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PLANT VARIETY PROTECTION

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

No. 41

December 1984

Geneva

CONTENTS

Page

GAZETTE

Acceptance of the Revised Act of 1978
of the UPOV Convention

Netherlands 2

Extension of Protection to Further Genera and Species

Denmark 2

France 10

Ireland 14

Israel 15

NEWSLETTER

UPOV

The International Union for the Protection of New Varieties
of Plants in 1983 19

Membership of the Union (as at December 1, 1984) 41

Legislation

France: Decree 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 (Consolidated Text of Decree No. 71-765
of September 9, 1971, as Last Amended by Decree No. 84-765
of July 4, 1984 25

Japan: The Seeds and Seedlings Law (Law No. 115 of October
2, 1947, as last Amended by Law No. 71 of August 6, 1982) 29

Calendar 42

GAZETTE

ACCEPTANCE OF THE REVISED ACT OF 1978
OF THE UPOV CONVENTION

Netherlands

The Government of the Kingdom of the Netherlands deposited on August 2, 1984, its instrument of acceptance 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 Kingdom in Europe.

The Act entered into force with respect to the Netherlands one month after the date on which its Government deposited its instrument of acceptance, i.e. on September 2, 1984.

It is recalled that the Netherlands became a member of UPOV on August 10, 1968, by ratifying the International Convention for the Protection of New Varieties of Plants of December 2, 1961.

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

Denmark

By virtue of the Order of the Minister of Agriculture No. 36 of February 2, 1984, Concerning the Protection of the Rights of the Breeders of Novelties of *Euphorbia milii* (Christ's Thorn) and hybrids thereof, protection was extended to the species mentioned with effect from February 12, 1984.

Pursuant to Article 12(1) of the Law on the Protection of Plant Breeders' Rights (see Plant Variety Protection No. 29, page 14), the duration of protection is 15 years, Christ's Thorns being, as a general rule, vegetatively propagated.

Pursuant to Article 1 of the Order No. 137 of March 26, 1982, Concerning the Possibility for Foreign Breeders to Obtain Protection of Plant Breeders' Rights, etc. (see Plant Variety Protection No. 29, page 19), breeders who are nationals of or have their residence or registered office in a UPOV member State may obtain protection in Denmark for novelties of any botanical genus or species protected in Denmark. In addition, pursuant to Article 3(2) of the Law mentioned above, the Minister of Agriculture may exceptionally provide that it shall be possible to grant protection to a breeder to whom the preceding provision does not apply if, in the particular case, such protection is found to be in the interest of the Danish agricultural economy.

The list of taxa covered by plant variety protection legislation is given hereunder, starting on page 3 (the Danish and Latin names appear in the Order No. 386 of July 24, 1975, Concerning the Protection of New Plant Varieties (List of Species) and in the successive Orders extending protection to further genera and species; the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union).

List of Taxa Covered by Plant Variety Protection Legislation in Denmark

Liste des taxons couverts par la législation sur la protection des obtentions végétales au Danemark

Liste der taxonomischen Einheiten, die in Dänemark der Sortenschutzgesetzgebung unterliegen

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Hvene, alle arter	Agrostis spp.	Bentgrass, all species	Agrostis, Agrostide, toutes les espèces	Straussgras, alle Arten
Allamanda	Allamanda cathartica L.	Allamanda	Allamanda	Allamanda
Skalotteløg	Allium ascalonicum L.	Shallot	Echalote	Schalotte
Kepaløg	Allium cepa L.	Onion	Oignon	Zwiebel
Porre	Allium porrum L.	Leek	Poireau	Porree
Purløg	Allium schoenoprasum L.	Chives, Asatsuki	Ciboulette, Civette	Schnittlauch
Inkalilje (alstroemeria)	Alstroemeria spp.	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie
Dild	Anethum graveolens L.	Dill	Aneth	Dill
Kørvel	Anthriscus cerefolium (L.) Hoffm.	Chervil	Cerfeuil	Kerbel
Selleri (knold- og bladselleri)	Apium graveolens L.	Celery, Celeriac	Célieri, Célieri-rave	Sellerie (Knollen- und Blattsellerie)
Peberrod	Armoracia rusticana Gaertn., Mey. et Scherb.	Horse Radish	Raifort sauvage	Meerrettich
Asparges	Asparagus officinalis L.	Asparagus	Asperge	Spargel
Plumosus-snitgrøn	Asparagus plumosus Bak.	"Asparagus Fern"	Asparagus	Asparagus, Federspargel
Havre	Avena sativa L., Avena byzantina K. Koch	Oats	Avoine	Hafer
Begonie	Begonia spp.	Begonia	Bégonia	Begonie
Berberis	Berberis spp.	Berberis, Barberry	Berberis, Epine-vinette	Berberitze

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Foderbeede	Beta vulgaris L. var. alba DC.	Fodder Beet	Betterave fourragère	Runkelrübe
Bladbeede	Beta vulgaris L. var. cicla (L.) Ulrich	Mangel, Leaf Beet, Swiss Chard	Bette commune, Poirée	Mangold
Købeede	Beta vulgaris L. var. esculenta L.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
Bougainvillea	Bougainvillea spp.	Bougainvillea	Bougainvillier	Bougainvillea
Kålroe	Brassica napus L. var. napobrassica (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe
Raps	Brassica napus L. ssp. oleifera (Metzg.) Sinsk	Swede Rape, incl. Oilseed Rape	Colza	Raps
Grønkål	Brassica oleracea L. var. acephala (DC.) Alef. subvar. sabellica (laciniata) L.	Curly Kale	Chou trisé	Grünkohl
Blomkål	Brassica oleracea (L.) Alet. var. botrytis L.	Cauliflower	Chou-fleur	Blumenkohl
Rosenkål	Brassica oleracea L. var. bullata DC. subvar. gemmitera DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
Savoykål	Brassica oleracea L. var. bullata DC. et var. sabauda L.	Savoy Cabbage	Chou de Milan	Wirsing
Hvidkål	Brassica oleracea L. var. capitata L. f. alba DC.	White Cabbage	Chou cabus	Weisskohl
Rødkål	Brassica oleracea L. var. capitata L. f. rubra (L.) Thell.	Red Cabbage	Chou rouge	Rotkohl
Kålrabi	Brassica oleracea L. var. gongylodes L.	Kohlrabi	Chou-rave	Kohlrabi
Fodermarvkål	Brassica oleracea L. var. medullosa Thell.	Marrow-stem Kale	Chou moellier	Markkohl
Kybs	Brassica rapa L. var. oleifera	Turnip Rape	Navette	Rübsen
Majroe	Brassica rapa L. var. rapa (L.) Thell.	[Spring] Turnip	Navet [de printemps]	Mairübe
Turnips	Brassica rapa L. var. rapifera	[Autumn] Turnip	Navet [d'automne]	Herbstrübe

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Kommen	Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
Cypres	Chamaecyparis spp.	Chamaecyparis	Chamaecyparis	Scheinzypresse
Chrysanthemum	Chrysanthemum spp.	Chrysanthemum	Chrysanthème	Chrysantheme
Endivie	Cichorium endivia L.	Endive	Chicorée frisée, Scarole	Winterendivie
Cikorie	Cichorium intybus L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
Melon	Cucumis melo L.	Melon	Melon	Melone
Agurk	Cucumis sativus L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Centnergraeskar	Cucurbita maxima Duch.	Pumpkin	Potiron, Giraumon	Riesenkürbis
Mandelgraeskar	Cucurbita pepo L.	Pumpkin, Marrow, Courgette,	Courge, Pâtisson, Citrouille	Gartenkürbis, Ölkürbis
Kvaede, alle arter	Cydonia spp.	Quince, all species	Cognassier, toutes les espèces	Quitte, alle Arten
Kamgraes	Cynosurus cristatus L.	Crested Dog's-tail	Crételle	Kammgras
Hundegraes	Dactylis glomerata L.	Cockstoot, Orchard Grass	Dactyle	Knaulgras
Guleroo	Daucus carota L.	Carrot	Carotte	Möhre
Nellike	Dianthus caryophyllus L.	Carnation	Oeillet	Nelke
Koralranke	Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
Kristi Tornekroner	Euphorbia milii et hybridae	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Julestjerne (poinsettia)	Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Svingel, alle arter	Festuca spp.	Fescue, all species	Fétuque, toutes les espèces	Schwingel, alle Arten
Jordbaer	Fragaria ananassa Duch.	Strawberry	Fraisier	Erdbeere

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Freesia	Freesia spp.	Freesia	Freesia	Freesia
Fuchsia	Fuchsia spp.	Fuchsia	Fuchsia	Fuchsia
Julerose	Helleborus niger L.	Christmas Rose	Hellébore, Rose de Noël	Schneerose, Christusrose
Amaryllis	Hippeastrum Herb.	Amaryllis	Amaryllis	Ritterstern, Amaryllis
Byg	Hordeum vulgare L. sensu lato	Barley	Orge	Gerste
Hyacinth	Hyacinthus orientalis L.	Common Hyacinth	Jacinthe	Hyazinthe
Balsamin	Impatiens spp.	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiante	Springkraut, Balsamine
Ene	Juniperus L.	Juniper	Genévrier	Wacholder
Kalanchoë	Kalanchoë Adams.	Kalanchoë	Kalanchoë	Kalanchoë
Salat	Lactuca sativa L.	Lettuce	Laitue	Salat
Karse	Lepidium sativum L.	Cress	Cresson alénois	Gartenkresse
Hør	Linum usitatissimum L.	Flax, Linseed	Lin	Lein
Kajgraes, alle arter	Lolium L.	Ryegrass, all species	Ray-grass, toutes les espèces	Weidelgras, alle Arten
Hvid lupin	Lupinus albus L.	White Lupin	Lupin blanc	Weisslupine
Blå lupin (smaiblaet lupin)	Lupinus angustifolius L.	Blue Lupin	Lupin bleu	Blaue Lupine
Gul lupin	Lupinus luteus L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
Tomat	Lycopersicon lycopersicum (L.) Karst. ex Farwell (syn.: Lycopersicum esculentum P. Mill)	Tomato	Tomate	Tomate
Aeble*	Malus domestica Borkh.	Apple*	Pommier*	Apfel*
Katost	Malvaceae	Mallow	Mauve	Malve

* Inclusive grundstammer / Including rootstocks / Y compris les porte-greffes / Einschliesslich Unterlagen

