessary the conditions for the application of this Decree.

#### Article 64

This Decree shall apply to the territories of New Caledonia, French Polynesia, Saint-Pierre and Miquelon,<sup>1</sup> Wallis and Futuna and the French Southern and Antarctic Territories.

#### Article 65<sup>2</sup>

The Minister of State responsible for National Defense, the Keeper of the Seal, Minister of State responsible for the Overseas Departments and Territories, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Industrial and Scientific Development, the Minister of Agriculture, the Minister for Public Health and Social Security and the Secretary of State for Light and Medium Industry and Handicraft shall each be responsible, within his sphere of interest, for the implementation of this Decree, which shall be published in the Journal officiel of the French Republic.

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<sup>1</sup> The overseas territory of Saint-Pierre and Miquelon acquired the status of an overseas department by Law No. 76-664 of July 19, 1976. The Law on the Protection of New Plant Varieties was extended to that department by Article 14 of Order No. 77-1106 of September 26, 1977, Extending and Adapting to the Department of Saint-Pierre and Miquelon Various Legislative Provisions Relating to Industry, Agriculture and Commerce.

<sup>2</sup> The text reproduced is that of Article 65 of Decree No. 71-764.

## FRANCE

**Order Concerning the  
Denomination of Plant Varieties in Respect of Which Either  
an Entry has been Made in the Catalogue of Species and Varieties  
of Cultivated Plants or a New Plant Variety Certificate has been Issued\***

of September 1, 1982\*\*

**Article 1**

The denomination shall be the generic designation of the variety.

**Article 2**

The denomination of plant varieties, provided for in the above texts,<sup>1</sup> with a view to the entry of the varieties in the Catalogue of Species and Varieties of Cultivated Plants or to the issue of new plant variety certificates, must permit those varieties to be identified without risk of error or confusion, particularly with respect to the origin, source, characteristics or value of the variety, or the identity of the breeder.

To this end, the denomination proposed by the breeder on his own responsibility must comply with the provisions set forth in Articles 4 et seq. of this Order.

**Article 3**

Without prejudice to the provisions of Articles 2, 4, and 5, where a denomination has already been used to designate a variety at the time of its entry in a national catalogue or in the common catalogue, or at the time of the grant of a title of protection in a member State of the International Union for the Protection of New Varieties of Plants, it must also be used in France for the entry of the variety in the Catalogue of Species and Varieties of Cultivated Plants, or for identifying the variety in a new plant variety certificate.

However, the breeder may be authorized to propose another denomination if reasons of language or public policy prevent the use in France of the preexisting denomination.

In such a case, the synonymy shall be mentioned in the Catalogue of Species and Varieties of Cultivated Plants and in the new plant variety certificate.

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\* French title: Arrêté concernant la dénomination des variétés de plantes faisant l'objet soit d'une inscription au Catalogue des espèces et variétés de plantes cultivées, soit d'un certificat d'obtention végétale.

\*\* Translation by the Office of the Union of the text published in the Journal officiel of September 23, 1982.

<sup>1</sup> i.e in the preamble, which is not published here.

#### Article 4

A denomination may not consist of more than three words, easy to pronounce and to remember, which may or may not have a preexisting meaning. As a general rule, in the absence of preexisting meaning, each of the words forming the denomination shall not consist of more than three syllables. Where it is composed of one word only, it may be followed by numerals up to a maximum of four.

Several denominations may comprise:

- a) the same syllabic part, whereby no breeder may obtain an exclusive right thereto;
- b) the same word, followed or preceded by other words, which may or may not be descriptive, provided that these words do not mislead as to the origin and characteristics of the variety. Any word tending to express a characteristic of superiority in relation to a preexisting variety is prohibited.

Where such is established practice for designating varieties within a genus or species, a denomination may also consist of a combination of letters followed by numerals, the number of letters and numerals being limited to three and four, respectively.

#### Article 5

A denomination may not be formed by removing one or two words from a denomination already in use. The denomination of an old variety still commonly known may not be used to designate a new variety. In addition, a denomination may not contain any element liable to hinder the free use of the denomination or the free marketing of the variety.

#### Article 6

The provisions of Article 10 of Decree No. 71-765 referred to above,<sup>1</sup> concerning the use of a trademark in conjunction with a variety denomination, shall apply to the marketing of all the varieties entered in the Official Catalogue of Cultivated Plants or in the common catalogue.

#### Article 7

Notwithstanding the foregoing Articles, where a variety serves solely for the production of reproductive material of other varieties, its denomination may consist of a combination of letters or figures or letters and figures, without limitation, if that type of denomination corresponds to an established practice at international level for the species to which the variety belongs.

#### Article 8

The denomination of the varieties entered in the Catalogue of Species and Varieties of Cultivated Plants and of the varieties for which a new plant variety certificate has been issued at the date of this Order shall be retained.

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<sup>1</sup> Decree No. 71-765 of September 9, 1971, Fixing the List of Plant Species for Which New Plant Variety Certificates may be Issued, and the Scope and Duration of the Breeder's Right in the Case of each Plant Species, of September 9, 1971, as amended by Decrees No. 76-775 of August 9, 1976, No. 78-245 of February 23, 1978, No. 82-247 of March 12, 1982, and No. 83-22 of January 12, 1983 (published in Plant Variety Protection No. 33).

