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PLANT VARIETY PROTECTION

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

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GAZETTE

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

Israel

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule, 5748-1987 (Kovetz Hatakanot 5010, of February 27, 1987), the list of species to which the Law on the Rights of the Breeders of Plant Varieties applies was amended in respect of Asters and now includes the following entries:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Aster L.	Aster	Aster	Aster
Callistephus Cass.	Aster (China)	Aster, Aster de Chine, Reine-marguerite	Sommeraster

As regards the availability of protection to foreigners and the novelty condition, reference is made to Sections 3 and 71, and Section 7, respectively, of the Law on the Rights of the Breeders of Plant Varieties published in the "Legislation" subsection of Plant Variety Protection No. 47.

The list of taxa covered by plant variety protection legislation is given in the "Legislation" subsection of this issue, starting on page 28.

Italy

By virtue of the Ministerial Decree No. 192 of March 16, 1987 (Gazzetta Ufficiale of May 19, 1987), Concerning the Application to Further Botanical Genera and Species of the Decree of the President of the Republic No. 974 of August 12, 1975, Containing Standards for the Protection of New Plant Varieties, protection was extended to the following (the Latin and Italian names appear in the Ministerial Decree, 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>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Acacia Mill.	Acacia	Acacia	Acacia	Akazie
Acca sellowiana (Berg) Burret or Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa	Feijoa
Actinidia Lindl.	Actinidia	Actinidia	Actinidia	Strahlengriffel
Anemone L.	Anemone	Anemone	Anémone	Anemone, Windröschen
Annona cherimola Mill.	Annona o Cerimolia	Annona, Cherimoya	Chérimolier	"Cherimoya"
Antirrhinum majus L.	Bocca di leone	Common Snapdragon	Muflier, Gueule de loup, Gueule de lion	Gartenlöwenmaul
Carica pentagona	Babaco	Babaco	-	-
Citrullus lanatus (Thunb.) Matsum. et Nakai	Anguria o Cocomero	Watermelon	Pastèque	Wassermelone
Cucumis melo L.	Melone	Melon	Melon	Melone
Cupressus L.	Cipresso	Cypress	Cyprès	Zypresse

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Cyphomandra betacea (Cav.) Sendtn.	Tamarillo o Pionandra o Solano bietolone	Tamarillo, Tree Tomato	Tomate en arbre	Baumtomate
Euphorbia-Milii- Ibridi	Euforbia o Spina di Cristo	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Eustoma russellia- num (Hook.) G. Don	Rosa del Texas	Prairie Gentian	-	-
Forsythia Vahl	Forsizia	Forsythia, Golden Bell	Forsythia	Forsythie, Goldflieder, Goldglöckchen
Hydrangea L.	Ortenzia	Hydrangea	Hortensia	Hortensie
Impatiens-Nuova- Guinea-Ibridi	Balsamina	New Guinea Impatiens	Impatiente de Nouvelle-Guinée	Neu-Guinea- Impatiens
Ixia	Ixia	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Matthiola incana (L.) R. Br.	Violaciocca	Common Stock	Giroflée d'hiver	Levkoje
Orchis L.	Orchidea	Orchid	Orchidée	Orchidee
Passiflora edulis Sims	Passiflora o Frutto della Passione	Granadilla	Barbadine	Purpurgranadilla, Passionsfrucht
Pelargonium graveo- lens L'Hér. ex Ait.	Geranio	Geranium, Rose Pelargonium,	Géranium, Pelargonium mal- odorant	Rosenpelargonie
Persea americana Mill.	Avocado	Avocado	Avocatier	Avocado
Retama monosperma (L.) Boiss.	Ginestra	-	-	Retamastrauch
Sinningia speciosa (Lodd.) Hiern. and/or Sinningia X hybrida hort.	Gloxinia	Gloxinia	Gloxinia	Gloxinie
Ulmus L.	Olmo	Elm	Orme	Ulme
Zantedeschia Spreng.	Calla	Calla, Arum-lily	Calla	Zantedeschia, Kalla

The Law on Patents for Inventions (Royal Decree No. 1127 of June 29, 1939, as last amended by Decree of the President of the Republic No. 338 of June 22, 1979), which is the basic legal text governing plant variety protection in Italy, provides in its article 21 that "foreigners may obtain rights for an industrial invention on the same terms and conditions as those fixed for Italian citizens."

Pursuant to Article 4(2) of Decree of the President of the Republic No. 974 of August 12, 1975, the rights conferred by a patent in respect of a new plant variety "also extend to the production, marketing and introduction on the territory of the State of the products of the patented new variety, in cases where the predominant use of the variety occurs through the sale of plants, parts of plants or flowers to be used for ornamental purposes."

Pursuant to Article 7 of the said Decree, the duration of protection is 15 years from the date of the grant of the patent, except for plants with woody stems such as grapevines, fruit trees and their rootstocks, forest trees and ornamental trees. The effects of the patent run, moreover, from the filing date of the application.

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

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

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

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

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Acacia Mill.	Acacia	Acacia	Acacia	Akazie
Acca sellowiana (Berg) Burret or Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa	Feijoa
Actinidia Lindl.	Actinidia	Actinidia	Actinidia	Strahlengriffel
Agrostis spec.	Agrostidi	Bentgrass	Agrostis, Agrostide	Straussgras
Allium cepa L.	Cipolla	Onion	Oignon	Zwiebel
Allium porrum L.	Porro	Leek	Poireau	Porree
Alstroemeria L.	Alstroemeria	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie
Amygdalus communis L.	Mandorlo	Almond	Amandier	Mandel
Amygdalus communis L. X genus Prunus	Pesco X prugno	Peach X Plum	Pêcher X prunier	Pfirsich X Pflaume
Anemone L.	Anemone	Anemone	Anémone	Anemone, Windröschen
Annona cherimola Mill.	Annona o Cerimolia	Annona, Cherimoya	Chérimolier	"Cherimoya"
Antirrhinum majus L.	Bocca di leone	Common Snapdragon	Muflier, Gueule de loup, Gueule de lion	Gartenlöwenmaul
Apium graveolens L.	Sedano	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Asparagus officinalis L.	Asparagio	Asparagus	Asperge	Spargel
Avena sativa L.	Avena	Oats	Avoine	Hafer
Begonia elatior	Begonia	Begonia	Bégonia	Begonie
Beta vulgaris L.	Barbabietola da foraggio e da zucchero	Fodder and Sugar Beets	Betteraves fourragère et sucrière	Runkel- und Zuckerrübe

* The Latin names preceded by an asterisk have been added by the Office of the Union.

Les noms latins précédés d'un astérisque ont été ajoutés par le Bureau de l'Union.

Die durch ein Sternchen gekennzeichneten lateinischen Namen sind durch das Verbandsbüro eingetragen worden.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Brassica napus oleifera L.	Colza	Swede Rape, including Oilseed Rape	Colza	Raps
Brassica oleracea L.	Cavolfiore, Broccoli	Cauliflower, Sprouting Broccoli, Calabrese	Chou-fleur, Brocoli	Blumenkohl, Brokkoli, Spargelkohl
Capsicum annuum L.	Peperone	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
Carica pentagona	Babaco	Babaco	-	-
Castanea sativa Mill.	Castagno	Chestnut	Châtaignier	Kastanie
Chrysanthemum spec.	Crisantemi, Margherite	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margeriten
Cichorium endivia L.	Indivia, Scarola	Endive	Chicorée frisée, Scarole	Winterendivie
Cichorium intybus L.	Cicoria, Radicchio	Chicory	Chicorée, Endive	Salatzichorie, Wurzelzichorie
Citrullus lanatus (Thunb.) Matsum. et Nakai	Anguria o Cocomero	Watermelon	Pastèque	Wassermelone
Citrus limon L. (Burmam)	Limone	Lemon	Citronnier	Zitrone, Sauerzitrone, Limone
Citrus paradisi (Macfadyen)	Pompelmo	Grapefruit	Pomélo	Grapefruit
Citrus reticulata (Blanco)	Mandarino	Mandarine	Mandarinier	Mandarine
*Citrus reticulata X C. paradisi	Tangelo	Tangelo	Tangelo	Tangelo
*Citrus reticulata X C. sinensis	Tangor	Tangor	Tangor	Tangor
Citrus sinensis (L.) Osbeck	Arancio dolce	Orange	Oranger	Apfelsine, Orange
Codiaeum variegatum L.	Croton	Croton	Croton	Wunderstrauch, Croton
Cucumis sativus L.	Cetriolo	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Cucumis melo L.	Melone	Melon	Melon	Melone
Cucurbita pepo L.	Zucchini	Pumpkin, Marrow, Courgette	Courge, Citrouille, Pâtisson	Gartenkürbis, Oelkurbis
Cupressus L.	Cipresso	Cypress	Cyprès	Zypresse
Cyclamen persicum L.	Ciclamini	Cyclamens	Cyclamens de Perse	Alpenveilchen
Cynara scolymus L.	Carciofo	Globe Artichoke	Artichaut	Artischocke