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Levkøj	Matthiola spec.	Stock	Giroflée	Levkoje
Humlesneglebaelg	Medicago lupulina L.	Black Medick, Yellow Trefoil	Luzerne lupuline, Minette	Gelbklee (Hopfenklee)
Lucerne	Medicago sativa L., Medicago X varia Martyn	Lucerne, Alfalfa	Luzerne	Luzerne
Narcis	Narcissus L.	Narcissus, Daffo- dil, Jonquil	Narcisse, Jonquille	Narzisse
Opiatvalmue (opiumvalmue)	Papaver somniferum L.	Opium Poppy	Oeillette, Pavot	Mohn
Pastinak	Pastinaca sativa L.	Parsnip	Panais	Pastinak
Pelargonie	Pelargonium L'Hér. ex Ait. (incl. P. X domesticum L.H. Bail.; P. X hortorum L.H. Bail. et P. X peltatum (L.) Ait.)	Geranium, Pelargonium, Stork's Bill	Géranium, Pelargonium	Pelargonie
Kruspersille	Petroselinum crispum (P. Mill.) Nym. ex A.W. Hill ssp. crispum	Parsley	Persil	Blattpetersilie
Koøpersille	Petroselinum crispum (P. Mill.) Nym. ex A.W. Hill ssp. tuberosum (Bernh. ex Rchb.) Soo.	Turnip-rooted Parsley	Persil à grosse racine	Wurzelpetersilie
Bønne (pralbønne og navebønne)	Phaseolus coccineus L., Phaseolus vulgaris L.	Bean (Runner Bean and French Bean)	Haricot d'Espagne, Haricot	Bohne (Prunkbohne und Gartenbohne)
Knoldrottehale	Phleum bertolonii DC. (syn: Phleum nodosum L.)	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
Timothe (engrottehale)	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
Aert	Pisum sativum L. sensu lato	Pea	Pois	Erbse
Rapgraes, alle arter	Poa spp.	Meadow-grass, all species	Pâturin, toutes les espèces	Rispengras, alle Arten
Potentil	Potentilla fruticosa L.	Shrubby Cinquefoil	Potentille ligneuse	Strauchfingerkraut
Søakirsebaer*	Prunus avium (L.) L.	Sweet Cherry*	Cerisier (cerises douces: guignes, bigarreaux)*	Süsskirsche*

* Inclusive grundstammer / Including rootstocks / Y compris les porte-greftes / Einschliesslich Unterlagen

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Surkirsebaer*	<i>Prunus cerasus</i> L.	Morello, Sour Cherry*	Cerisier (cerises acides: griottes, amarelles)*	Sauerkirsche*
Blomme*	<i>Prunus domestica</i> L.	Plum*	Prunier*	Pflaume*
Paere	<i>Pyrus communis</i> L.	Pear	Poirier	Birne
Kaeddike	<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
Foderraedike (olieraedike)	<i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC.) Metzg.	Fodder Radish	Radis oléifère, Radis chinois	Ölrettich
Radis	<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis de tous les mois	Radieschen
Kabarber	<i>Rheum rhabarbarum</i> L.	Rhubarb	Rhubarbe	Krauser Rhabarber
Rhododendron, herunder azalea	<i>Rhododendron</i> spp.	Rhododendron, including Azalea	Rhododendron, y compris Azalée	Rhododendron, einschl. Azalee
Solbaer	<i>Ribes nigrum</i> L.	Black Currant	Cassis	Schwarze Johannisbeere
Ribs	<i>Ribes niveum</i> Lindl. <i>Ribes sylvestre</i> (Lam.) Mert. et W. Koch	White and Red Currant	Groseillier à grappes	Weisse und Rote Johannisbeere
Stikkelsbaer	<i>Ribes uva-crispa</i> L.	Gooseberry	Groseillier à maquereau	Stachelbeere
Rose	<i>Rosa</i> L.	Rose	Rosier	Rose
Brombaer	<i>Rubus fruticosus</i> L.	Blackberry	Ronce fruitière	Brombeere
Hinabaer	<i>Rubus idaeus</i> L.	Raspberry	Framboisier	Himbeere
Sanktpaulia	<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
Skorsonerrod	<i>Scorzonera hispanica</i> L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
Rug	<i>Secale cereale</i> L.	Rye	Seigle	Roggen

* Inclusive grundstammer / Including rootstocks / Y compris les porte-greffes / Einschliesslich Unterlagen

<u>Dansk</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Gul sennep	<i>Sinapis alba</i> L.	White Mustard	Moutarde blanche	Weisser Sent
Kartoffel	<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
Spatifyllum	<i>Spathiphyllum</i> spp.	<i>Spathiphyllum</i>	<i>Spathiphyllum</i>	<i>Spathiphyllum</i>
Spinat	<i>Spinacia oleracea</i> L.	Spinach	Epinard	Spinat
Streptokarpus	<i>Streptocarpus</i> X <i>hybridus</i> Voss	<i>Streptocarpus</i> , Cape Primrose	<i>Streptocarpus</i>	Drehfrucht
Thuja, alle arter	<i>Thuja</i> spp.	<i>Thuja</i> , all species	<i>Thuja</i> , toutes les espèces	Lebensbaum, alle Arten
Alsikekløver	<i>Trifolium hybridum</i> L.	Alsike Clover	Trèfle hybride	Schweadeklee
Røakløver	<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee
Hviakløver	<i>Tritolium repens</i> L.	White Clover	Trèfle blanc	Weissklee
Hveae	<i>Triticum aestivum</i> L. ssp. <i>vulgare</i> (Vill., Host) Mac Kay, <i>Triticum durum</i> Desf.	Wheat	Blé	Weizen
Tulipan	<i>Tulipa</i> L.	Tulip	Tulipe	Tulpe
Blåbaer	<i>Vaccinium myrtillus</i> L.	Bilberry, Whortle- berry, Blueberry	Myrtille	Heidelbeere
Valsk bønne (spisehestebønne)	<i>Vicia faba</i> L. var. <i>major</i> Harz	Broad bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
Hestebønne	<i>Vicia faba</i> L. var. <i>minor</i> (Peterm.) Beck	Field Bean, Tick Bean	Féverole	Ackerbohne
Fodervikke	<i>Vicia sativa</i> L.	Common Vetch	Vesce commune	Saatwicke
Majs	<i>Zea mays</i> L.	Maize	Maïs	Mais
Ledkaktus herunder november- og julekaktus samt påske- og pinsekaktus	<i>Zygocactus</i> K. Schum., <i>Schlumbergera</i> Lem., <i>Rhipsalidopsis</i> Britt. et Rose, <i>Epiphyllopsis</i> Berger et hybridae	Cactus with jointed stems, comprising November and Christmas Cactus, including Easter and Whitsun Cactus	Cactus à articles incluant les cactus de novembre et de Noël, y compris les cactus de Pâques et de la Pentecôte	Gliederkaktus, einschliessend November- und Weihnachtskaktus und einschliesslich Oster- und Pfingst- kaktus

France

By virtue of the Decree No. 84-619 of July 4, 1984 (Journal officiel of July 18, 1984, pages 2315), amending 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, protection was extended to the following with effect from July 19, 1984:

<u>Français</u>	<u>English</u>	<u>Deutsch</u>
Sorgho (lignées endogames de Sorghum bicolor (L.) Moench)	Sorghum (inbred lines of Sorghum bicolor (L.) Moench)	Mohrenhirse (Inzuchtlinien von Sorghum bicolor (L.) Moench)
Thym	Thyme	Thymian
Triticale	Triticale	Triticale

The duration of protection was set at 20 years for triticale and at 25 years for sorghum (inbred lines of Sorghum bicolor (L.) Moench) and thyme.

Foreigners may obtain protection for varieties of those species on the basis of reciprocity.

Pursuant to Article 58 of the Decree Concerning New Plant Variety Certificates and the Issue and Renewal Thereof (see Plant Variety Protection No. 34, page 21), applications that relate to varieties of recent creation and are to benefit from the transitional limitation of the requirement of novelty under Article 36 of the Law on the Protection of New Plant Varieties (see Plant Variety Protection No. 33, page 21) must be filed before December 31, 1985.

The list of genera and species which are covered by plant variety protection legislation is given below, with some details on the duration and scope of protection. The French common names appear in the Decrees, whereas the English and German common names have been added, without guarantee of concordance, by the Office of the Union.

A consolidated text of Decree No. 71-765 of September 9, 1971, as last amended by Decree No. 84-619 of July 4, 1984, is published in the "Legislation" subsection of the "Newsletter" section, starting on page 25.

Explanations to the List Starting on Page 12

Column 1 indicates the duration of protection in years.

Column 2 indicates the scope of protection as follows.

- A: Protection relates to seeds, as defined in accordance with Article 1 of Decree No. 81-605 of May 18, 1981, as well as to plants and parts thereof marketed for planting purposes.
- B: Protection relates to the whole plant or parts thereof, as well as to any reproductive or vegetative propagating material.
- C: Fruit-bearing varieties and rootstocks may be protected. Protection relates to any part of the plant to be used as vegetative propagating material, such as plants, grafts, cuttings, layers, or to be used for laying down plantations with a view to the commercial production of fruit. It relates also to seeds as defined in accordance with Article 1 of the above-mentioned Decree, or to the pips and stones of these species in cases where they may be used as seeds for the generative reproduction of the varieties.
- D: Protection relates to the whole plant or parts thereof to be used as vegetative propagating material.
- E: Protection relates to the cuttings and, in general, to any part of the plant to be used as vegetative propagating material.
- F: Protection relates to seeds to be used for the propagation of the species as defined in accordance with Article 1 of the above-mentioned Decree.

Notes explicatives sur la liste commençant à la page 12

La colonne 1 indique la durée de la protection, en années.

La colonne 2 indique l'étendue de la protection comme suit.

- A: La protection porte sur les semences, telles qu'elles sont définies conformément à l'article premier du décret No 81-605 du 18 mai 1981, ainsi que sur les plantes ou parties de plantes commercialisées en vue de la plantation.
- B: La protection porte sur tout ou partie de la plante de même que sur tous éléments de reproduction ou de multiplication végétative.
- C: Les variétés productrices de fruits et les porte-greffes peuvent être protégées. La protection porte sur toute partie de la plante destinée à être utilisée comme matériel de multiplication tels que plants, greffons, boutures, marcottes, ou destinée à l'établissement de cultures en vue de la production commerciale du fruit. Elle porte également sur les semences, telles que définies conformément à l'article premier du décret sus-visé, ou sur les pépins et noyaux de ces espèces dans le cas où ils sont utilisables à titre de semences pour la reproduction des variétés par voie sexuée.
- D: La protection porte sur tout ou partie de la plante destinée à être utilisée comme matériel de multiplication.
- E: La protection porte sur les boutures et, d'une manière générale, sur toute partie de la plante destinée à être utilisée comme matériel de multiplication.
- F: La protection porte sur les plants destinés à la propagation de l'espèce tels qu'ils sont définis conformément à l'article premier du décret sus-visé.

Erläuternde Anmerkungen zu der auf den Seiten 12 ff. wiedergegebenen Liste

Spalte 1 gibt die Schutzdauer in Jahren an.

Spalte 2 gibt den Schutzzumfang wie folgt an.

- A: Der Schutz bezieht sich auf Saatgut im Sinne von Artikel 1 der Verordnung Nr. 81-605 vom 18. Mai 1981, sowie auf Pflanzen und deren Teile, die zum Zwecke des Anbaus vertrieben werden.
- B: Der Schutz bezieht sich auf die ganze Pflanze oder Teile davon, sowie auf jede Art von generativem oder vegetativem Vermehrungsmaterial.
- C: Geschützt werden können sowohl Obstsorten als auch Unterlagen. Der Schutz bezieht sich auf alle Teile der Pflanze, die als vegetatives Vermehrungsmaterial verwendet werden sollen, z.B. Pflanzen, Pfropfreiser, Stecklinge, Senkreiser, oder die zur Anpflanzung für die gewerbsmäßige Erzeugung von Früchten bestimmt sind. Er bezieht sich ausserdem auf Saatgut im Sinne von Artikel 1 der obengenannten Verordnung oder auf Kerne und Steine dieser Arten, falls sie als Saatgut für die generative Vermehrung der Sorten verwendet werden können.
- D: Der Schutz bezieht sich auf die zur Verwendung als Vermehrungsmaterial bestimmte ganze Pflanze oder Teile davon.
- E: Der Schutz bezieht sich auf die Stecklinge und ganz allgemein auf alle Teile der Pflanze, die als vegetatives Vermehrungsmaterial verwendet werden sollen.
- F: Der Schutz bezieht sich auf Pflanzgut im Sinne von Artikel 1 der obengenannten Verordnung, das zur Vermehrung der Art bestimmt ist.