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Article 9

The Order of March 14, 1974, Concerning the Denomination of Plant Varieties in Respect of which Either an Entry has been Made in the Catalogue of Species and Varieties of Cultivated Plants or a New Plant Variety Certificate has been Issued shall be repealed at the date of entry into force of this Order.

Article 10

This Order shall enter into force on the date at which the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised on October 23, 1978, enters into force with respect to France.<sup>1</sup>

Article 11

The Director of Production and Trade of the Ministry of Agriculture and the Director of Consumer Affairs and Repression of Fraud of the Ministry for Consumer Affairs shall be responsible, each within his sphere of interest, for the application of this Order, which shall be published in the Journal officiel of the French Republic.

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<sup>1</sup> i.e. March 17, 1983.

**Federal Republic of Germany: New Notice Concerning Reciprocity**

Article 23(1) of the Plant Variety Protection Law provides that the rights conferred by the said Law may be acquired by:

1. German nationals within the meaning of Article 116(1) of the Basic Law [Grundgesetz] and persons having their domicile or registered office within the territory where the said Law is in force;

2. nationals of another member State of the Union and persons having their domicile or registered office in another member State of the Union, subject to the conditions provided for in Article 3 and Article 4(4) of the International Convention for the Protection of New Varieties of Plants of December 2, 1961 (i.e. on the basis of reciprocity in the case of genera and species not listed in the Annex to the said Convention and without that condition in the case of the genera and species listed in that Annex);

3. "other persons if, and to the extent that, according to a notice published by the Federal Minister [for Food, Agriculture and Forestry] in the Bundesgesetzblatt, the State of which they are nationals or where they have their domicile or registered office grants equivalent protection to German nationals or to persons having their domicile or registered office within the territory where this Law is in force."

Based on Article 23(1)3 of the Law, the Federal Minister for Food, Agriculture and Forestry issued on December 28, 1982 (Bundesgesetzblatt, Part I, of January 7, 1983, page 13), a Notice on the Grant of Protection Equivalent to Plant Variety Protection (Sortenschutz) Outside the Territory where the Plant Variety Protection Law is in Force. According to that Notice, equivalent protection is granted:

a) In Ireland, for varieties of the species which may obtain plant variety protection under Irish legislation;

b) In Japan, for varieties of the species which may obtain plant variety protection under Japanese legislation, and are entered in the List of Species under the Plant Variety Protection Law of the Federal Republic of Germany;

c) In New Zealand, for varieties of the species which may obtain plant variety protection under New Zealand legislation;

d) In the United States of America, for varieties of the species which may obtain patent protection under the legislation of the United States of America, and are entered in the List of Species under the Plant Variety Protection Law of the Federal Republic of Germany.

The Notice of December 28, 1982, replaces the Notice of December 15, 1977.

**Netherlands: Modification of Fees**

By Order No. J. 78 of February 1, 1983, of the Minister for Agriculture and Fisheries (Nederlandse Staatscourant No. 24 of February 3, 1983) on the Tariff of the Fees of the Raad voor het Kwekersrecht (Board for Plant Breeders' Rights), the various fees levied in connection with plant variety protection and the entry of varieties in the Netherlands Register of Varieties were amended.

**Spain: Decision Concerning Licensing**

On July 29, 1982, the Instituto Nacional de Semillas y Plantas de Vivero (National Institute of Seeds and Nursery Plants) issued a Decision Concerning Licenses for Use of Varieties of Autogamous Cereals Being the Subject of a "Plant Variety Title," pursuant to the last sentence of paragraph (3) of the Transitional Provisions contained in Royal Decree No. 1677/1977 of June 10, 1977, Approving the General Rules on the Protection of New Plant Varieties. The Decision sets out the conditions of the licenses that must be granted by owners of Plant Variety Titles issued under the transitional limitation of the requirement of novelty for recently created varieties, to any person having produced under official control seeds of the varieties concerned before issue of the title and requesting such license. The Decision is published in the Boletín Oficial del Estado of August 9, 1982, and in the Boletín del Registro de Variedades Protegidas No. 16, of November 1982, on pages 16 to 20.



CALENDAR
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1983

UPOV Meetings

September 21 to 23 Rome (Italy)	Technical Working Party for Fruit Crops (Subgroup on September 20)
September 27 to 29 Conthey (Switzerland)	Technical Working Party for Ornamental Plants and Forest Trees
October 3 and 4	Technical Committee
October 11	Consultative Committee
October 12 to 14	Council
November 7 and 8	Administrative and Legal Committee
November 9 and 10	Meeting with International Organizations

Meetings of Other International Organizations

July 17 to 22 Munich (Federal Republic of Germany)	International Association of Horticultural Producers (AIPH), Congress
November 7 to 11 Quito (Ecuador)	Tenth Panamerican Seeds Seminar

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The International Union for the Protection of New Varieties of Plants (UPOV)--an international organization established by the International Convention for the Protection of New Varieties of Plants--is the international forum for States interested in plant variety protection. Its main objective is to promote the protection of the interests of plant breeders--for their benefit and for the benefit of agriculture and thus also of the community at large--in accordance with uniform and clearly defined principles.

"Plant Variety Protection" is a UPOV publication that reports on national and international events in its field of competence and in related areas. It is published in English only--although some items are trilingual (English, French and German)--at irregular intervals, usually at a rate of four issues a year. Subscription orders may be placed with:

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