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Cyphomandra betacea (Cav.) Sendtn.	Tamarillo o Pionandra o Solano bietolone	Tamarillo, Tree Tomato	Tomate en arbre	Baumtomate
Daucus carota L.	Carota	Carrot	Carotte	Möhre
*Dianthus spec.	Garofano	Carnation	Oeillet	Nelke
Dieffenbachia spec.	Dieffenbachia	Dieffenbachia	Dieffenbachia	Dieffenbachia
Dracaena spec.	Dracena	Dragon Tree	Dragonnier	Drachenbaum
Euphorbia-Milii- Ibridi	Euforbia o Spina di Cristo	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Euphorbia pulcherrima	Poinsettia	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Eustoma russellia- num (Hook.) G. Don	Rosa del Texas	Prairie Gentian	-	-
Ficus carica L.	Fico	Fig	Figuier	Echte Feige
Foeniculum vulgare P. Mill.	Finocchio	Fennel	Fenouil	Fenchel
Forsythia Vahl	Forsizia	Forsythia, Golden Bell	Forsythia	Forsythie, Goldflieder, Goldglöckchen
Fragaria L.	Fragola	Strawberry	Fraisier	Erdbeere
[Freesia-Hybridi] ¹	Fresia	Freesia	Freesia	Freesia
Gerbera spec.	Gerbera	Gerbera	Gerbera	Gerbera
Gladiolus spec.	Gladiolo	Gladiolus	Glaïeul	Gladiole
Glycine max L.	Soia	Soya Bean, Soybean	Soja	Sojabohne
Helianthus annuus L.	Girasole	Common Sunflower	Tournesol, Soleil	Sonnenblume
*Hordeum spec.	Orzo	Barley	Orge	Gerste
Hydrangea L.	Ortenzia	Hydrangea	Hortensia	Hortensie
Impatiens-Nuova- Guinea-Ibridi	Balsamina	New Guinea Impatiens	Impatiente de Nouvelle-Guinée	Neu-Guinea- Impatiens
Iris spec.	Iris	Iris	Iris	Iris
Ixia	Ixia	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Juglans regia L.	Noce	Walnut	Noyer	Walnuss
Lactuca sativa L.	Lattuga	Lettuce	Laitue	Salat
Lilium spec.	Lilium	Lily	Lis	Lilie
Lolium multiflorum Lam.	Loietto comune, Loietto italico	Italian Ryegrass, Westerwold Ryegrass	Ray-grass d'Italie	Welsches Weidelgras, Italienisches Raygras

¹ Ibridi del genere Freesia / Hybrids from the genus Freesia / Hybrides du genre Freesia / Hybriden der Gattung Freesia.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Malus communis</i> L.	Melo	Apple	Pommier	Apfel
<i>Matthiola incana</i> (L.) R. Br.	Violaciocca	Common Stock	Giroflée d'hiver	Levkoje
* <i>Medicago spec.</i>	Erba medica	Alfalfa, Lucerne	Luzerne	Schneckenklee
<i>Nicotiana tabacum</i> L.	Tabacco	Tobacco (common)	Tabac	Tabak
<i>Olea europaea</i> L.	Oliivo	Olive	Olivier	Oelbaum, Olive
<i>Orchis</i> L.	Orchidea	Orchid	Orchidée	Orchidee
* <i>Oryza spec.</i>	Riso	Rice	Riz	Reis
<i>Passiflora edulis</i> Sims	Passiflora o Frutto della Passione	Granadilla	Barbadine	Purpurgranadilla, Passionsfrucht
<i>Pelargonium spec.</i>	Gerani, Pelargoni	Geraniums, Pelargoniums	Géraniums, Pelargoniums	Pelargonien
<i>Pelargonium graveolens</i> L'Hér. ex Ait.	Geranio	Geranium, Rose Pelargonium,	Géranium, Pelargonium mal-odorant	Rosenpelargonie
<i>Persea americana</i> Mill.	Avocado	Avocado	Avocatier	Avocado
<i>Petunia spec.</i>	Petunia	Petunia	Pétunia	Petunie
<i>Phaseolus vulgaris</i> L.	Fagiolo	French Bean	Haricot	Gartenbohne
<i>Phoenix dactylifera</i> L.	Palma da dattero	Date, Date Palm	Palmier dattier	Dattelpalme
<i>Pistacia vera</i> L.	Pistacchio	Pistache	Pistachier	Echte Pistazie
<i>Pisum sativum</i> L.	Pisello da orto	Garden Pea	Pois (potager)	Gemüseerbse
<i>Poa spec.</i>	Poa	Meadow-Grass	Pâturin	Rispengras
* <i>Populus spec.</i>	Pioppo	Poplar	Peuplier	Pappel
<i>Prunus armeniaca</i> L.	Albicocco	Apricot	Abricotier	Aprikose
<i>Prunus avium</i> L.	Ciliegio dolce	Sweet Cherry	Cerisier (cerises douces : guignes, bigarreaux)	Süsskirsche
<i>Prunus cerasus</i> L.	Ciliegio ¹ acido	Morello, Sour Cherry	Cerisier (cerises acides: griottes, amarelles)	Sauerkirsche
<i>Prunus domestica</i>	Susino europeo	European Plum	Prunier européen	Europäische Pflaume
<i>Prunus persica</i> (Stokes)	Pesco	Peach	Pêcher	Pfirsich

¹ Nello testo originale, erroneamente denominato "Susino" / In the original text erroneously designated as "Susino" / Dans le texte original, dénommé par erreur "Susino" / Im Originaltext irrtümlicherweise als "Susino" bezeichnet.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Prunus persica</i> X <i>Amygdalus</i> <i>communis</i> L.	Pesco-mandorlo	Peach X Almond	Pêcher-amandier	Pfirsich X Mandel
[<i>Prunus salicina</i> Lindl.] ¹	Susino giapponese	Japanese Plum	Prunier japonais	Japanische Pflaume
<i>Pyrus communis</i> L.	Pero	Pear	Poirier	Birne
<i>Ranunculus</i> <i>asiaticus</i>	Ranuncolo	Garden Ranunculus	Renoncule des jardins	Ranunkel
<i>Retama monosperma</i> (L.) Boiss.	Ginestra	-	-	Retamastrauch
* <i>Rosa spec.</i>	Rosa	Rose	Rosier	Rose
<i>Saintpaulia</i> <i>ionantha</i> H. Wendl.	Saintpaulia	African Violet	Saintpaulia	Usambaraveilchen
<i>Secale cereale</i> L.	Segale	Rye	Seigle	Roggen
<i>Sinningia speciosa</i> (Lodd.) Hiern. and/or <i>Sinningia</i> X <i>hybrida hort.</i>	Gloxinia	Gloxinia	Gloxinia	Gloxinie
<i>Solanum</i> <i>lycopersicum</i> L.	Pomodoro	Tomato	Tomate	Tomate
<i>Solanum</i> <i>melongena</i> L.	Melanzana	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
<i>Solanum</i> <i>tuberosum</i> L.	Patata	Potato	Pomme de terre	Kartoffel
<i>Sorghum vulgare</i> L.	Sorgo	Sorghum	Sorgho	Mohrenhirse
<i>Spinacia</i> <i>oleracea</i> L.	Spinacio	Spinach	Epinard	Spinat
* <i>Trifolium spec.</i>	Trifoglio	Clover	Trèfle	Klee
<i>Triticale</i>	Triticale	Triticale	Triticale	Triticale
* <i>Triticum spec.</i>	Grano	Wheat	Blé	Weizen
<i>Ulmus</i> L.	Olmo	Elm	Orme	Ulme
<i>Vicia faba</i> L.	Fava	Broad Bean, Horse Bean, Field Bean, Tick Bean	Fève, Féverole	Dicke Bohne (Puffbohne), Ackerbohne
* <i>Vitis spec.</i>	Vite e suoi portainnesti	Grapevine, and its rootstocks	Vigne et ses porte-greffes	Rebe und derer Unterlagen
<i>Zantedeschia</i> Spreng.	Calla	Calla, Arum-lily	Calla	Zantedeschia, Kalla
* <i>Zea spec.</i>	Mais	Maize	Maïs	Mais

¹ Incroci interspecifici del genere *Prunus* di tipo giapponese con *Prunus* di tipo americano / Interspecific hybrids between Japanese types and American types from the genus *Prunus* / Hybrides interspecifiques entre types japonais et types américains du genre *Prunus* / Interspezifische Kreuzungen zwischen japanischen Typen und amerikanischen Typen der Gattung *Prunus*.