Plant Variety Protection in France* / Protection des obtentions végétales
en France* / Sortenschutz in Frankreich*

<u>Français</u>	<u>English</u>	<u>Deutsch</u>	1	2
Abricotier	Apricot	Aprikose	25	C
Alstroèmère	Alstroemeria, Herb Lily	Inkalilie	20	B
Amandier	Almond	Mandel	25	C
Aubergine	Eggplant, Aubergine	Eierfrucht, Aubergine	20	A
Avoine	Oats	Hafer	20	A
Begonia elatior	Elatior Begonia	Elatior-Begonie	20	B
Berberis	Berberis, Barberry	Berberitze	20	B
Blé dur	Durum Wheat, Macaroni Wheat, Hard Wheat	Durumweizen (Hartweizen)	20	A
Blé tendre	Soft Wheat, Bread Wheat	Weichweizen	20	A
Buddleia	Buddleia, Butterfly-bush	Buddleie, Schmetterlings- strauch	20	B
Cassis	Black Currant	Schwarze Johannisbeere	25	C
Cerisier	Cherry	Kirsche	25	C
Châtaignier	Chestnut	Kastanie	25	C
Chicorée frisée et Chicorée scarole	Endive	Winterendivie	20	A
Chrysanthème	Chrysanthemum	Chrysantheme	20	B
Cognassier	Quince	Quitte	25	C
Colza	Rapeseed	Raps	20	A
Cyprès (cyprès de Provence cyprès de l'Arizona, cyprès de Duprez, cyprès de Leyland - X Cupresso- cyparis et ses hybrides)	Cypress (Mediterranean cypress, Arizona cypress, Duprez cypress, Leyland cypress - X Cupresso- cyparis and its hybrids)	Zypresse (echte Zypresse, Arizonazypresse, Duprez Zypresse, Leyland Zypresse - X Cupressocyparis und ihre Hybriden)	25	B
Euphorbia fulgens	Euphorbia fulgens	Korallenranke	20	B
Forsythia	Forsythia, Golden Bell	Forsythie, Goldflieder, Goldglöckchen	20	B
Fraisier	Strawberry	Erdbeere	20	D
Framboisier	Raspberry	Himbeere	25	C
Freesia	Freesia	Freesie	20	B
Gerbera	Gerbera	Gerbera	20	B
Glaïeul	Gladiolus	Gladiole	20	B
Groseillier	Red and White Currants	Rote und Weisse Johannis- beeren	25	C

* See explanations, page 10 / Voir les explications à la page 11 / Siehe Erläuterungen auf Seite 11.

<u>Français</u>	<u>English</u>	<u>Deutsch</u>	1	2
Groseillier à maquereau	Gooseberry	Stachelbeere	25	C
Haricot	Bean	Bohne	20	A
Hortensia	Hydrangea	Hortensie	20	B
Houblon	Hop	Hopfen	25	C
Houx (hybrides d'Ilex aquifolium)	Holly (hybrids of Ilex aquifolium)	Stechpalme (Hybriden von Ilex aquifolium)	25	B
Iris bulbeux et rhizomateux	Bulbous and rhizomatous Iris	Zwiebel- und wurzelstockbildende Iris	20	B
Juniperus	Juniper	Wacholder	25	B
Kalanchoë	Kalanchoë	Kalanchoë	20	B
Lagerstroemia	Crape Myrtle	Lagerstroemia	20	B
Laitue	Lettuce	Salat	20	A
Lavande et Lavandins	Lavender	Lavendel	20	B
Lin	Flax, Linseed	Lein	20	A
Lis	Lily	Lilie	20	B
Lucerne	Lucerne	Lucerne	25	A
Mâche	Cornsalad, Lamb's Lettuce	Feldsalat	20	A
Maïs	Maize	Mais		
- lignées endogames	- inbred lines	- Inzuchtlinien	25	A
- autres variétés	- other varieties	- andere Sorten	20	A
Malus ornamental	Ornamental Crab	Zierapfel	25	B
Nerium oleander	Oleander, Rose Bay	Oleander	20	B
Noisetier	Hazelnut, Filbert	Haselnuss	25	C
Oeillet	Carnation	Nelke	20	B
Orchidées	Orchids	Orchideen	20	B
Orge	Barley	Gerste	20	A
Pâturin des prés	Kentucky Bluegrass, Smooth Stalked Meadow-grass	Wiesenrispengras	20	A
Pêcher	Peach	Pfirsich	25	C
Pélargonium (pélargonium zonale, géranium-lierre et hybride)	Pelargonium (zonal, ivy-leaved and hybrid Pelargonium)	Pelargonie (Zonal-, Efeupelargonie und Halbpeltaten)	20	B
Peuplier	Poplar	Pappel	25	E
Piment	Sweet Pepper, Capsicum, Chili	Paprika	20	A
Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern	20	B
Poirier	Pear	Birne	25	C
Pois	Pea	Erbse	20	A

<u>Français</u>	<u>English</u>	<u>Deutsch</u>	1	2
Pomme de terre	Potato	Kartoffel	25	F
Pommier	Apple	Apfel	25	C
Prunier	Plum	Pflaume	25	C
Pyracantha	Firethorn	Feuerdorn	20	B
Ray-grass	Ryegrass	Weidelgras	25	A
Rhododendron	Rhododendron	Rhododendron	25	B
Riz	Rice	Reis	20	A
Rosier	Rose	Rose	20	B
Ronces fruitières	Fruiting Blackberries	Obstbrombeeren	25	C
Saintpaulia	Saintpaulia, African Violet	Usambaraveilchen	20	B
Soja	Soya Bean, Soybean	Sojabohne	20	A
Sorgho (lignées endogames de Sorghum bicolor (L.) Moench)	Sorghum (inbred lines of Sorghum bicolor (L.) Moench)	Mohrenhirse (Inzuchtlinien von Sorghum bicolor (L.) Moench)	25	A
Streptocarpus	Streptocarpus, Cape Primrose	Drehfrucht	20	B
Thym	Thyme	Thymian	25	B
Thuja	Thuja	Lebensbaum	25	B
Tomate	Tomato	Tomate	20	A
Trèfle violet	Red Clover	Rotklee	25	A
Triticale	Triticale	Triticale	20	A
Tournesol	Common Sunflower	Sonnenblume	20	A
Tulipe	Tulip	Tulpe	20	B
Vigne	Vine	Rebe	25	C
Weigela	Diervilla	Weigeligie	20	B

Ireland

By virtue of the Plant Varieties (Proprietary Rights) (Amendment) Regulations 1984, issued on May 31, 1984 (Statutory Instrument No. 137 of 1984), protection was extended to the species mentioned in the list appearing on page 15 below and marked with an asterisk (the Latin and English names appear in the Plant Varieties (Proprietary Rights) Regulations, whereas the French and German common names have been added, without guarantee of concordance, by the Office of the Union).

Pursuant to Section 5(1)(c) of the Plant Varieties (Proprietary Rights) Act, 1980 (see Plant Variety Protection No. 32, page 25), applicants who are citizens or nationals of or are resident or have a place of business (being a business whose activities consist of or include the sale or propagation of plants) in a UPOV member State may obtain protection in Ireland under the same conditions as Irish citizens.

Plant Variety Protection in Ireland* / Protection des obtentions végétales
en Irlande* / Sortenschutz in Irland*

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>Period of Protection (in Years)</u>
Avena sativa L.	Oats	Avoine	Hafer	15
*Brassica napus L. ssp. oleifera (Metzg.) Sinsk	Swede Rape	Colza	Raps	20
*Dactylis glomerata L.	Cocksfoot	Dactyle	Knaulgras	20
Hordeum vulgare L.	Barley	Orge	Gerste	15
*Lolium X hybridum Hausskn.	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras	20
*Lolium multiflorum Lam.	Italian Ryegrass	Ray-grass d'Italie	Welsches Weidel- gras, Italieni- sches Raygras	20
Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	20
*Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras	20
*Pisum sativum L. (partim)	Field Pea	Pois fourrager	Futtererbse	20
Solanum tuberosum L.	Potatoes	Pomme de terre	Kartoffel	20
Trifolium repens	White Clover	Trèfle blanc	Weissklee	20
Triticum aestivum L. emend. Fiori et Paol.	Wheat	Blé	Weizen	15
*Vicia faba L. (partim)	Field Bean	Féverole	Ackerbohne	20

Israel

By virtue of the Plant Breeders' Rights Order (Amenament of Schedule) (2), 5743-1984, of August 20, 1984 (Kovetz Hatakanot 4702, of September 16, 1984), protection was extended to the following (the Latin name appears in the Order, whereas the English, French and German 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>
Carica papaya L.	Papaya, Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya
Impatiens L.	Impatiens, Busy Lizzie, Balsam, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Raphanus sativus L.	Raafish	Raafis	Rettich

As regards the availability of protection to foreigners and the duration of protection, reference is made to the subsection "Israel" of the section "Extension of Protection to Further Genera and Species" published on page 12 of Plant Variety Protection No. 36.

The list of taxa covered by plant variety protection legislation is given hereunder, starting on page 16. In that list, the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union.

* See explanations, page 14 / Voir les explications à la page 14 / Siehe Erläuterungen auf Seite 14.

List of Taxa Covered by Plant Variety Protection Legislation
in Israel*

Liste des taxons couverts par la législation sur la protection des
obtentions végétales en Israël*

Liste der taxonomischen Einheiten, die in Israel
der Sortenschutzgesetzgebung unterliegen*

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Allium cepa L.	Onion	Oignon	Zwiebel
Allium sativum L.	Garlic	Ail	Knoblauch
Alstroemeria L.	Alstroemeria	Alstroemère, Lis des Incas	Inkalilie,
Amygdalus communis L.	Almond	Amandier	Mandel
Anemone L.	Anemone	Anémone	Anemone, Windröschen
Annona cherimola Mill.; A. squamosa L.	Annona, Cherimoya; Annona, Sugar Apple, Sweet Sop	Chérimolier; Pommier-cannelle	"Cherimoya"; Rahmapfel, Süß- sack, Zuckerapfel
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume
Arachis hypogaea L.	Peanut	Arachide	Erdnuss
Aster L.	Aster	Aster	Sommeraster
Avena sativa L.	Oat	Avoine	Hafer
Begonia L.	Begonia	Bégonia	Begonie
Brassica oleracea L. convar. botrytis (L.) Alef.	Cauliflower	Chou-fleur	Blumenkohl
Capsicum annum L.	Sweet Pepper, Cap- sicum, Chili	Poivron, Piment	Paprika
Carthamus tinctorius L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel
Carica papaya L.	Papaya, Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya
Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
Carya illinoensis (Wangenh.) C. Koch	Pecan Nut	Pacancier	Pekan, Pekannuss
Catharanthus roseus (L.) G. Don	Vinca	Catharanthus	Catharanthus

* This list is based on a translation from the originals in Hebrew published in Reshumot (original list) and in Kovetz Hatakanot (subsequent amendments).