Netherlands

By virtue of the Order of January 16, 1987 (*Staatsblad* 1987 : 23, issued on February 17, 1987), Amending the Plant Breeders' Rights Order 1975, protection was extended to the following with effect from March 9, 1987 (the Latin and Dutch names appear in the above-mentioned 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>Nederlands</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Araceae Juss.	Aronskelk-achtigen	Plants of the Arum type	Plantes du type Arum	Aronstabartige Pflanzen
Aster L.	Aster	Aster, Michaelmas Daisy	Aster	Aster
Bouvardia Salisb.	Bouvardia	Bouvardia	Bouvardia	Bouvardie
Crocasmia Planch.	Montbretia	Crocasmia	Crocasmia	Crocasmia
Delphinium L.	Ridderspoor	Delphinium, Larkspur	Pied d'alouette	Rittersporn
Euphorbia milii Desm.	Christusdoorn	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Ficus benamina L	Waringin	-	-	-
Gentiana L.	Gentiaan	Gentian	Gentiane	Enzian
Gesneriaceae Dum.	Gloxinia-achtigen	Plants of the Gloxinia type	Plantes du type Gloxinia	Gloxinia-artige Pflanzen
Gloriosa L.	Gloriosa	Gloriosa	Gloriosa	Gloriosa
Gypsophila L.	Gipskruid	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Haemanthus L.	Haemanthus	Haemanthus, Blood Lily	Haemanthus	Blutblume
Hibiscus L.	Hibiscus	Rose-mallow	Hibiscus	Eibisch
Ilex L.	Hulst	Holly	Houx	Ilex, Stechpalme
Ixia L.	Ixia	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Lachenalia Jacq. f.	Lachenalia	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia
Leptospermum J.R. et G. Forst.	Leptospermum	Leptospermum	Leptospermum	Südseemyrte
Leucocoryne Lindl.	Leucocoryne	Leucocoryne	Leucocoryne	Leucocoryne
Leucothoë D. Don	Leucothoë	Leucothoë	Leucothoë	Traubenheide
Marantaceae Petersen	Maranta-achtigen	Plants of the Maranta type	Plantes du type Maranta	Maranta-artige Pflanzen
Oenothera L.	Teunisbloem	Oenothera, Evening Primrose	Onagre	Nachtkerze
Pelargonium L'Hér.	Geranium	Geranium, Pelargonium, Stork's Bill	Géranium, Pelargonium	Pelargonie
Rubus idaeus L.	Framboos	Raspberry	Framboisier	Himbeere
Schefflera J.R. et G. Forst.	Schefflera	Schefflera	Schefflera	Schefflera
Solidago L.	Guldenroede	Golden Rod	Verge d'or	Goldrute
Vitis L.	Wijnstok	Vine	Vigne	Rebe

The entries *Anthurium* Schott, *Saintpaulia ionantha* H. Wendl. and *Streptocarpus* Ldl. were deleted, being superseded by the new entry *Gesneriaceae* Dum. In addition, the Dutch names and specifications relating to the entries *Bromeliaceae* Juss., etc. and *Orchidaceae* Juss. were amended to read "*Bromelia-achtigen*" ("Plants of the *Bromelia* type") and "*Orchidee-achtigen*" ("Plants of the *Orchid* type"), respectively.

Pursuant to Article 2 of the Plant Breeders' Rights Order 1975, the duration of the breeder's right is 25 years for varieties of apple, cherry, common ash, elm, false acacia, pear, plum, poplar, potato and willow, and 20 years for varieties of other species.

As regards the availability of protection to foreigners, reference is made to the item "Netherlands: Amendment of the Ministerial Decision Concerning Reciprocity" published on page 5 of Plant Variety Protection No. 42.

The list of taxa covered by plant variety protection legislation is given overleaf (the Dutch and Latin names appear in the above-mentioned Order, as amended, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union).*

* A limited form of protection is also available for varieties of the taxa listed below. Those varieties may be the subject of an entry in the Dutch Register of Varieties under Article 18(2) of the Seeds and Planting Material Act. According to Section 85 of the Act, the effect of such entry is that propagating material of the variety may only be offered for sale, further commercialized or exported by the breeder or by any person who has obtained from the breeder foundation stock suitable for the production of propagating material.

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
1.a.	Suikerbiet	<i>Beta vulgaris</i> L.	Sugar Beet	Betterave sucrière	Zuckerrübe
b.	Voederbiet		Fodder Beet	Betterave fourragère	Runkelrübe
2.	Mergkool	<i>Brassica oleracea</i> L.	Marrow-stem Kale	Chou moellier	Markkohl
3.	Karwij	<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel
3bis	Gekruist raai-gras	<i>Lolium X hybridum</i> Hausskn.	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras
4.	Luzerne	<i>Medicago sativa</i> L. <i>Medicago X varia</i> Martyn	Lucerne, Alfalfa (Hybrid) Lucerne	Luzerne (cultivée) Luzerne hybride	Blaue Luzerne Bastardluzerne
5.	Serradelle	<i>Ornithopus sativus</i> Brot.	Serradella	Serradelle	Serradella
6.	Kanariezaad	<i>Phalaris canariensis</i> L.	Canary Grass, Canary Seed	Alpiste des Canaries, <i>Phalaris</i>	Kanariengras
7.	Rogge	<i>Secale cereale</i> L.	Rye	Seigle	Roggen
8.	Spurrie	<i>Spergula arvensis</i> L.	Corn Spurry	Spergule des champs, Spargoute, Espargoute, Fourrage de disette	Ackerspörgel, Ackerspark
9.	Alexandrijnse klaver	<i>Trifolium alexandrinum</i> L.	Berseem Clover	Trèfle d'Alexandrie	Alexandriner Klee
10.	Rode klaver	<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee
11.	Witte klaver	<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weissklee

List of Taxa Covered by Plant Variety Protection Legislation in the Netherlands

Liste des taxons couverts par la législation sur la protection des obtentions végétales aux Pays-Bas

Liste der taxonomischen Einheiten, die in den Niederlanden der Sortenschutzgesetzgebung unterliegen

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Champignon	Agaricus L.	Mushroom	Champignon de couche	Champignon
a.	Heidestruisgras	Agrostis canina L.	-	Agrostide des bruyères	Heidestraussgras
b.	Kruipend struisgras		Velvet Bent	Agrostis des chiens	Hundsstraussgras
	Hoog struisgras	Agrostis gigantea Roth	Red Top (Black Bent)	Agrostide blanche, Agrostide géante	Weisses Straussgras
	Wit struisgras	Agrostis stolonifera L.	Creeping Bent	Agrostide blanche, Agrostide stolonifère	Flechtstraussgras
	Gewoon struisgras	Agrostis tenuis Sibth.	Brown Top, Common Bent	Agrostide commune	Rotes Straussgras
a.	Prei	Allium L.	Leek	Poireau	Porree
b.	Sierui		Ornamental Allium	Allium ornamental	Zierlauch
c.	Sjalot		Shallot	Echalote	Schalotte
d.	Ui		Onion	Oignon	Zwiebel
	Incalelie	Alstroemeria L.	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie
	Dille	Anethum graveolens L.	Dill	Aneth	Dill
	Kervel	Anthriscus cerefolium (L.) Hoffm.	Chervil	Cerfeuil	Kerbel
	Selderij	Apium graveolens L.	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
	Frans raaigras	Arrhenatherum elatius (L.) Beauvois ex J.S. et K.B. Presl	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
	Aronskelk-achtigen	Araceae Juss.	Plants of the Arum type	Plantes du type Arum	Aronstabartige Pflanzen

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Asperge	Asparagus officinalis L.	Asparagus	Asperge	Spargel
	Aster	Aster L.	Aster, Michaelmas Daisy	Aster	Aster
	Haver	Avena sativa L.	Oats	Avoine	Hafer
	Begonia elatior hybriden	Begonia L.	Elatior Begonia	Bégonia elatior	Elatior-Begonie
a.	Kroot	Beta vulgaris L.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
b.	Snijbiet		Mangel, Leaf Beet, Swiss Chard	Bette commune, Poirée	Mangold
	Bougainville	Bougainvillea Comm.	Bougainvillea	Bougainvillier	Bougainvillea
	Bouvardia	Bouvardia Salisb.	Bouvardia	Bouvardia	Bouvardie
a.	Bladkool	Brassica napus L.	Swede Rape	Colza fourrager	Futerraps
b.	Koolraap		Swede	Chou-navet, Rutabaga	Kohlrübe
c.	Koolzaad		Oilseed Rape	Colza oléagineux	Olraps
a.	Bloemkool	Brassica oleracea L.	Cauliflower	Chou-fleur	Blumenkohl
b.	Boerenkool		Curly Kale	Chou frisé	Grünkohl
c.	broccoli		Sprouting Broccoli, Calabrese	Brocoli	Brokkoli, Spargelkohl, Sprossenbrokkoli
d.	Koolrabi		Kohlrabi	Chou-rave	Kohlrabi
e.	Rode kool		Red Cabbage	Chou rouge	Rotkohl
f.	Savooiekool		Savoy Cabbage	Chou de Milan	Wirsing
g.	Spruitkool		Brussels Sprouts	Chou de Bruxelles	Rosenkohl
h.	Witte kool		White Cabbage	Chou cabus	Weisskohl
a.	Raap	Brassica rapa L.	(Vegetable) Turnip	Navet (potager)	Mairübe, Herbstrübe
b.	Stoppelknol		(Fodder) Turnip	Navet (fourrager)	Stoppelrübe
	Bromelia-achtigen	Bromeliaceae Juss.: Aechmea Ruiz et Pav., Cryptanthus Klotzsch ex O. et D., Guzmania Ruiz et Pav., Neoregelia L.B. Sm., Tillandsia L., Vriesea Lindl.	Plants of the Brome- lia type	Plantes du type Bromelia	Bromelia-artige Pflanzen