Cette liste est fondée sur une traduction des textes originaux en hébreu publiés dans Reshumot (liste initiale) et dans Kovetz Hatakanot (modifications ultérieures).

Diese Liste stützt sich auf eine Übersetzung der in Reshumot (Originalliste) und in Kovetz Hatakanot (spätere Änderungen) in hebräisch veröffentlichten Originaltexte.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Chrysanthemum L.	Chrysanthemum	Chrysanthème	Chrysantheme
Cicer arietinum L.	Chick-pea	Pois chiche	Kichererbse
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
Citrus spec.	Citrus	Agrumes	Zitrus
Cucumis melo L.	Muskmelon	Melon	Melone
Cucumis sativus L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Cucurbita pepo L.	Pumpkin, Marrow, Courgette	Courge, Pâtisson, Citrouille	Gartenkürbis, Ölkürbis
Cynara spp.	Artichoke, Cardoon	Artichaut, Cardon	Artischoke, Kardone
Dianthus L.	Carnation	Oeillet	Nelke
Diospyros kaki L. f.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume
Duboisia leichardtii F. Moell.	Duboisia	Duboisia	Duboisie
Eriobotrya japonica (Thunb.) Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia Klatt	Freesia	Freesia	Freesie
Gerbera L.	Gerbera	Gerbera	Gerbera
Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Gossypium L.	Cotton	Cotonnier	Baumwolle
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Helianthus annuus L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Hordeum vulgare L.	Barley	Orge	Gerste
Impatiens L.	Impatiens, Busy Lizzie, Balsam, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Iris L.	Iris	Iris	Iris, Schwertlilie
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lactuca sativa L.	Lettuce	Laitue	Salat
Leucadendron R. Br.	Leucadendron	Leucadendron	Leucadendron
Leucospermum R. Br.	Leucospermum	Leucospermum	Leucospermum
Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
Lilium L.	Lily	Lis	Lilie
Limonium Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel
Litchi sinensis Sonn.	Litchi	Litchi	Litschi

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lycopersicon esculentum</i> P. Mill.	Tomato	Tomate	Tomate
<i>Malus sylvestris</i> Mill.	Apple	Pommier	Apfel
<i>Mangifera indica</i> L.	Mango	Manguier	Mango
<i>Medicago hispida</i> Gaertn.; <i>M. sativa</i> L.	Alfalfa (Hairy Medick and Lucerne)	Luzerne (hérissée et cultivée)	Schneckenklee (Sichelluzerne und Blaue Luzerne)
<i>Musa</i> L.	Banana	Bananier	Banane
<i>Narcissus</i> L.	Narcissus, Daffo- dil, Jonquil	Narcisse, Jonquille	Narzisse
<i>Nicotiana tabacum</i> L.	Tobacco (common)	Tabac	Tabak
<i>Olea europaea</i> L.	Olive	Olivier	Ölbaum, Olive
Orchidaceae Juss.	Orchids	Orchidées	Orchideen
<i>Oryzopsis holciformis</i> (N. B.) Hack.	<i>Oryzopsis</i>	Petit millet, <i>Oryzopsis</i> , Faux-millet	Grannenhirse
<i>Pelargonium</i> L'Hér. ex Ait.	<i>Pelargonium</i>	<i>Pelargonium</i>	<i>Pelargonie</i>
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado
<i>Petunia</i> Juss.	<i>Petunia</i>	Pétunia	Petunie
<i>Phalaris tuberosa</i> L.	Hardings Grass	Herbe de Harding, Alpiste tubéreux	Knolliges Glanzgras
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne
<i>Prunus armeniaca</i>	Apricot	Abricotier	Aprikose
<i>Prunus domestica</i> L.; <i>P. salicina</i> Lindl.	Plum	Prunier	Pflaume
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich
<i>Pyrus communis</i> L.	Pear	Poirier	Birne
<i>Ranunculus</i> L.	<i>Ranunculus</i> , Buttercup	Renoncule	Hahnenfuss
<i>Raphanus sativus</i> L.	Radish	Radis	Rettich
<i>Ricinus communis</i> L.	Castorbean	Ricin	Wunderbaum, Palma Christi
<i>Rosa</i> L.	Rose	Rosier	Rose
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	<i>Saintpaulia</i>	Usambaraveilchen
<i>Sesamum indicum</i> L.	Sesame	Sésame	Sesam
<i>Simmondsia chinensis</i> (Link) Schneid.	Jojoba	-	-
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
<i>Sorghum vulgare</i> Pers.	Sorghum	Sorgho	Mohrenhirse

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Trifolium alexandrinum L.; T. berytheum Boiss.; T. repens L. T. subterraneum L.	Clover	Trèfle	Klee
Triticum aestivum L. emend. Fiori et Paol. (T. aestivum L. ssp. vulgare (Vill., Host) Mac Kay); Triticum durum Desf.	Wheat	Blé	Weizen
Vicia faba L.	Horse Bean	Fève	Dicke Bohne
Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
Vitis vinifera L.	Vine	Vigne	Rebe
Zea mays L.	Maize	Maïs	Mais

NEWSLETTER

UPOV

The International Union for the Protection of New Varieties of Plants in 1983

State of the Union*

In 1983, three States expressed their consent to be bound by 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"), namely, France by the deposit, on February 17, 1983, of its instrument of ratification, Hungary by the deposit on March 16, 1983, of its instrument of accession and the United Kingdom by the deposit on August 24, 1983, of its instrument of ratification. Those three instruments brought the number of States bound by the 1978 Act at the end of 1983 to eleven.

Hungary, by the deposit of the said instrument of accession, became a member State of the Union (on April 16, 1983), which at the end of 1983 comprised the following 17 member States: Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The table appearing on page 41 summarizes the position of the various States vis-à-vis the various Acts of the Convention, as on November 1, 1984.

Sessions

4. During 1983, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

5. The Council held its seventeenth ordinary session from October 12 to 14, 1983, under the chairmanship of Dr. W. Gfeller (Switzerland). The session was attended by representatives from member States and by observers from a

* For more recent developments, see Plant Variety Protection No. 39, page 2, and page 2 of this issue.

number of interested non-member States, namely: Argentina, Austria, Egypt, Panama, Poland, Yugoslavia and Zimbabwe. The Food and Agriculture Organization of the United Nations (FAO), the Commission of the European Communities (CEC), and the International Board for Plant Genetic Resources (IBPGR) were also represented by observers.

The first day of the session was devoted, for the fourth year running, to a symposium. The subject of the 1983 Symposium was "Nomenclature." The following lectures were given:

(i) "The De Candolle Family and the Historical Development of Botanical Nomenclature," by Mr. Hervé M. Burdet, Curator at the Botanical Garden of the City of Geneva, Switzerland;

(ii) "The International Code of Nomenclature for Cultivated Plants : The Current Position and Possible Future Developments" by Mr. Christopher D. Brickell, Director, the Royal Horticultural Society's Garden, Wisley, Woking, Surrey, United Kingdom;

(iii) "UPOV and Variety Denominations," by Mr. Henning Kunhardt, Division Head, Federal Plant Varieties Office, Hanover, Federal Republic of Germany;

(iv) "The Implications of the Use of Common Plant Names," by Ir. Willem A. Brandenburg, Research Worker, Department of Taxonomy of Cultivated Plants and Weeds, Agricultural University, Wageningen, Netherlands;

(v) "Variety Denominations and Trademarks," by Mr. René Royon, Secretary General, International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA), Mougins, France.

In addition to the representatives of member and non-member States and of the intergovernmental organizations (FAO, CEC and the International Seed Testing Association (ISTA)), the Symposium was attended by almost 20 representatives of international non-governmental organizations (Association of Plant Breeders of the European Economic Community (COMASSO), International Association for the Protection of Industrial Property (AIPPI), 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 a number of individual technical and legal experts. Mr. Frits Schneider, Head, Department for Horticultural Botany, Government Institute for Research on Varieties of Cultivated Plants, Wageningen, Netherlands, acted as 'Rapporteur' for the Symposium, which was concluded by a panel discussion. Records of the proceedings of the Symposium are reproduced in a special UPOV publication (No. 341), in English, French, German and Spanish.

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

(i) the report of the Secretary-General on the activities of the Union in 1982 and the first nine months of 1983, the report on his management and the financial situation of the Union in 1982, and the accounts of the Union for 1982, were approved;

(ii) the program and the budget for 1984 were established;

(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 1984 Symposium would be devoted to the theme "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation";

(v) the following officers were elected for a term of three years expiring at the end of the twentieth ordinary session of the Council (1986):

(a) Mr. J. Rigot (Belgium) was elected President of the Council,

(b) Mr. S.D. Schlosser (United States of America) was elected Vice-President of the Council,

(c) Mr. J.-M. Elena Kossello (Spain) was elected Chairman of the Technical Committee,

(d) Mr. R. Guy (Switzerland) was elected Vice-Chairman of the Technical Committee,

(e) Mr. F. Espenhain (Denmark) was elected Vice-Chairman of the Administrative and Legal Committee,

(f) Mrs. V. Silvey (United Kingdom) was elected Chairman of the Technical Working Party for Automation and Computer Programs.

The Consultative Committee held its twenty-seventh session on April 28, 1983, and its twenty-eighth session on October 11 and 14, 1983, both under the chairmanship of Dr. W. Gieller (Switzerland). The twenty-seventh session was devoted mainly to:

- (i) the examination of the wishes expressed by international non-governmental organizations at the Information Meeting held in November 1982;
- (ii) the final preparations for the Meeting with International Organizations (subsequently held on November 9 and 10, 1983) (see paragraph 29, below);
- (iii) an examination of the steps to be taken in the matter of color charts and color measurements, in view of the fact that the Royal Horticultural Society's (KHS) colour chart was out of print.

The twenty-eighth session was devoted mainly to the preparation of the seventeenth ordinary session of the Council (see paragraph 8, above). In addition, the Committee decided that UPOV should be represented at the Tenth Panamerican Seeds Seminar, held in Quito, Ecuador, from November 7 to 11, 1983.

The Administrative and Legal Committee held its eleventh session on April 26 and 27, 1983, and its twelfth session on November 7 and 8, 1983, both under the chairmanship of Mr. M. Heuver (Netherlands). Both sessions were attended by representatives from member States; in addition, observers from the CEC and the European Free Trade Association (EFTA) attended both sessions and an observer from Mexico, a signatory State of the 1978 Act, attended the twelfth session.

The sessions were devoted mainly to the following matters:

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 ratification of or accession to the 1978 Act of the UPOV Convention. It also noted that the Commission of the European Communities had officially proposed the creation of a "European/Community breeder's right" having the following essential features:

- (i) an optional nature (that is to say, it would coexist with national rights),
- (ii) a single application leading to a single title with uniform and immediate effect for the whole of the Community market,
- (iii) as regards conditions, terms and content, it would be based on the current and future results of UPOV's work,
- (iv) it would provide suitable possibilities of participation by interested European countries that were not members of the Communities.

In preparation for the November 1983 Meeting with International Organizations, the Committee gave a final reading to the draft set of UPOV Recommendations on Variety Denominations and noted the observations submitted by the organizations. More specifically, it examined the policy to be followed in relation to denominations intended to identify, in one way or another, the breeder. It noted that the draft Recommendations did not prevent the use of "distinctive words" in variety denominations (words common to a series of denominations) and that, depending on the circumstances of the particular case, a proposed denomination breaking into the system of denominations which identified or was supposed to identify another breeder would have to be rejected. The Committee also noted that several participants in the 1983 Symposium, including some representatives of UPOV member States, had expressed a wish for closer relations between the plant variety protection authorities and the international registration authorities. It considered that to be a matter for the individual authorities and felt that it was for them to find the best form of cooperation.

The Committee took up the question of the harmonization of procedures for the examination of proposed variety denominations in respect of preexisting denominations. While complete centralization of that examination seemed to be an ideal, perhaps impossible to achieve because of the language difficulties that would have to be overcome, the Committee felt that it might be worth considering the possibility of centralizing the computer searching of preexisting denominations liable to make a proposed denomination unsuitable. There did seem to be some interest in such a system, both among States that had computer facilities at their disposal and among those that did not. Efforts were being

made to set up a pilot project, and those efforts should be followed up in 1984. Furthermore, the Committee considered that a promising course of action for the time being was for authorities to be informed on software used and basic data available for exchange. Savings could be made in the constitution and permanent updating of national data bases by making them mutually compatible. The examination of those issues would be continued in future sessions of the Committee and of the Technical Working Party on Automation and Computer Programs.

The Committee examined a number of legal questions arising in relation with the "minimum distances between varieties" issue. The issue has recently acquired considerable importance and was placed on the agenda for the November 1983 Meeting with International Organizations. Once the results of that meeting have been evaluated, in particular by the Technical Committee, the Administrative and Legal Committee will decide whether it is necessary to give further consideration to the legal aspects of "minimum distances between varieties."

Finally, the Committee was presented with a series of proposals by the Delegation of France with a view to the improvement of the position of breeders of varieties of genetically unstable, vegetatively propagated species. Such species are subject to frequent spontaneous mutation, so that a competitor can bypass with relative ease the protection of a variety that has proved its worth on the market, by looking for and marketing a mutant distinguished from that variety only by a commercially unimportant characteristic. The introduction of a "right of access," in other words a right that would make the filing of an application for protection for a mutant subject to authorization by the owner of the protection of the parent variety, would call for amendment of the Convention and was considered undesirable. The introduction of variety registers and repositories determining common knowledge was regarded as a partial solution, inasmuch as it would make it possible to prevent the protection of a mutant, but without prohibiting its marketing by a third party. A further proposal consisted in the introduction of a streamlined examination, offering the advantage of reduced fees, which the breeder of the parent variety could make use of in order to secure protection for a mutant distinguishable from the parent variety by one or more characteristics entered in a limitative list. This proposal, in the view of the Committee, raised a certain number of practical problems. The Committee requested the Delegation of France that, if it introduced the streamlined examination system as an experiment, it should report to a subsequent session on whatever experience had been gained from its practical application. In the light of such a report, the Committee would consider whether there was any purpose in extending the system to other species and using it in various member States.

The Technical Committee held its nineteenth session on October 3 and 4, 1983, under the chairmanship of Mr. C. Hutin (France).

The main business of the session was as follows:

The Committee adopted seven Test Guidelines, submitted:

- (i) by the Technical Working Party for Agricultural Crops, for Soya Bean (TG/80/3) and for Sunflower (TG/81/3);
- (ii) by the Technical Working Party for Ornamental Plants and Forest Trees, for African Violet (TG/17/3), Carnation (TG/25/5) (both being revisions of the existing Test Guidelines), Anthurium (TG/86/2) and Narcissi (TG/87/2);
- (iii) by the Technical Working Party for Vegetables, for Leek (TG/85/3).

As in previous years, the Committee, supported by its five Technical Working Parties, discussed a number of questions arising from practical experience in the member States gained from the application of the principles established in the General Introduction to the Test Guidelines and the individual Test Guidelines in conducting tests for distinctness, homogeneity and uniformity. Among the questions that arose were: comparison of several color charts; ongoing investigations into electrophoretic methods; homogeneity requirements for species for which varieties can be produced vegetatively or by seed; possibilities of stabilization by ISTA of names of vegetatively propagated species; compilation of a list of standard documents and books used in connection with variety testing; improvement of Test Guidelines through the provision of more detailed information on each characteristic; criteria for inclusion of characteristics in Test Guidelines; distinctness criteria for species embracing fruit, ornamental and rootstock varieties.

The Committee received reports on the progress of the work of the five 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 on Automation and Computer Programs held its first session in Cambridge (United Kingdom) from May 17 to 19, 1983, under the chairmanship of Mr. C. Hutin (France). The task assigned to the Working Party is that of studying the harmonization of automation and computer programs used by the authorities of the member States in carrying out the examination of new varieties and in generally administering their plant variety protection legislation. Good progress was made at the first session with the preparation of an inventory of existing programs and methods of data processing, and with identifying areas having a high priority.

The Technical Working Party for Vegetables held its sixteenth session in Zaragoza (Spain) from May 30 to June 1, 1983, under the chairmanship of Mr. F. Schneider (Netherlands). In addition to its work on the Test Guidelines for one vegetable species adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Broad Bean and Field Bean (in cooperation with the Technical Working Party for Agricultural Crops) and Curly Kale for submission to the professional organizations for comment.

The Technical Working Party for Agricultural Crops held its twelfth session in Tystøfte, Skaelskør (Denmark) from June 8 to 10, 1983, under the chairmanship of Dr. G. Fuchs (Federal Republic of Germany). In addition to its work on the two Test Guidelines for agricultural crops adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Cocksfoot, Meadow Fescue and Tall Fescue, Swede and Timothy for submission to the professional organizations for comment.

The Technical Working Party for Fruit Crops held its fourteenth session in Rome (Italy) from September 21 to 23, 1983, under the chairmanship of Dr. G.S. Bredell (South Africa). The Working Party completed the preparation of first drafts of Test Guidelines for Persimmon and Strawberry (revision) for submission to the professional organizations for comment.

The Technical Working Party for Ornamental Plants and Forest Trees held its sixteenth session in Conthey (Switzerland) from September 27 to 29, 1983, under the chairmanship of Mrs. U. Löscher (Federal Republic of Germany). In addition to its work on the four Test Guidelines for ornamental plants adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Crown of Thorns and Freesia (revision) for submission to the professional organizations for comment.

Contacts with States and Organizations

In January 1983, the Vice Secretary-General participated in a meeting of the Committee for the Protection of Plant Breeders' Rights of the International Association of Horticultural Producers (AIPH), held in Berlin.

In March, the Vice Secretary-General participated in a meeting of the Committee of Agriculture (COAG) of the Food and Agriculture Organization of the United Nations (FAO), held at FAO headquarters in Rome, at which COAG discussed a plan submitted by FAO, following an initiative from Mexico, for the establishment of an international gene bank and for the preparation of an international convention on plant genetic resources.

In May, the Secretary-General and the Vice Secretary-General participated in the thirty-second Congress of the International Association for the Protection of Industrial Property (AIPPI), held in Paris to celebrate the centenary of the signing in 1883 of the Paris Convention for the Protection of Industrial Property.

In June, the Vice Secretary-General participated in the Congress of the International Federation of the Seed Trade (FIS), held in Budapest. He also participated, with the President of the Council of UPOV, in the Congress of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) which had immediately followed the FIS Congress, also in Budapest.

Also in June, the Vice Secretary-General visited Ottawa to participate in sessions of the twentieth Congress of the International Seed Testing Association (ISTA), and to discuss at the Canadian Department of Agriculture the progress of the Bill for the introduction of plant breeders' rights in Canada and the possible future membership of that country in UPOV. He proceeded from Ottawa to San Francisco to participate in the Annual Convention of the American Seed Trade Association (ASTA), at which ASTA celebrated its centenary and marked the retirement of Harold S. Loden, its Executive Vice-President. In connection with that Convention, he also participated in a session of the Joint Committee of ASTA and the National Council of Commercial Plant Breeders (NCCPB).

In July, the Vice Secretary-General participated in sessions of the thirty-fifth Congress of the International Association of Horticultural Producers (AIPH), held in Munich, and in particular in the session of the Committee for the Protection of Plant Breeders' Rights.

In November, the Secretary-General and the Vice-Secretary General were received at the Swiss Federal Department for External Affairs in Berne on the occasion of the signature of the Agreement between UPOV and the Swiss Federal Council to determine the Union's legal status in Switzerland.

In November, UPOV was represented at the sixteenth meeting of Commission II of the twenty-second session of the Conference of FAO, held at FAO headquarters in Rome. After protracted discussions, the Plenary of the Conference adopted a Resolution (8/83), the Annex of which contained the text of an "International Undertaking on Plant Genetic Resources."

Also in November, UPOV was represented at the tenth Pan-American Seeds Seminar (PSS), held in Quito (Ecuador).

In December, UPOV was represented at the first meeting of the Technical Consultative Committee (TCC) of the European Cooperative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), held at the Swiss Federal Research Station at Changins.

In November 1983, a Meeting with International Organizations was held at the headquarters of UPOV in Geneva. The purpose of the meeting was to provide an opportunity for international organizations interested in the activities of the Union to give their views on three subjects:

- (i) minimum distances between varieties;
- (ii) international cooperation;
- (iii) UPOV recommendations on variety denominations.

The following intergovernmental organizations were represented: CEC, EFTA, ISTA. The non-governmental organizations represented were: AIPH, AIPPI, ASSINSEL, CIOPORA, COMASSO, International Commission for the Nomenclature of Cultivated Plants, FIS.

Publications

In 1983, the Office of the Union published the Agreement between UPOV and the Swiss Federal Council to determine the legal status in Switzerland of the Union (Headquarters Agreement) (signed in Berne on November 17, 1983), in English, French and German (UPOV publications INF/9); six issues of Plant Variety Protection; a brochure containing the Portuguese text of the Revised Act of 1978 of the UPOV Convention (UPOV publication 295(P)); the Records of the 1982 Symposium on "Genetic Engineering and Plant Breeding", in English, French, German and Spanish (UPOV publications 340(E), (F), (G) and (S), respectively); updated versions of the UPOV General Information Brochure in English, French and German (UPOV publications 408(E), (F) and (G), respectively); an information leaflet entitled "UPOV, What It Is, What It Does," in English, French, German and Spanish (UPOV publications 437(E), (F), (G) and (S), respectively); seven Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability (for details, see above); and French and German editions of the "Collection of the Texts of the UPOV Convention and Other Important Documents Established by UPOV" (UPOV publications 644(F) and (G), respectively), containing in Part II all the Test Guidelines established by UPOV (UPOV publication 645(LFG)).

[This text replaces the text published in Plant Variety Protection No. 33]

FRANCE

Decree 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*

Consolidated Text of Decree No. 71-765 of September 9, 1971,
as Last Amended by Decree No. 84-765 of July 4, 1984

Article 1

New plant variety certificates may be issued, under the conditions provided for by the Law of June 11, 1970, mentioned above¹ and its implementing decrees, for the following species: apple, barley, bean, carnation, red clover, lettuce, lucerne, maize, oats, pea, potato, rice, rose, ryegrass, hard wheat, soft wheat.

For those species, any foreigner who is a national of a State party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, or who has his domicile, registered office or establishment in one of those States may obtain a new plant variety certificate under the same conditions as French nationals.

Foreigners who are not nationals of one of those States or do not have their domicile, registered office or establishment therein may obtain new plant variety certificates only under the conditions of reciprocity set out in Article 2 below.