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
a.	Paprika	Capsicum annuum L.	Sweet Pepper	Poivron	Paprika
b.	Spaanse peper		Chili	Piment	Spanischer Pfeffer
	Chrysant	Chrysanthemum L. sensu lato	Chrysanthemum	Chrysanthème	Chrysantheme
	Andijvie	Cichorium endivia L.	Endive	Chicorée frisée, Scarole	Winterendivie
	Witlof	Cichorium intybus L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
	Cotoneaster	Cotoneaster Med.	Cotoneaster	Cotoneaster	Cotoneaster
	Montbretia	Crocsmia Planch.	Crocsmia	Crocsmia	Crocsmia
	Meloen	Cucumis melo L.	Melon	Melon	Melone
a.	Augurk	Cucumis sativus L.	Gherkin	Cornichon	Essiggurke
b.	Komkommer		Cucumber	Concombre	Salatgurke
	Cyclamen	Cyclamen L.	Cyclamen	Cyclamen	Alpenveilchen
	Kamgras	Cynosurus cristatus L.	Crested Dog's-tail	Crételle	Kammgras
	Kropaar	Dactylis glomerata L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
	Dahlia	Dahlia Cav.	Dahlia	Dahlia	Dahlie
	Wortel	Daucus carota L.	Carrot	Carotte	Möhre
	Ridderspoor	Delphinium L.	Delphinium, Larkspur	Pied d'alouette	Rittersporn
	Anjer	Dianthus L.	Carnation	Oeillet	Nelke
	Kruisdistel	Eryngium L.	Eryngo	Panicaut	Edeldistel, Mannstreu
	Kardinaalshoed	Euonymus L.	Spindle Tree	Fusain	Pfaffenhütchen, Spindelstrauch
	Euphorbia	Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
	Christusdoorn	Euphorbia milii Desm.	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Poinsettia	Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
	Rietzwenkgras	Festuca arundinacea Schreb.	Tall Fescue	Fétuque élevée	Rohrschwingel
a.	Hardzwenkgras	Festuca ovina L. sensu lato	Hard Fescue	Fétuque durette	Härtlicher Schwingel
b.	Schapegras		Sheep's Fescue	Fétuque ovine, Fétuque des moutons, Poil de chien	Schafschwingel
	Beemdlangbloem	Festuca pratensis Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwingel
	Roodzwenkgras	Festuca rubra L.	Red Fescue, Creeping Fescue	Fétuque rouge	Rotschwingel
	Waringin	Ficus benjamina L	-	-	-
	Venkel	Foeniculum vulgare P. Mill.	Fennel	Fenouil	Fenchel
	Aardbei	Fragaria L.	Strawberry	Fraisier	Erdbeere
	Es	Fraxinus excelsior L.	Common Ash	Frêne élevé	Gemeine Esche
	Freesia	Freesia Klatt	Freesia	Freesia	Freesie
	Gentiaan	Gentiana L.	Gentian	Gentiane	Enzian
	Gerbera	Gerbera Cass.	Gerbera	Gerbera	Gerbera
	Gloxinia-achtigen	Gesneriaceae Dum.	Plants of the Gloxinia type	Plantes du type Gloxinia	Gloxinia-artige Pflanzen
	Gladiool	Gladiolus L.	Gladiolus	Glaïeul	Gladiole
	Gloriosa	Gloriosa L.	Gloriosa	Gloriosa	Gloriosa
	Gipskruid	Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
	Haemanthus	Haemanthus L.	Haemanthus, Blood Lily	Haemanthus	Blutblume
	Kerstroos	Helleborus L.	Hellebore	Hellébore	Nieswurz

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Hibiscus	Hibiscus L.	Rose-mallow	Hibiscus	Eibisch
Amaryllis	Hippeastrum Herb.	Amaryllis	Amaryllis	Ritterstern, Amaryllis
Gerst	Hordeum vulgare L. sensu lato	Barley	Orge	Gerste
Hyacint	Hyacinthus orientalis L.	Common Hyacinth	Jacinthe	Hyazinthe
Balsamien	Impatiens L.	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Hulst	Ilex L.	Holly	Houx	Ilex, Stechpalme
Iris	Iris L.	Iris	Iris	Iris, Schwertlilie
Ixia	Ixia L.	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Kalanchoë	Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lachenalia	Lachenalia Jacq. f.	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia
Sla	Lactuca sativa L.	Lettuce	Laitue	Salat
Tuinkers	Lepidium sativum L.	Cress	Cresson alénois	Gartenkresse
Leptospermum	Leptospermum J.R. et G. Forst.	Leptospermum	Leptospermum	Südseemyrte
Leucocoryne	Leucocoryne Lindl.	Leucocoryne	Leucocoryne	Leucocoryne
Leucothoë	Leucothoë D. Don	Leucothoë	Leucothoë	Traubenheide
Liatris	Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
Lelie	Lilium L.	Lily	Lis	Lilie
Vlas	Linum usitatissimum L.	Flax, Linseed	Lin	Lein
a. Italiaans raaigras	Lolium multiflorum Lam.	Italian Ryegrass	Ray-grass d'Italie	Italienisches Raygras
b. Westerwolds raaigras		Westerwold Ryegrass	Ray-grass de Westerwold	Welsches Weidelgras

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Engels raaigras	Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras
Witte lupine	Lupinus albus L.	White Lupin	Lupin blanc	Weisslupine
Blauwe lupine	Lupinus angustifolius L.	Blue Lupin	Lupin bleu	Blaue Lupine
Gele lupine	Lupinus luteus L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
Tomaat	Lycopersicon lycopersicum (L.) Karsten ex Farwell	Tomato	Tomate	Tomate
Mahonia	Mahonia Nutt.	Mahonia	Mahonia	Mahonie
Appel, voor zover gen siergewas	Malus Mill.	Apple, excluding ornamental varieties	Pommier, sauf variétés ornementales	Apfel, ausser Ziersorten
Maranta-achtigen	Marantaceae Petersen	Plants of the Maranta type	Plantes du type Maranta	Maranta-artige Pflanzen
Narcis	Narcissus L.	Narcissus, Daffodil, Jonquil	Narcisse, Jonquille	Narzisse
Nerine	Nerine Herb.	Nerine	Nerine	Nerine
Teunisbloem	Oenothera L.	Oenothera, Evening Primrose	Onagre	Nachtkerze
Orchidee-achtigen	Orchidaceae Juss.	Plants of the Orchid type	Plantes du type Orchidée	Orchideenartige Pflanzen
Blauwmaanzaad	Papaver somniferum L.	Opium Poppy	Oeillette, Pavot	Mohn
Geranium	Pelargonium L'Hér. ex Ait.	Geranium, Pelargonium, Stork's Bill	Géranium, Pelargonium	Pelargonie
Petersilie	Petroselinum crispum (Mill.) Nyman ex A.W. Hill	Parsley	Persil	Petersilie
Pronkboon	Phaseolus coccineus L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
Boon	Phaseolus vulgaris L.	French Bean	Haricot	Gartenbohne

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Kleine timothee	Phleum bertolonii DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
	Timothee	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
a.	Kapucijner	Pisum sativum L. sensu	Brown Marrow Fat Pea	Pois à écosser	Schlerbse
b.	Erwt	lato	Pea	Pois	Erbse
c.	Peul		Sugar Pea	Pois mangetout	Zuckererbse
	Straatgras	Poa annua L.	Annual Meadow-grass	Pâturin annuel	Einjähriges Rispengras
	Plathalmig beemdgras	Poa compressa L.	Canada Bluegrass, Flattened Meadow- grass	Pâturin comprimé	Flaches Rispengras
	Bosbeemdgras	Poa nemoralis L.	Wood Meadow-grass	Pâturin des bois	Hainrispengras
	Moerasbeemdgras	Poa palustris L.	Swamp Meadow-grass	Pâturin des marais	Sumpfrispengras
	Veldebeemdgras	Poa pratensis L.	Kentucky Bluegrass, Smooth Stalked Meadow-grass	Pâturin des prés	Wiesenrispengras
	Ruwbeemdgras	Poa trivialis L.	Rough Stalked Meadow-grass	Pâturin commun	Gemeines Rispengras
	Populier	Populus L.	Poplar	Peuplier	Pappel
	Potentilla	Potentilla L.	Cinquefoil	Potentille	Fingerkraut
a.	Kers, voor zover geen siergewas	Prunus L.	Cherry, excluding ornamental varieties	Cerisier, sauf va- riétés ornementales	Kirsche, ausser Ziersorten
b.	Pruim, voor zover geen siergewas		Plum, excluding or- namental varieties	Prunier, sauf varié- tés ornementales	Pflaume, ausser Ziersorten
	Peer	Pyrus communis L.	Pear	Poirier	Birne
a.	Bladramenas	Raphanus sativus L.	Fodder Radish	Radis oléifère, Radis chinois	Olrettich
b.	Radijs		Radish	Radis de tous les mois	Radieschen
c.	Ramenas		Black Radish	Radis d'été, d'au- tomne et d'hiver	Rettich
	Rabarber	Rheum rhabarbarum L.	Rhubarb	Rhubarbe	Krauser Rhabarber