Article 2

New plant variety certificates may also be issued under the conditions provided for by the Law of June 11, 1970, and its implementing decrees for the following species: almond, alstroemeria, apricot, elatior begonia, berberis, fruiting blackberries, Kentucky bluegrass, buddleia, cherry, chestnut, chrysanthemum, cornsalad, ornamental crab, black currant, red and white currants, cypress (Mediterranean cypress, Arizona cypress, Duprez cypress, Leyland

* French title (of Decree No. 71-765): Décret fixant la liste des espèces végétales pour lesquelles peuvent être délivrés des certificats d'obtention végétale ainsi que, pour chacune d'elles, la durée et la portée du droit de l'obtenteur.

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

Decree No. 71-765 of September 9, 1971: J.O. of September 18, 1971;
Decree No. 76-775 of August 9, 1976: J.O. of August 18 and September 12, 1976;
Decree No. 78-245 of February 23, 1978: J.O. of March 8, 1978;
Decree No. 82-247 of March 12, 1982: J.O. of March 18, 1982;
Decree No. 83-22 of January 12, 1983: J.O. of January 15, 1983;
Decree No. 84-619 of July 4, 1984: J.O. of July 18, 1984.

¹ Law on the Protection of New Plant Varieties (No. 70-489 of June 11, 1970); J.O. of June 12, 1970.

cypress - X Cupressocyparis and its hybrids), eggplant, endive, Euphorbia fulgens, firethorn, flax and linseed, forsythia, treesia, gerbera, gladiolus, gooseberry, hazelnut, holly (hybrids of Ilex aquifolium), hop, hydrangea, bulbous and rhizomatous iris, juniper, kalanchoë, lagerstroemia, lavender, lily, oleander, orchids, peach, pear, pelargonium (zonal, ivy-leaved and hybrid pelargonium), sweet pepper, plum, poinsettia, poplar, quince, rapeseed, raspberry, rhododendron, sorghum (inbred lines of Sorghum bicolor (L.) Moench), soya bean, strawberry, streptocarpus, common sunflower, thuya, thyme, tomato, triticale, tulip, vine, African violet, weigela.

For these species, any foreigner may obtain a new plant variety certificate provided that French nationals are accorded reciprocal protection for the said species by the State of which the foreigner is a national or in which he has his domicile or establishment.

Orders of the Minister of Agriculture and the Minister for External Relations, issued on the proposal of the Committee for the Protection of New Plant Varieties shall determine, for each species and for each State concerned, that the legislation of that State satisfies this condition of reciprocity.

Article 3

For the species appearing in the following list, the breeder's right shall relate to the seeds, as defined in accordance with Article 1 of the Decree of May 18, 1981, mentioned above¹, as well as to the plants or parts thereof marketed for planting purposes: barley, bean, red clover, Kentucky bluegrass, cornsalad, eggplant, endive, flax and linseed, lettuce, lucerne, maize, oats, pea, sorghum (inbred lines of Sorghum bicolor (L.) Moench), sweet pepper, rapeseed, rice, ryegrass, soya bean, common sunflower, tomato, triticale, hard wheat, soft wheat.

Article 4

For potatoes, the breeder's right shall relate to the seeds to be used for the propagation of the species as defined in accordance with Article 1 of Decree No. 81-605 of May 18, 1981, mentioned above.

Article 5

For poplars, the breeder's right shall relate to the cuttings and, generally, to any part of the plant which is to be used as material for the multiplication of the variety.

Article 6

For strawberries, the breeder's right shall relate to the whole plant or part thereof which is to be used as material for the multiplication of the variety.

¹ Decree No. 81-605 Issued for the Implementation of the Law of August 1, 1905, on the Repression of Fraud as far as the Commerce in Seed and Planting Material is Concerned (J.O. of May 20, 1981). Article 1 of this Decree reads as follows:

"This Decree shall apply, under the term "seeds" or "planting material," to plants or parts of plants of any kind intended for production or multiplication.

"In the marketing of these products, the terms "seeds" or "planting material" may only be preceded by the qualifiers "basic," "certified," "commercial," "standard" or by another qualifier fixed under the conditions laid down in Articles 9 and 10."

Article 7

For the species appearing in the following list, the breeder's right shall relate to the whole plant or part thereof, as well as to any reproductive or vegetative propagating material of the variety concerned: alstroemeria, elatior begonia, berberis, buddleia, carnation, chrysanthemum, ornamental crab, cypress (Mediterranean cypress, Arizona cypress, Duprez cypress, Leyland cypress - X Cupressocyparis and its hybrids), Euphorbia fulgens, firethorn, forsythia, freesia, gerbera, gladiolus, holly (hybrids of Ilex aquifolium), hydrangea, bulbous and rhizomatous iris, juniper, kalanchoë, lagerstroemia, lavender, lily, oleander, orchids, pelargonium (zonal, ivy-leaved and hybrid pelargonium), poinsettia, rhododendron, rose, streptocarpus, thyme, thuya, tulip, African violet, weigela.

Article 8

For the species appearing in the following list, fruit-bearing varieties and rootstocks may be protected: almond, apple, apricot, fruiting blackberries, cherry, chestnut, black currant, red and white currants, gooseberry, hazelnut, hop, peach, pear, plum, quince, raspberry, vine. The breeder's right shall relate to any part of the plant which is to be used as vegetative propagating material, such as plants, grafts, cuttings, layers, or which is to be used for laying down plantations with a view to the commercial production or fruit. It shall also relate to the seeds, as defined in accordance with Article 1 of Decree No. 81-605 of May 18, 1981, mentioned above, or to the pips and stones of the said species in cases where they may be used as seeds for the generative reproduction of the varieties.

Article 9

The term of protection shall be twenty years for the following species: alstroemeria, barley, bean, elatior begonia, berberis, Kentucky bluegrass, buddleia, carnation, chrysanthemum, cornsalad, eggplant, endive, Euphorbia fulgens, firethorn, flax and linseed, forsythia, freesia, gerbera, gladiolus, hydrangea, bulbous and rhizomatous iris, kalanchoë, lagerstroemia, lavender, lettuce, lily, maize (except inbred lines), oats, oleander, orchids, pea, pelargonium (zonal, ivy-leaved and hybrid pelargonium), sweet pepper, poinsettia, rapeseed, rice, rose, soya bean, strawberry, streptocarpus, common sunflower, tomato, triticale, tulip, African violet, weigela, hard wheat, soft wheat.

The term shall be twenty-five years for the following species: almond, apple, apricot, fruiting blackberries, cherry, chestnut, red clover, ornamental crab, black currant, red and white currants, cypress (Mediterranean cypress, Arizona cypress, Duprez cypress, Leyland cypress - X Cupressocyparis and its hybrids), gooseberry, hazelnut, holly (hybrids of Ilex aquifolium), hop, juniper, lucerne, maize (inbred lines only), peach, pear, plum, poplar, potato, quince, raspberry, rhododendron, ryegrass, sorghum (inbred lines of Sorghum bicolor (L.) Moench), thyme, thuya, vine.

Article 10

Any person who desires at the time of any act of assignment, concession or commercialization of the varieties referred to in the foregoing Articles, to avail himself of the possibility under Article 9 of the Law of June 11, 1970, mentioned above of adding a trademark to the variety denomination, whether he is the owner of the mark or other lawful user thereof, shall take the necessary precautions, especially in correspondence, in advertisements, in the preparation of trade catalogs and on packages or labels, to ensure that the denomination is sufficiently visible in its context so as to prevent any likelihood of confusion in the mind of the purchaser as to the variety's identity.

Article 11

Orders of the Minister of Agriculture issued on the proposal of the Committee for the Protection of New Plant Varieties shall determine, when the need arises, the details of the application of this Decree, which shall enter into force on publication in the Journal officiel of the French Republic of the Order provided for by Article 11 of the Law of June 11, 1970, mentioned above¹.

Article 12

The Minister for External Relations and the Minister of Agriculture are entrusted, each within his attributions, with the implementation of this Decree, which shall be published in the Journal officiel of the French Republic.

¹ Order of September 17, 1971, Relating to the Tariff of the Fees Charged in New Plant Variety Protection Matters (J.O. of October 2, 1971). The entry into force referred to is that of the original Decree No. 71-765.

JAPAN

The Seeds and Seedlings Law

Law No. 115 of October 2, 1947, as Last Amended by
Law No. 71 of August 6, 1982*

CONTENTS

<u>Section</u>	<u>Section</u>
1 Purpose	12 Special provisions for foreigners
1-2 Definitions	12-2 Right of Priority
2 Filing of information by seed and seedling dealer	12-3 Examination of the variety the subject of an application
3 Labelling of designated seeds and seedlings	12-4 Registration of a variety
4 Order relating to designated seeds and seedlings	12-5 Effect of registration of a variety
5 Standards relating to the production etc. of designated seeds and seedlings	12-6 Restriction on the denomination of a variety
5-2 Collection of designated seeds and seedlings	12-7 Transfer of the title of a person granted registration for a variety
6 Submission of reports, etc.	12-8 Arbitration decision
7 Application for registration	12-9 Examination of a registered variety
8 Variety bred by an employee as part of his duties	12-10 Nullity and Forfeiture of registration of a variety
9 Alteration of name of applicant	12-11 Deletion of the registration of a variety, etc.
10 Denomination of the variety the subject of an application, etc.	12-12 Application and registration fees
11 First-to-file rule	12-13 Effect of convention
	13 to 16 Penal provisions

Section 1

Purpose

The purpose of this Law shall be to promote the rational distribution of seeds and seedlings and the breeding of plant varieties by providing for regulations relating to the labelling of designated seeds and seedlings and for a system relating to the registration of plant varieties for the protection of new plant varieties, so as to contribute to the development of agriculture, forestry and fisheries.

Section 1-2

Definitions

(1) In this Law, "agricultural, forestry or aquatic plants" means plants designated by Cabinet Order that are cultivated for the production of agricultural, forestry or aquatic products.

* Translation prepared by the Japanese Ministry of Agriculture, Forestry and Fisheries, in conjunction with the Office of the Union.
Entry into force (of last amendments) : September 3, 1982

(2) In this Law, "seeds and seedlings" means whole plants or parts of plants (meaning here and hereinafter individual agricultural, forestry or aquatic plants) used for reproduction or propagation, and "designated seeds and seedlings" means those seeds, spores, stems, roots, seedlings, saplings, scions, rootstocks or spawn (excluding the seeds and seedlings of rice, barley, naked barley, wheat, soybeans and forest trees) designated by the Minister of Agriculture, Forestry and Fisheries (hereinafter referred to as "the Minister") as requiring certain information to be given by visible means at the time of sale in order to facilitate identification of quality.

(3) In this Law, "seed and seedling dealer" means any person engaging in the sale of designated seeds and seedlings in the course of business.

(4) In this Law, "purebred variety" means the group of all the plants which, whatever their generation, fulfill the requirements listed below; "hybrid variety" means the group of all the plants which are obtained by crossing a plant of one purebred variety with a plant of another purebred variety and fulfill the requirements listed below; and "variety" includes both purebred and hybrid varieties:

(i) sufficient similarity of characteristics pertaining to important features (hereinafter referred to as "characteristics");

(ii) clear distinction from any other plant by one or more characteristics.

(5) The Minister, having heard the views of the Agricultural Materials Council, shall determine and publicly announce the important features referred to in paragraph (i) of the preceding subsection in regard to agricultural, forestry or aquatic plants in each of the classes specified by ordinance of the Ministry of Agriculture, Forestry and Fisheries (hereinafter referred to as "ordinance").

Section 2

Filing of information by seed and seedling dealer

(1) Seed and seedling dealers must file with the Minister the following information, in the manner provided by ordinance:

(i) the name of the natural or legal person, and the address;

(ii) the kind of designated seeds and seedlings handled;

(iii) the other information specified by ordinance.

However, this provision shall not apply to those seed and seedling dealers specified by ordinance.

(2) The preceding subsection shall apply mutatis mutandis where there has been any change in the information referred to in that subsection.

(3) The information referred to in the two preceding subsections must be filed, where trading has been newly commenced, within two weeks of its commencement, and, where there has been any change in the information referred to in subsection (1), within two weeks of such change.

Section 3

Labelling of designated seeds and seedlings

(1) Designated seeds and seedlings shall not be sold unless the following information is given on the packaging, or a voucher giving the said information has been attached:

(i) the name and the address of the seed and seedling dealer giving the said information;

(ii) the genus or species and variety (in the case of grafted saplings, the genus or species and variety of scion and rootstock);

(iii) the production district;

-
- (iv) with respect to seeds, the month and year of production or the time limit of validity, and the germination percentage;
 - (v) the quantity;
 - (vi) the other information specified by ordinance.

However, this shall not apply where the information referred to in paragraphs (i) to (iv) inclusive and (vi) pertaining to designated seeds and seedlings is given by a notice or other readily visible means, or where a person other than a seed and seedling dealer makes the sale.

(2) The information referred to in paragraph (iii) of the preceding subsection shall be given, in the case of production within Japan, by stating the name of the prefecture of which the said production district is part, and, in the case of production outside Japan, by stating the name of the country of which the said production district is part.

Section 4

Order relating to designated seeds and seedlings

The Minister may order any seed and seedling dealer who has contravened the preceding Section to give the information referred to in each paragraph in subsection (1) of that Section or to alter the information given, or may prohibit the sale of the designated seeds and seedlings the subject of the contravention.

Section 5

Standards relating to the production etc. of designated seeds and seedlings

(1) The Minister may, when it is deemed particularly necessary to secure the distribution of designated seeds and seedlings of good quality, determine and publish standards relating to the production, preparation, storage, or packaging of the said designated seeds and seedlings, that shall be adhered to by seed and seedling dealers and persons engaged in the production of the said seeds and seedlings in the course of business.

(2) The Minister may, when seed and seedling dealers or persons engaged in the production of designated seeds and seedlings in the course of business fail to adhere to the standards, issue to those persons a warning to the effect that they should adhere to the standards.

(3) The Minister may, when a seed and seedling dealer or a person engaged in the production of designated seeds and seedlings in the course of business fails to comply with a warning issued under the preceding subsection, publish that fact.

Section 5-2

Collection of designated seeds and seedlings

(1) The Minister may cause his officers to collect from seed and seedling dealers such quantities of designated seeds and seedlings as are necessary for the conduct of tests. However, compensation equivalent to the market price shall be paid therefor.

(2) In the case specified in the preceding subsection, such officers shall, if a seed and seedling dealer so requests, show an identification card.

Section 6

Submission of reports, etc.

The Minister may, within such limits as are necessary for the enforcement of this Law, order seed and seedling dealers to submit such reports relating to the conduct of their business as are necessary or to submit ledgers and other documents.

Section 7

Application for registration

(1) A person who has bred a variety (meaning here and hereinafter the fixation or determining of characteristics pertaining to artificial or natural variation), or his successor in title, may file an application for registration of the said variety. Where the number of persons who have bred the variety or any successors in title are two or more in total, these persons shall file an application jointly.

(2) With respect to filing an application under the preceding subsection, an application form and a description giving the information specified by ordinance, and the whole or a part of a plant of the variety for which application is made (hereinafter referred to as the "variety the subject of an application") or its photograph shall be furnished to the Minister, in the manner provided by ordinance.

Section 8

Variety bred by an employee as part of his duties

(1) With respect to a variety bred by an employee, an executive officer of a legal person, or a national or local public officer (hereinafter referred to as the "employee etc."), any contractual provision, service regulation or other stipulation providing in advance the right of the employer, legal person, or national or local government (hereinafter referred to as the "employer etc."), to file an application under subsection (1) of the preceding Section, or, where the employee etc. has been granted registration of the variety under Section 12-4(1), the obligation of the employee etc. to transfer that title to the employer etc. shall be null and void. However, this shall not apply where the breeding of the variety by reason of its nature falls within the scope of the business of the employer etc. and, moreover, the acts resulting in the breeding of the variety fall within the duties of the employee etc. (hereinafter referred to as a "variety bred by an employee as part of his duties").

(2) An employee etc. may claim from the employer etc. payment of compensation to be determined taking into consideration the profit receivable by the employer etc. from a variety bred by an employee as part of his duties and the extent to which the employer etc. contributed to the breeding of that variety, where, in accordance with a contract, service regulation or other stipulation, either the employer etc. files an application under subsection (1) of the preceding Section with respect to a variety bred by an employee as part of his duties or the title is transferred to the employer etc. where the employee etc. has been granted registration for the variety under Section 12-4(1).

Section 9

Alteration of name of applicant

(1) The name of an applicant may not be altered except in the case of inheritance or other general succession.

(2) Where the name of an applicant has been altered as a result of inheritance or other general succession, the successor in title shall, without delay, notify the Minister to that effect, in the manner provided by ordinance.

Section 10

Denomination of the variety the subject of an application, etc.

(1) Registration relating to a variety (hereinafter referred to as "registration of a variety") may not be granted where the denomination of the variety the subject of an application falls under any of the following cases:

(i) where there is no denomination or more than one denomination for the variety the subject of an application;

(ii) where the denomination is identical with or similar to a registered trademark pertaining to seeds and seedlings of the variety the subject of an application, or a registered trademark pertaining to goods similar to the said seeds and seedlings;

(iii) where it is possible that the denomination may mislead with regard to the variety the subject of an application, or cause confusion in respect of its identification (this paragraph does not apply where the preceding paragraph is applicable).

(2) Registration of a variety may not be granted where the whole or a part of a plant of the variety the subject of an application has been transferred in the course of business within Japan before the date of application under Section 7(1), or outside Japan for longer than four years before the date of such application (or for longer than six years in the case of a variety belonging to a genus or species of agricultural, forestry or aquatic plant specified by ordinance as a perennial plant). However, this shall not apply where such transfer has been made for the purpose of experiment or research, or where such transfer has been made against the will of the person who bred the variety (or where that person has been succeeded, that person and his successor in title).

Section 11

First-to-file rule

With respect to identical varieties, only the first applicant may be granted registration of the variety.

Section 12

Special provisions for foreigners

A foreigner who is not resident (or, in the case of a legal person, does not have its registered office) in Japan shall not be granted registration for a variety, except in one of the following cases:

(i) where his country provides Japanese nationals with the protection of varieties under the same conditions as its own nationals (including a country which provides such protection for Japanese nationals on condition that Japan provides registration of a variety for the nationals of that country) and moreover makes available protection regarding the variety the subject of an application.

(ii) where the country in which he is resident (or, in the case of a legal person, has its registered office) is one of the member States of the Union under 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 (including countries in relations with which Japan is to apply that Convention in accordance with Article 34(2) of that Convention) (hereinafter referred to as "member States of the Union") and moreover makes available protection regarding the variety the subject of an application. (This paragraph does not apply where the preceding paragraph is applicable.)

Section 12-2

Right of Priority

(1) A person referred to in the following paragraphs in the cases referred to in the said paragraphs may, at the time of filing an application, claim a right of priority in the manner provided by ordinance:

(i) a person who has filed an application equivalent to that provided for in Section 7(1) in one of the member States of the Union (hereinafter referred to as "application in a member State of the Union") or his successor in title (the person or his successor in title having to be a Japanese national or a national of one of the member States of the Union or a person who is resident (or, in the case of a legal person, has its registered office) in Japan or one of the member States of the Union)--where the application provided for in Section 7(1) is filed for the variety the subject of an application in a member State of the Union within one year from the day after the day of the filing of the first application in a member State of the Union (hereinafter referred to as "application day in a member State of the Union");

(ii) a person who has filed an application equivalent to that provided for in Section 7(1) in one of the countries defined in paragraph (i) of Section 12 (excluding the member States of the Union), which allows a Japanese national to claim the right of priority on the same conditions as Japan does (hereinafter referred to as the "designated countries") or his successor in title (the person or his successor in title having to be a Japanese national or a national of one of the designated countries)--where the application provided for in Section 7(1) is filed for the variety the subject of an application in a designated country within one year from the day after the day of the filing of the first application in a designated country (in the case of a national of a designated country, the application in that designated country) (hereinafter referred to as "application day in a designated country").

(2) Where the applicant claims the right of priority in accordance with the previous subsection, any application for registration, publication, transfer or other act in respect of a variety identical with the variety the subject of an application, made or done between the application day in a member State of the Union or the application day in a designated country and the day when the application provided for in Section 7(1) is filed, does not prevent the registration of the variety the subject of the said application.

Section 12-3

Examination of the variety the subject of an application

(1) The Minister may require the applicant to furnish such materials as are necessary for the purpose of examining the variety the subject of an application.

(2) The Minister shall, in examining the variety the subject of an application, cause his officers to conduct on-site inspections or growing tests. However, this shall not apply where it is deemed unnecessary for the purpose of examining the variety the subject of an application.

(3) The Minister may entrust related governmental organizations, educational establishments or other persons deemed appropriate, with conducting on-site inspections or growing tests under the preceding subsection.

Section 12-4

Registration of a variety

(1) The Minister shall register a variety when he is satisfied that the application under Section 7(1) fulfills all the conditions laid down in this Law and the regulations based thereon.

(2) The effective period of registration of a variety shall be fifteen years (eighteen years in the case of the varieties referred to in Section 10(2)).

(3) A variety shall be registered by entering in the Register of Plant Varieties the denomination of the variety, the characteristics of the plant, the effective period of registration, the name and the address of the person granted registration of the variety, and other information specified by ordinance.

(4) The Minister shall, when he has registered a variety according to subsection (1), publicly announce the information specified by ordinance.

Section 12-5

Effect of registration of a variety

(1) With respect to the whole or a part of any plant of a variety that has been granted registration (hereinafter referred to as a "registered variety"), no person other than the person granted registration for the said registered variety (hereinafter referred to as the "person granted registration for the variety") may perform in the course of business any of the acts listed as follows:

(i) acts of transferring for a consideration, making an offer to transfer for a consideration, or producing or importing for the purpose of transferring for a consideration, as seeds and seedlings, the whole or a part of any plant of the registered variety;

(ii) where the registered variety belongs to a genus or species that is specified by ordinance as being a genus or species of agricultural, forestry or aquatic plant which propagates extremely readily even when a part of the plant not commonly regarded as being a seed or seedling is used--acts of transferring for a consideration, the whole or a part of any plant obtained by propagating from such a part of the plant (excluding acts referred to in the preceding paragraph);

(iii) where the registered variety is a purebred variety--acts of transferring for a consideration, making an offer to transfer for a consideration, or producing or importing for the purpose of transferring for a consideration, as seeds and seedlings, any seeds or spores obtained by crossing a plant of the registered variety with a plant of another purebred variety.