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Lidcactus	Rhipsalidopsis Britt. et Rose (incl. Epiphyll- opsis Berger), Schlum- bergera Lem., Zygocactus K. Schum	Cactus with jointed stems [Easter and Christmas Cactuses]	Cactus à articles [cactus de Pâques et de Noël]	Gliederkactus [Oster- und Weihnachtskactus]
a.	Azalea	Rhododendron L.	Azalea	Azalée	Azalee
b.	Rhododendron		Rhododendron	Rhododendron	Rhododendron
	Bes, voor zover geen siergewas	Ribes L.	Currants, Goose- berry, excluding ornamental varieties	Cassis, Groseil- liers, sauf variétés ornementales	Johannisbeeren, Stachelbeere, ausser Ziersorten
	Acacia	Robinia pseudoacacia L.	False Acacia	Robinier faux-acacia	Gemeine Robinie, Scheinakazie
	Roos	Rosa L.	Rose	Rosier	Rose
	Framboos	Rubus idaeus L.	Raspberry	Framboisier	Himbeere
	Wilg	Salix L.	Willow	Saule	Weide
	Schefflera	Schefflera J.R. et G. Forst.	Schefflera	Schefflera	Schefflera
	Schorseneer	Scorzonera hispanica L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
	Gele mosterd	Sinapis alba L.	White Mustard	Moutarde blanche	Weisser Senf
	Aubergine	Solanum melongena L.	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
	Aardappel	Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
	Guldenroede	Solidago L.	Golden Rod	Verge d'or	Goldrute
	Spinazie	Spinacia oleracea L.	Spinach	Epinard	Spinat
	Sering	Syringa L.	Lilac	Lilas	Flieger
	Tarwe	Triticum aestivum L. emend. Fiori et Paolet- ti; Triticum durum Desfontaines	Wheat	Blé	Weizen

	<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
	Tulp	Tulipa L.	Tulip	Tulipe	Tulpe
	Iep	Ulmus L.	Elm	Orme	Ulme
	Veldsla	Valerianella locusta (L.) Laterrade	Cornsalad, Lamb's Lettuce	Mâche, Doucette	Feldsalat
a.	Tuinboon	Vicia faba L.	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
b.	Veldboon		Field Bean, Tick Bean	Féverole	Ackerbohne
	Voederwikke	Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
	Wijnstok	Vitis L.	Vine	Vigne	Rebe
	Mais	Zea mays L.	Maize	Maïs	Mais

Spain

By Order No. 20409 of July 17, 1986 (Boletín Oficial del Estado No. 181 of July 30, 1986), Establishing Protection for New Varieties of Triticale, protection was extended to the crop mentioned in the title of the Order, with effect from July 30, 1986.

The duration of protection was set at 16 years.

In the case of triticale, which is not listed in the Annex to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, the Spanish authorities will not avail themselves of the possibility provided in Article 4(4) of the Convention of limiting the benefit of the protection to the nationals of those member States of the Union which apply the Convention to that species and to natural and legal persons resident or having their registered office in any of those States. Concerning applicants from countries with which Spain has not concluded an agreement for the protection of new varieties of plants, reference is made to Plant Variety Protection No. 30, page 41.

The list of the genera and species which are covered by plant variety protection legislation is given below, with the relevant duration of protection. The Spanish common names appear in the Orders No. 29194 of November 16, 1978, No. 14072 of May 26, 1982, No. 6125 of April 16, 1985 and No. 20409 of July 17, 1986. The English, French and German common names have been added, without guarantee of concordance, by the Office of the Union.

Plant Variety Protection in Spain/Protection des obtentions végétales en Espagne/Sortenschutz in Spanien

<u>Español</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>1</u>
Alfalfa	Lucerne, Alfalfa	Luzerne	Luzerne	16
Arroz	Rice	Riz	Reis	16
Avena	Oats	Avoine	Hafer	16
Cebada	Barley	Orge	Gerste	16
Clavel	Carnation	Oeillet	Nelke	16
Girasol	Sunflower	Tournesol	Sonnenblume	16
Guisantes	Peas	Pois	Erbsen	16
Habas	Broad Beans	Fèves	Dicke Bohne, Ackerbohne	16
Híbridos de almendro por melocotonero	Hybrids between almond and peach	Hybrides entre amandier et pêcher	Hybriden zwischen Mandel und Pfirsich	20
Judias	Beans	Haricots	Bohnen	16
Lechuga	Lettuce	Laitue	Salat	16
Limonero	Lemon	Citronnier	Zitrone, Limone, Zitronatzitrone	20
Maíz (exclusiva- mente limitada a líneas puras)	Maize (limited to pure lines only)	Maïs (limitée aux seules lignées pures)	Mais (nur auf reine Linien beschränkt)	16
Mandarino	Mandarine	Mandarinier	Mandarine	20

1 Duration in years/Durée en années/Dauer in Jahren

<u>Español</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>1</u>
Manzano (exclusivamente limitada a variedades)	Apple (limited to fruiting varieties only)	Pommier (limitée aux seules variétés fruitières)	Apfel (nur auf Obstsorten beschränkt)	20
Melocotonero	Peach	Pêcher	Pfirsich	20
Naranja	Orange	Oranger	Apfelsine, Orange	20
Nectarina	Nectarine	Nectarinier	Nektarine	20
Patata	Potato	Pomme de terre	Kartoffel	15
Pomelo	Grapefruit	Pomélo	Grapefruit	20
Rosal	Rose	Rosier	Rose	18
Soja	Soya Bean	Soja	Soja	16
Trigo	Wheat	Blé	Weizen	16
Triticale	Triticale	Triticale	Triticale	16
Veza comun	Common Vetch	Vesce commune	Saatwicke	16

NEWSLETTER

UPOV

The International Union for the Protection of New Varieties of Plants in 1986

State of the Union

There was no change during 1986 in the number of member States, which therefore remained at the previous year's figure of 17: Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

It was on the other hand noteworthy for an increase in the number of States bound by the Revised Act of October 23, 1978, of the Convention: the Federal Republic of Germany and Italy deposited their instruments of ratification of that Act on March 12 and April 28, respectively. The Act entered into force for those two States on April 12 and May 28, 1986, respectively. It is now binding on 15 of the 17 member States (Belgium and Spain have not yet ratified it).

Staff of the Office of the Union

Dr. Heribert Mast, Vice Secretary-General of the Union since March 1, 1974, resigned on August 11, 1986, for reasons of health. He died shortly afterwards. Dr. Walter Gfeller, Head of the Swiss Office for the Protection of New Varieties and a member of the UPOV Council since 1977, when Switzerland became a member State of UPOV, succeeded him on November 30, 1986.

Sessions

During 1986, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

Council

The Council held three sessions in 1986 under the chairmanship of Mr. J. Rigot (Belgium): the sixth extraordinary session on September 29, the seventh extraordinary session in Paris (France) on December 1 and the twentieth ordinary session, also in Paris, on December 2. The latter date and place were appointed for the celebration of the twenty-fifth anniversary of the UPOV Convention (signed on December 2, 1961).

At its sixth extraordinary session, the Council appointed a new Vice Secretary-General.

At its seventh extraordinary session, the Council noted the intention of the Minister of Agriculture of France to decorate the President of the Council and the Secretary-General with the insignia of Officer of the Order of Agricultural Merit.

Whereas the extraordinary sessions were confined strictly to delegations of member States, the twentieth ordinary session of the Council took place with the participation of observers from Argentina, Finland, Norway and Poland and also the European Economic Community (EEC) and the Food and Agriculture Organization of the United Nations (FAO).

At that session, the Council:

(i) approved the report of the Secretary-General on the activities of the Union in 1985 and the first nine months of 1986, the report on his management and the financial situation of the Union in 1985, and the accounts of the Union for 1985;

(ii) renewed the mandate of Switzerland as auditor of the UPOV accounts up to the end of the 1989 financial year;

(iii) approved the progress reports on the work of its various subsidiary bodies and their plans for future work;

(iv) elected Mr. S.D. Schlosser (United States of America) and Mr. W.F.S. Duffhues (Netherlands) President and Vice-President respectively of the Council for a term of three years, expiring at the end of the twenty-third ordinary session of the Council in 1989, Mr. J.K. Doodson (United Kingdom) and Mr. G. Fuchs (Federal Republic of Germany) Chairman and Vice-Chairman respectively of the Technical Committee, for the same term, and extended by one year the term of Mrs. V. Silvey (United Kingdom) at the head of the Technical Working Party on Automation and Computer Programs.

With regard to the work of subsidiary bodies, the Council mainly decided on the principle of a revision of the Convention for the purpose of further improving it, and even extending it to other types of living material. It also adopted the UPOV Recommendations on the Harmonization of the Lists of Protected Species. It took note of a motion by the Vegetable Seed Section of the International Federation of the Seed Trade (FIS) relating to the extension of the scope of protection pursuant to Article 5(4) of the Convention, and stressed the importance of the Recommendation on Article 5 of the Convention adopted at the 1978 Diplomatic Conference. Finally it noted the Technical Committee's decision to introduce a new statistical method for interpreting distinctness data for grasses (combined over-years analysis) and to look into the possibilities of using that method for other species also.

Symposium

The twentieth ordinary session of the Council was followed, on December 2 and 3, 1986, by a Symposium in honor of the 25th anniversary of the UPOV Convention. The program consisted of three addresses, two lectures and a debate. The addresses were given by the President of the Council of UPOV, Mr. J. Rigot (Belgium), the Secretary-General, Dr. A. Bogsch, and, on behalf of the French Minister of Agriculture, Mr. H.P. Culaud, Deputy Director of the Minister's Office. The first lecture, on the subject of "The Contribution of Plant Breeding to Food Production," was given by a breeder from the private sector, Dr. C. Mastenbroek (Netherlands), who among other things had been President of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) from 1980 until the summer of 1986. The second

lecture, on "Plant Breeding: A Common Undertaking for Laboratories, Experimental Networks and Firms," was given by a research scientist from the public sector, Mr. A. Cauderon, at present Director of the French Genetic Resources Office and Chairman of the Standing Technical Committee on Plant Breeding (CTPS), member of the Institut de France (Academy of Sciences) and Perpetual Secretary of the French Academy of Agriculture.

The Symposium was followed by visits to French plant breeding stations and bodies, both public and private, on December 4 and 5.

Those present at the Symposium consisted of the participants in the Council session, representatives of the International Seed Testing Association (ISTA), members of seven international non-governmental organizations (International Association of Horticultural Producers (AIPH), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit Tree Varieties (CIOFORA), Association of Plant Breeders of the European Economic Community (COMASSO), Seed Committee of the Common Market (COSEMCO) and the International Federation of the Seed Trade (FIS)), individual participants and a number of French personalities. The "Fathers of the Convention" and the retired former Presidents of the Council also took part in the Symposium as guests of honor.

Consultative Committee

The Consultative Committee held two sessions in 1986 under the chairmanship of Mr. J. Rigot (Belgium), mainly to prepare the twentieth ordinary session of the Council and the celebration of the twenty-fifth anniversary of the UPOV Convention: the thirty-third on April 15 and 18 and the thirty-fourth in Paris on December 1.

Administrative and Legal Committee and Biotechnology Subgroup

The Administrative and Legal Committee held two sessions in 1986 under the chairmanship of Mr. F. Espenhain (Denmark), its seventeenth on April 16 and 17 and its eighteenth on November 18 and 19. An observer from the EEC took part in each of those sessions. The Biotechnology Subgroup of the Committee also met twice, on the eve of each of the Committee sessions.

At its two sessions, the Committee considered a number of subjects relating to: (i) the application of the Convention to botanical genera and species (Article 4 of the Convention); (ii) the scope of protection (Article 5); (iii) minimum distances between varieties (Articles 5 and 6); (iv) variety denominations (Article 13); and (v) biotechnology and plant variety protection.

On the subject of the application of the Convention to botanical genera and species, the Committee noted at its eighteenth session the wishes of the international professional organizations, submitted in the form of lists of priorities. It will continue its consideration of this matter when it has received the wishes of all the organizations concerned. At the same session the Committee was presented by the Subgroup with a recommendation that the extension of protection to all botanical genera and species should be made compulsory, and also with a proposal that, in the long term, a study be made to see whether the system embodied in the UPOV Convention should not also be extended to microorganisms (if they were not considered plants) and to animals. The Committee embarked on these questions only very briefly.

On the subject of the scope of protection, the Committee engaged in a general discussion at its seventeenth session. At its eighteenth session it considered, without reaching a conclusion for the time being, a document drawn up by the Office of the Union containing, in the form of a recommendation, model provisions for very extensive protection. Those model provisions provided that, subject to limited exceptions and an exhaustion of rights principle adapted to the live subject matter of the protection, the owner of protection would enjoy exclusive rights in the exploitation of the protected variety. The Subgroup also presented it with recommendations on the same lines. Finally, it noted a motion of the Vegetable Seed Section of FIS and forwarded it to the Council (see above).

On the subject of variety denominations, the Committee debated the revision of the UPOV Recommendations on Variety Denominations at both sessions with a view to adjusting them, as far as possible, to the wishes of users.

On the subject of biotechnology and plant variety protection, the Committee noted at its seventeenth session the results of the discussions at the second Meeting with International Organizations, held on October 15 and 16, 1985, the UPOV/WIPO information meeting on January 10, 1986, and the second session of the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property. In particular the Committee noted that, according to paragraph 64 of the report on the above session, "with the exception of the Delegations of Ireland and of Japan and the representatives of several non-governmental organizations, which expressed themselves in favor of patent protection for all biotechnological inventions without exception, all other Government delegations which spoke on this matter said that the time was not yet ripe for taking a decision on the question of abolishing the exclusion of plant varieties, as well as the exclusion of animal varieties and essentially biological processes, from patenting."

Also at the seventeenth session, the Committee had an exchange of views on:

(i) the decision handed down in in re Hibberd by the US Board of Patent Appeals and Interferences of the United States Patent and Trademark Office (the highest administrative jurisdiction in respect of patents);

(ii) the communication by the Swiss Federal Intellectual Property Office concerning its guidelines for the examination of patent applications in the field of biotechnology.

Technical Committee

The Technical Committee held its twenty-second session on November 20 and 21, 1986, under the chairmanship of Mr. J.-M. Elena Rossello (Spain). The session was attended by an observer from the Commission of the European Communities.

On the basis of preparatory work carried out by the Technical Working Parties, the Technical Committee adopted six Test Guidelines (for Apple, Elatior Begonia, Impatiens, Juniper, Potato and Raspberry) and examined a number of questions that had arisen from the practical experience gained by the offices of member States when conducting tests for distinctness, homogeneity and stability in the framework of their examination of new varieties.

As in previous years, the Committee dealt with many and various subjects. In addition to the decision recorded above in the report on the twentieth ordinary session of the Council, a mention should be made here of its work on increasing the informativeness of the Union's technical documentation. In particular, the Committee adopted a new format for the Test Guidelines and approved the publication of a bibliographic list on the testing of varieties. In addition it adopted a revised UPOV Variety Description Form, which forms part of the UPOV Model for a Report for the Examination of a Variety.

Technical Working Parties

The Technical Working Party on Automation and Computer Programs held its fourth session in Hanover, Federal Republic of Germany, from May 21 to 23, 1986.

The most important subject considered by this Working Party had to do with the testing of varieties for homogeneity. For self-pollinated plants, the Working Party recommended steps for greater harmonization of the methods of interpreting data used by member States. For cross-pollinated varieties, it continued studying a new, more elaborate and statistically more reliable testing method.

The Technical Working Party for Agricultural Crops held its fifteenth session in Dublin, Ireland, from June 4 to 6, 1986.

The main task of this and the following Working Parties consists in drawing up or revising Test Guidelines, which are of great importance because, among other things, they define the variety concept for the species under

consideration. In that connection the Working Party concerned itself more especially with the documents on Lucerne, on Turnip, Turnip Rape and on Triticale. Another activity which in the long run has considerable implications for the actual variety concept, and consequently for the activities of UPOV, consists in studying the practical possibilities offered by electrophoresis for the testing of wheat varieties. The work on this subject will continue.

The Technical Working Party for Fruit Crops held its seventeenth session in Wädenswil, Switzerland, from September 17 to 19, 1986.

The Working Group mainly worked on the establishment or revision of Test Guidelines for Guava, Gooseberry, Macadamia and Mango.

The Technical Working Party for Ornamental Plants and Forest Trees held its nineteenth session in Wageningen, Netherlands, from July 16 to 18, 1986.

The Working Party concentrated on the establishment or revision of Test Guidelines for Alstroemeria, Gladiolus, Pelargonium (zonal and ivy-leaved) and Show and Fancy Pelargoniums.

The Technical Working Party for Vegetables held its nineteenth session in Salerno, Italy, from May 27 to 29, 1986.

The Working Party worked mainly on the establishment or revision of Test Guidelines for Eggplant, for Endive, for Vegetable Marrow, Pumpkin, for Melon and for Turnip, Turnip Rape.

Contacts with States and Organizations

On January 10, 1986, an information meeting was held on biotechnology and intellectual property, organized jointly by UPOV and WIPO. Representatives of plant variety protection offices, industrial property protection offices and professional circles that made use of one or other form of protection (or both) took part in the meeting.

In January 1986 the Vice Secretary-General took part in a meeting of the Committee for the Protection of Plant Breeders' Rights of the International Association of Horticultural Producers (AIPH), which was held in Berlin (West).

UPOV was represented in an observer capacity at the second session of the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property, which was held from February 3 to 7, 1986.

In February 1986 the Vice Secretary-General took part in a Plant Breeding Symposium held in Lincoln (New Zealand), organized by the Crop Research, Grasslands, Horticulture and Processing Divisions of the New Zealand Department of Scientific and Industrial Research. He gave a lecture on plant breeders' rights and the UPOV Convention.

While he was in New Zealand, the Vice Secretary-General was invited to visit Australia, where he met the Minister for Primary Industry and also a number of Parliamentarians and officials involved in the consideration of the introduction of plant breeders' rights in Australia.

On April 18, 1986, UPOV organized an Information Meeting with international organizations on variety denominations, in which representatives of AIPH, ASSINSEL, CIOPORA, COMASSO and FIS took part.

In May 1986, the Vice Secretary-General took part in the annual meeting of the German Plant Breeders' Association (Bundesverband Deutscher Pflanzenzüchter), held in Hamelin (Federal Republic of Germany). He gave a lecture on "The Relationship Between Plant Variety Protection and Patent Protection in the Light of Developments in Biotechnology."