(2) Notwithstanding the preceding subsection, a person referred to in the following paragraphs may perform in the course of business the acts specified in the relevant paragraph:

(i) a person who has been authorized by the person granted registration for the variety to perform the acts specified in each of the paragraphs of the preceding subsection--acts referred to in each paragraph of the said subsection, according to the scope of the authorization (where, after the authorization, there has been a transfer of the title of the person granted registration for the variety, except in the case of transfer by inheritance or other general succession, the said authorization shall keep its effect only if it is registered in the Register of Plant Varieties, in the manner provided by ordinance);

(ii) a person who has bred a variety identical with the registered variety before the said registered variety was bred--acts referred to in each paragraph of the preceding subsection;

(iii) a person who has been granted registration for a purebred variety to which a plant crossed to obtain a plant of a hybrid variety belongs (hereinafter referred to as a "parent variety")--acts referred to in paragraph (i) of the preceding subsection in respect of the whole or a part of a plant of the said hybrid variety that has been granted registration;

(iv) a person who has been granted registration of a hybrid variety prior to registration of a parent variety--acts referred to in paragraph (iii) of the preceding subsection pertaining to the said hybrid variety, performed in respect of plants of the said parent variety that has been granted registration;

(v) a person who has a patent right on the method of breeding a registered variety, or a person who has an exclusive license or a non-exclusive license with respect to that patent, and who produces the whole or a part of the plant by the method coming under the said patent--acts referred to in each paragraph

of the preceding subsection, performed in respect of the whole or a part of the said plant;

(vi) a person who, after the expiry of the patent right referred to in the preceding paragraph, produces the whole or a part of a plant by the method coming under the patent in the said paragraph--acts referred to in each paragraph of the preceding subsection, performed in respect of the whole or a part of the said plant;

(vii) the employer etc., or his general successor, where the employee etc. of that employer etc., or his successor in title, has been granted registration for a variety bred by employees--acts referred to in each of the preceding paragraphs, performed in respect of the whole or a part of a plant of the said variety bred by employees;

(viii) a person who has received, as seeds and seedlings, the whole or a part of the plant listed as follows:

- (a) the whole or a part of a plant that the person granted registration for the variety has transferred for a consideration in the course of business;
- (b) the whole or a part of a plant transferred for a consideration, as specified in an arbitration decision, by a person obtaining an arbitration decision under Section 12-8(6);
- (c) the whole or a part of a plant transferred by acts specified in each of the relevant preceding paragraphs, performed in the course of business by persons referred to in each of those preceding paragraphs;

--transfer for a consideration or making an offer to transfer for a consideration, as seeds and seedlings, the whole or a part of the said plant received, without increasing the number thereof.

(3) A person granted registration for a variety may require a person who performs, in respect of the whole or a part of a plant of the registered variety, any of the acts listed in each paragraph of subsection (1) in contravention of that subsection to cease and desist that act. This shall not, however, prevent the claiming of damages.

Section 12-6

Restriction on the denomination of a variety

(1) Where seeds and seedlings of a registered variety are sold in the course of business, no denomination other than that of the said registered variety shall be used.

(2) Where seeds and seedlings of a variety other than the registered variety, belonging to the genus or species of agricultural, forestry or aquatic plant to which the said registered variety belongs, or to a genus or species of agricultural, forestry or aquatic plant specified by ordinance as similar to that genus or species, are sold in the course of business, the denomination of the said registered variety shall not be used.

Section 12-7

Transfer of the title of a person granted registration for a variety

(1) The title of a person granted registration for a variety may be transferred by reason of inheritance or other cause.

(2) Transfer of the title of a person granted registration for a variety shall not take effect without registration in the Register of Plant Varieties, except in the case of transfer by inheritance or other general succession.

(3) Section 9(2) shall apply mutatis mutandis to the transfer by inheritance or other general succession of the title of a person granted registration for a variety.

Section 12-8

Arbitration decision

(1) Where an act in respect of the whole or a part of a plant of a registered variety referred to in paragraph (i) or (iii) of Section 12-5(1) has not been performed adequately and continuously during a period of two years or more, or where it is particularly necessary in the public interest that the said act be performed, a person who intends to perform the said act in the course of business in respect of the whole or a part of a plant of the said registered variety may seek to hold consultations with the person granted registration for the said variety regarding authorization for performing the said act.

(2) If no agreement is reached or no consultation is possible under the preceding subsection, the person referred to in the said subsection may request an arbitration decision from the Minister.

(3) The Minister shall, where a request has been made under the preceding subsection, notify to that effect in writing the person granted registration for the variety the subject of the said request and give him an opportunity to state his opinion, designating a reasonable time limit.

(4) The Minister may not rule that authorization be granted for performing the said act where there is good reason for the failure to perform that act adequately, except where it is particularly necessary in the public interest that the acts referred to in paragraphs (i) or (iii) of Section 12-5(1) be performed in respect of the whole or a part of a plant of a registered variety.

(5) The Minister shall hear the views of the Agricultural Materials Council where he intends to make a decision under subsection (2).

(6) In an arbitration decision that authorization be granted in respect of the acts referred to in paragraph (i) or (iii) of Section 12-5(1), the scope of the acts that may be performed by the person requesting the decision under subsection (2), the consideration for the authorization and the method of payment thereof shall be determined.

(7) Where a decision has been made under subsection (2), the Minister shall notify the parties concerned to that effect.

(8) Where the arbitration decision as provided in subsection (6) has been notified under the preceding subsection, it shall be deemed that an agreement in the terms of the said arbitration decision has been reached between the parties concerned.

Section 12-9

Examination of a registered variety

(1) The Minister may, where it is deemed necessary to examine whether the characteristics of a plant of a registered variety are being maintained or not, require the person granted registration for the variety to furnish the whole or a part of a plant of the registered variety, and other materials.

(2) The Minister shall, in the case provided in the preceding subsection, cause his officers to conduct on-site inspections or growing tests.

Section 12-10

Nullity and Forfeiture of registration of a variety

(1) The Minister shall cancel the registration of a variety in the cases listed as follows:

(i) where it has been found that the characteristics of the plant of the registered variety have become different from the characteristics of the plant at the time of its registration;

(ii) where the person granted registration for the variety fails to pay the registration fee for each year within the period specified in Section 12-12 (4) or (5).

(2) The Minister may cancel the registration of a variety in the cases listed as follows:

(i) where it has been found that the application under Section 7(1) did not fulfill the conditions laid down in this Law or the regulations based thereon;

(ii) where the person granted registration for a variety fails, without good reason, to furnish the materials required under subsection (1) of the preceding Section, or where he refuses on-site inspection under subsection (2) of the said Section.

(3) The Minister shall, where he intends to cancel the registration of a variety under paragraph (i) of subsection (1), or under the preceding subsection, notify the person granted such registration for the variety of the reason in writing and give him an opportunity to state his opinion, designating a reasonable time limit.

(4) The Minister shall, where he has cancelled the registration of a variety under subsection (1) or (2), notify the person granted such registration for the variety and publicly announce that fact.

Section 12-11

Deletion of the registration of a variety, etc.

(1) The Minister shall delete the registration of a variety from the Register of Plant Varieties in the cases listed as follows:

(i) where the effective period of registration in Section 12-4(2) has expired;

(ii) where the registration of the variety has been cancelled under subsection (1) or (2) of the preceding Section;

(iii) where the person granted registration for the variety has ceased to exist.

(2) In addition to the provisions of this Law, necessary matters pertaining to the registration of varieties and the Register of Plant Varieties shall be provided for by ordinance.

Section 12-12

Application and registration fees

(1) An applicant for registration of a variety must pay an application fee specified by ordinance and not exceeding 35,000 yen for each application.

(2) A person granted registration for a variety must pay a registration fee specified by ordinance and not exceeding 56,000 yen for each variety registered, each year for fifteen years, or eighteen years as specified in Section 12-4(2).

(3) The two preceding subsections do not apply where it is the State that would be required to pay application or registration fees.

(4) The registration fee for the first year under subsection (2) must be paid within thirty days from the date of public announcement under Section 12-4(4).

(5) The registration fee for the second year and each subsequent year under subsection (2) must be paid during the preceding year or prior thereto.

Section 12-13

Effect of convention

Where there are specific provisions relating to the protection of new plant varieties in a convention, such provisions shall prevail.

Section 13

Penal provisions

(1) Any person coming under any of the following paragraphs shall be liable to imprisonment with labor not exceeding one year or to a fine not exceeding 300,000 yen:

(i) a person who has obtained registration of a variety by means of a fraudulent act;

(ii) a person who transferred for a consideration the whole or a part of a plant of a registered variety as seeds and seedlings in contravention of Section 12-5(1).

(2) Prosecution of offenses committed under paragraph (ii) of the preceding subsection shall be initiated upon complaint.

Section 13-2

Any person coming under any of the following paragraphs shall be liable to a fine not exceeding 200,000 yen:

(i) a person who has sold designated seeds and seedlings that have been falsely labelled as to the information required under Section 3;

(ii) a person who has sold designated seeds and seedlings in contravention of an order or prohibition made under Section 4.

Section 14

Any person coming under any of the following paragraphs shall be liable to a fine not exceeding 100,000 yen:

(i) a person who failed to register under Section 2 or who made a false registration;

(ii) a person who, without good reason, has refused, obstructed or evaded collection under Section 5-2(1);

(iii) a person who fails to submit a report or documents under Section 6, or who submits a false report or false documents.

Section 15

Where an officer representing a legal person or a representative, employee or any other servant of a legal or a natural person, has committed an act in contravention of Section 13(1), Section 13-2, or paragraph (i) or (iii) of the preceding Section, with regard to the business of that legal or natural person, not only shall the offender be punished but that legal or natural person shall also be fined as prescribed in any of those sections.

Section 16

Any person who has contravened Section 12-6 shall be liable to an administrative penalty not exceeding 100,000 yen.

Membership of the Union (as at December 1, 1984)

State	Date of Entry into Force of*:		
	Convention 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	May 12, 1984
Italy	July 1, 1977	July 1, 1977	-
Japan	-	-	September 3, 1982
Mexico**	-	-	-
Netherlands	August 10, 1968	February 11, 1977	September 2, 1984
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	September 24, 1983
United States of America	-	-	November 8, 1981
Total (17 member States)	12	12	13

* Full titles: Convention 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.

CALENDAR

UPOV Meetings

1984

November 6 and 7	Technical Committee
November 8 and 9	Administrative and Legal Committee

1985

March 27 and 28	Administrative and Legal Committee
March 29	Consultative Committee
May 8 to 10 Wageningen (Netherlands)	Technical Working Party on Automation and Computer Programs
June 5 to 7 Hanover (Federal Republic of Germany)	Technical Working Party for Agricultural Crops (Subgroup on June 4)
June 19 to 21 Aarslev (Denmark)	Technical Working Party for Fruit Crops (Subgroup on June 18 at the same place)
June 25 to 27 Aarslev (Denmark)	Technical Working Party for Ornamental Plants and Forest Trees (Subgroups on June 24 at the same place and at Aars, Denmark)
July 9 to 12 Cambridge (United Kingdom)	Technical working Party for Vegetables (Subgroup on July 8)
October 14	Consultative Committee
October 15 and 16	Meeting with International Organisations
October 17 and 18	Council
November 12 and 13	Technical Committee
November 14 and 15	Administrative and Legal Committee

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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