Also in May 1986, the Vice Secretary-General took part in the Congress of the International Federation of the Seed Trade (FIS) and in the Congress of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), both of which were held in San Francisco (United States of America).

On September 16, 1986, a staff member of the Office of the Union took part, in Rome (Italy), in a conference organized by the (Italian) National Liaison Body for Floriculture and Nurseries with the cooperation of the Società italiana brevetti, on the subject of "The Evolution of Plant Variety Protection in Italy and its Incidences on Research, Competition, Modernization and Specialization in the Field of Agriculture and Especially in the Field of Floriculture and Nurseries." He gave a lecture on the future prospects of plant variety protection at the international level.

Publications

In 1986 the Office of the Union published three issues of Plant Variety Protection; the Collection of Plant Variety Protection Laws and Treaties (UPOV publication No. 651(E)) and a supplement; and two supplements to the Collection of the Texts of the UPOV Convention and Other Important Documents Established by UPOV (UPOV publication No. 644(E), (F) and (G)).

GENERAL STUDIES

Biotechnological Inventions and Legislation

Ragnhild Walles*

Plant Variety Protection has made its columns available to the discussions that the legal protection of biotechnological inventions has raised in the Nordic countries, in particular in Sweden (see the articles entitled "Biological Inventions and Swedish Patent Legislation" by Tore Oredsson in PVP No. 48, pp. 37-63, L. Björklund and R. Walles, ibid., pp. 64-65, Ragnhild Walles in PVP No. 50, pp. 32-41, and Tore Oredsson, ibid., pp. 42-45). The note below is a comment on the second article by Mr. Tore Oredsson. It is an extract of a key note which appeared in issue No. 1 of 1986 of Nordiskt Immateriellt Rättsskydd (pp. 71-74) and is reproduced with kind permission of the periodical and the author. Another part of the note had been incorporated in the article published in PVP No. 50.

It goes without saying that the views expressed do not necessarily correspond to the views of UPOV or its member States.

Mr. Oredsson states that I seem to have misunderstood certain parts of his article. However that viewpoint is not further developed. In the absence of such development I can only state that I am happy if our views are more similar than I thought.

Another general statement by Mr. Oredsson is that the obscure wording of the patent law will have serious effects on research and development. However, Mr. Oredsson's doubts about the patent system application will have serious effects on research and development. On the contrary I feel that with the application of the patent law made e.g. by the Swedish Patent Office and the European Patent Office research and development is enhanced. As could be heard from the speech made by Erik Tersmeden at a seminar at Bioteknik 85 in Malmö on November 13, 1985, the view of the Ministry of Justice at least until now has been essentially the same as mine. E. Tersmeden has been the representative of the Ministry of Justice in the discussions of these matters within WIPO but has now assumed other responsibilities within the Ministry.

[Cont'd on page 61]

* Head of Division, Swedish Patent Office.

ISRAEL

[These pages replace the corresponding pages published in Plant Variety Protection No. 47]

the application for registration under this Law, provided that the application for registration under this Law is filed within twelve months from the date of the coming into force of section 72 and other conditions prescribed by regulations are fulfilled. If the application for a priority right is granted, the period of the breeder's right shall be reckoned from the date of registration of the breeder's right in that Convention state.

(c) Notwithstanding the provisions of subsection (b) and section 102, the Minister may, by regulations, apply subsection (b) in respect of any state, whether or not it is a Convention state, if it appears to him that that state accords reciprocity to Israel in this matter.

(d) Nothing in this Law shall be construed as granting relief for infringement of a breeder's right in respect of the period before the coming into force of this Law.

Section 104

Implementation and Regulations

The Minister is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including-

- (1) registration procedure;
- (2) procedure in proceedings before the Council or the Registrar under this Law;
- (3) forms for applications under this Law, the mode of drawing up specifications, and the mode of representing a variety in the specification;
- (4) the fees payable in respect of applications filed under this Law, acts of the Registrar or the Council, the registration and renewal of registration of a breeder's right, and other services under this Law;
- (5) payment for an opinion or the carrying out of research;
- (6) the preparation, readying for the press, printing, publication and sale of abridgments of specifications, specifications of breeders' rights and other publications by or on behalf of the Council or the Registrar;
- (7) the issue of certificates under this Law attesting to registration of a breeder's right in the Register of Rights;
- (8) the payment of expenses incurred by the members of the Council in respect of their participation in the activities thereof;
- (9) the payment of expenses to witnesses and experts who have given evidence or opinions before the Council or the Registrar;
- (10) the assignment of experimental plots, and laboratories, for the testing of new varieties, within the framework of farms of the Ministry of Agriculture or otherwise;
- (11) the circumstances of the discontinuance of the tenure of a member of the Council.

Section 105

Publication

This Law shall be published in Reshumot within thirty days from the date of its adoption by the Knesset.

SCHEDULE*

(Section 2)

Plants to Which the Law Applies

<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	Alstroèmère, 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	Aster
Avena sativa L.	Oat	Avoine	Hafer
Begonia L.	Begonia	Bégonia	Begonie
Brassica oleracea L. convar. botrytis (L.) Alef.	Cauliflower	Chou-fleur	Blumenkohl
Callistephus Cass.	Aster (China)	Aster, Aster de Chine, Reine-marguerite	Sommeraster
Capsicum annuum 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

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

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

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

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel
<i>Carya illinoensis</i> (Wangenh.) C. Koch	Pecan Nut	Pacancier	Pekan, Pekannuss
<i>Catharanthus roseus</i> (L.) G. Don	Vinca	Catharanthus	Catharanthus
<i>Chrysanthemum</i> L.	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cicer arietinum</i> L.	Chick-pea	Pois chiche	Kichererbse
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
<i>Citrus spec.</i>	Citrus	Agrumes	Zitrus
<i>Cucumis melo</i> L.	Muskmelon	Melon	Melone
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita pepo</i> L.	Pumpkin, Marrow, Courgette	Courge, Pâtisson, Citrouille	Gartenkürbis, Olkürbis
<i>Cynara</i> spp.	Artichoke, Cardoon	Artichaut, Cardon	Artischoke, Kardone
<i>Dianthus</i> L.	Carnation	Oeillet	Nelke
<i>Diospyros kaki</i> L. f.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume
<i>Duboisia leichardtii</i> F. Moell.	Duboisia	Duboisia	Duboisie
<i>Eriobotrya japonica</i> (Thunb.) Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere
<i>Freesia Klatt</i>	Freesia	Freesia	Freesie
<i>Gerbera</i> L.	Gerbera	Gerbera	Gerbera
<i>Gladiolus</i> L.	Gladiolus	Glaïeul	Gladiole
<i>Gossypium</i> L.	Cotton	Cotonnier	Baumwolle
<i>Gypsophila</i> L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
<i>Helianthus annuus</i> L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
<i>Hordeum vulgare</i> L.	Barley	Orge	Gerste
<i>Impatiens</i> L.	Impatiens, Busy Lizzie, Balsam, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
<i>Iris</i> L.	Iris	Iris	Iris, Schwertlilie
<i>Kalanchoë</i> Adans.	Kalanchoë	Kalanchoë	Kalanchoë

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat
<i>Leucadendron</i> R. Br.	Leucadendron	Leucadendron	Leucadendron
<i>Leucospermum</i> R. Br.	Leucospermum	Leucospermum	Leucospermum
<i>Liatris</i> Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
<i>Lilium</i> L.	Lily	Lis	Lilie
<i>Limonium</i> Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel
<i>Litchi sinensis</i> Sonn.	Litchi	Litchi	Litschi
<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	Oelbaum, 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>	<i>Pétunia</i>	<i>Petunie</i>
<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.	Ranunculus, Buttercup	Renoncule	Hahnenfuss

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Raphanus sativus L.	Radish	Radis	Rettich
Ricinus communis L.	Castorbean	Ricin	Wunderbaum, Palma Christi
Rosa L.	Rose	Rosier	Rose
Saintpaulia ionantha H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
Sesamum indicum L.	Sesame	Sésame	Sesam
Simmondsia chinensis (Link) Schneid.	Jojoba	-	-
Solanum melongena L. var. esculentum Nees	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
Sorghum vulgare Pers.	Sorghum	Sorgho	Mohrenhirse
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

NETHERLANDS

Seeds and Planting Material Act*

Consolidated Text of the Act of October 6, 1966,
as Last Amended by the Act of May 2, 1984**

CHAPTER I

DEFINITIONSSection 1

For the purposes of this Act:

"Our Minister" shall mean Our Minister for Agriculture and Fisheries;

"The Board" shall mean the Board for Plant Breeders' Rights, referred to in Section 5;

"Union" shall mean the Union for the Protection of New Varieties of Plants, constituted by the States that are party to the International Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961;

"Member State of the Union" shall mean a State that is a member of the Union.

Section 2

For the purposes of this Act:

"Variety" shall mean any group of plants belonging to a cultivated species that is regarded as an independent unit for cultivation purposes;

"Propagating material" shall mean plants or parts thereof that are intended for cultivation by planting or sowing or by any other means;

"Commercialization" shall mean offering for sale, selling and supplying;

"Putting on the market" shall mean the first act of commercialization.

* Full title: Act Containing New Provisions Governing Plant Breeders' Rights and the Trade in the Propagating Material of Agricultural and Horticultural Species (Seeds and Planting Material Act)

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

Act of October 6, 1966: Stb. 455

Act of May 8, 1969 (Amending Some Articles of the Lawbook of Penal Law, [...] the Seeds and Planting Material Act [...]): Stb. 191

Act of September 7, 1972 (Amending Some Provisions Relating to the Organization of the Judiciary): Stb. 461

Act of February 4, 1981 (Providing for an Office of National Ombudsman and Amending Several Acts): Stb. 35

Act of January 25, 1984 (Providing for Some Simplifications in the Law of Persons and Families and in the Civil Law Procedure): Stb. 19

Act of May 2, 1984 (Approving the Revision of the International Convention for the Protection of New Varieties of Plants and Amending the Seeds and Planting Material Act): Stb. 238

Entry into force (of last amendments): May 1, 1986 (by virtue of an Order of November 12, 1985 (Stb. 599))

Section 3

(1) When "agricultural species" are referred to in this Act, they shall include:

- (a) poppy (Papaver somniferum L.), white mustard (Sinapis alba L.), caraway (Carum carvi L.) and white clover (Trifolium repens L.);
- (b) those varieties of pea (Pisum sativum L.), maize (Zea mays L.), turnip (Brasica campestris L. var. rapa (L.) Hartm.), black radish (Raphanus sativus L. var. niger (Mill.) Pers.), dwarf French bean (Phaseolus vulgaris L.) and carrot (Daucus carota L.) that are not included under "horticultural species" under paragraph (2).

(2) When "horticultural species" are referred to in this Act, they shall include:

- (a) in the case of pea, those varieties that are suitable for cultivation solely or mainly for harvesting at the green stage for human consumption;
- (b) in the case of maize, the varieties of pop corn and sweet corn;
- (c) in the case of turnip and black radish, those varieties that are suitable for cultivation solely or mainly for human consumption;
- (d) in the case of dwarf French bean, those varieties that are suitable for cultivation solely or mainly for harvesting at the green stage;
- (e) in the case of carrot, the varieties of red carrot.

(3) Horticultural species shall likewise include:

- (a) those varieties of agricultural species that are suitable for cultivation solely or mainly for ornamental purposes;
- (b) silvicultural species.

(4) It may be provided by general administrative order that, for the purposes of this Act, cultivated species, varieties or groups of varieties other than those mentioned in the preceding paragraphs shall be regarded as either agricultural or horticultural species.

CHAPTER II

THE NETHERLANDS REGISTER OF VARIETIES AND THE BOARD FOR PLANT BREEDERS' RIGHTS

Section 4

(1) There shall be a register for the purpose of entering therein groups of plants for which it has been established that they constitute varieties. The register shall be public and shall be called Netherlands Register of Varieties.

(2) The arrangement of the Netherlands Register of Varieties shall be laid down by or by virtue of a general administrative order.

Section 5

(1) There shall be a Board for Plant Breeders' Rights comprising:

- (a) a Central Department;
- (b) an Agricultural Species Department;
- (c) a Horticultural Species Department;
- (d) an Appeals Department.

(2) The departments may be subdivided into sections by general administrative order.

Section 6

- (1) The Board shall have:
 - (a) a President;
 - (b) three Vice-Presidents;
 - (c) a minimum of three and a maximum of seven members for each department or section.
- (2) A Secretary and one or more Assistant Secretaries shall be attached to the Board.

Section 7

- (1) We shall appoint the President, Vice-Presidents and other members of the Board. The appointment shall be for a period of five years.
- (2) The persons referred to in the preceding paragraph shall be eligible for reappointment. They may be discharged by Us at their request.
- (3) The President shall be sworn in by Our Minister, and the Vice-Presidents and other members shall be sworn in by the President, before they enter upon their duties.
- (4) The President, Vice-Presidents and other members shall be discharged as from the first day of the month following the month in which they reach the age of seventy.

Section 8

- (1) Spouses, blood relatives and relatives by marriage up to and including the third degree of relationship may not be members of the same department unless it is subdivided into sections; in that event they may not be members of the same section.
- (2) If the marriage has been contracted or the relationship by marriage has come into being after the appointment, the last-appointed member may no longer be a member of the department or section in question, unless Our Minister has given his permission.
- (3) The relationship by marriage shall cease to exist upon the dissolution of the marriage that established it.
- (4) Members who have dealt with a case in the first instance shall not take part in the proceedings in the Appeals Department relating to that case.

Section 9

- (1) The Secretary and Assistant Secretaries shall be appointed by Our Minister.
- (2) They shall have obtained the degree of doctor of law, or have qualified as lawyers, at a State University or at some other Netherlands University of equivalent status, provided the degree or qualification was awarded on the strength of an examination in Netherlands civil law and commercial law, constitutional law and criminal law.

Section 10

- (1) Without prejudice to what is stated elsewhere, the President, Vice-Presidents and other members shall be discharged by Us:

- (a) if age, permanent physical disability or mental illness has rendered them unfit to perform their duties;
 - (b) if they have been placed under guardianship.
- (2) Without prejudice to what is stated elsewhere, the persons referred to in the preceding paragraph may be discharged by Us:
- (a) if they have contravened the provisions of Sections 11 and 12;
 - (b) if they have been declared bankrupt, been granted suspension of payment or are in prison for debt.
- (3) Before the person concerned is discharged by virtue of the preceding paragraph, he shall be heard, or at least be duly summoned.
- (4) In the event of any of the circumstances referred to in paragraph (2) arising, Our Minister shall have the power to immediately suspend the person concerned; suspension shall be for a period not exceeding three months.

The General Expiry of Periods Act shall not apply to this period.

Section 11

The President, Vice-Presidents, members, Secretary and Assistant Secretaries shall be pledged to secrecy in respect of what comes to their knowledge in the course of their duties and in respect of any opinions expressed when a case is being dealt with.

Section 12

The persons referred to in the preceding Section shall not take part in proceedings involving cases in which they have any vested interest whatsoever.

Section 13

Our Minister shall lay down rules for the reimbursement of travel and accommodation expenses and for the payment of an attendance fee to the President, Vice-Presidents and members. Our Minister may grant an annual fixed sum to the President and the Vice-Presidents in lieu of an attendance fee.

Section 14

- (1) The Board shall have the power to hear witnesses and experts.
- (2) Any person called as a witness shall obey the summons.
- (3) Sections 1946-1949 of the Civil Code shall apply mutatis mutandis to witnesses.
- (4) The Board may order witnesses who, though duly summoned, failed to appear, to be brought before it by the public authorities.
- (5) The provisions of Sections 107, 108a and 109 of the Code of Civil Procedure shall apply mutatis mutandis to the hearing of witnesses.
- (6) The experts shall take the oath or affirm before the President that they will make their reports in good faith; if the Board so requires they shall also take the oath of secrecy or affirm that they will maintain secrecy.

Section 15

- (1) Further provisions regarding the composition of and the procedure to be adopted by the Board and the swearing in of members shall be made by or by virtue of a general administrative order.

(2) The following shall be regulated, among other things, in the general administrative order:

- (a) the composition of the departments and sections to carry out the tasks entrusted to the Board;
- (b) the calling up of applicants, petitioners and other interested parties, and of witnesses and experts;
- (c) the compensations to be paid to witnesses and experts.

Section 16

(1) Our Minister shall fix a tariff of fees payable for work done by the Board when making entries and notes in, and issuing copies of or extracts from, the Netherlands Register of Varieties.

(2) The Board shall not deal with documents nor furnish applicants with copies of or extracts from the Netherlands Register of Varieties until the amount due under the preceding paragraph is paid.

Section 17

All documents addressed to or emanating from the Board shall be exempt from stamp duty and from the formality of registration.

CHAPTER III

THE ENTRY OF VARIETIES IN THE NETHERLANDS REGISTER OF VARIETIES

Section 18

(1) The following varieties shall be entered in the Netherlands Register of Varieties;

- (a) varieties for which plant breeders' rights have been granted;
- (b) varieties of agricultural species designated by or on behalf of Our Minister and of horticultural species designated by general administrative order and meeting the requirements of sub-paragraphs (a), (b) and (c) of paragraph (1) of Section 29, but for which plant breeders' rights cannot be granted.

(2) Subject to rules to be laid down by general administrative order, varieties other than those referred to in sub-paragraph (b) of paragraph (1) for which plant breeder's right cannot be granted and which belong to agricultural species designated by general administrative order shall be entered in the Netherlands Register of Varieties at the breeder's request. The rules may impose upon the breeder the obligation to pay an annual fee specified therein.

(3) The Board shall enter the variety in the Register by recording the description characterizing the variety, determined by the Board, and its denomination.

(4) The denomination entered in the Register shall be taken as the generic name of the variety.

Section 19

(1) The denomination must enable the variety which it designates to be identified. It may not consist solely of figures and must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder. In particular, it must be different from every denomination which designates, in any member State of the Union, an existing variety of the same or a closely related cultivated species.

- (2) The denomination must not be contrary to public order or offensive.
- (3) The denomination shall be the same as that already registered for the variety in any Member State of the Union, provided it is suitable for use in this country.
- (4) No denomination shall be adopted in respect of which the Board finds that it so closely resembles a trade name or trademark that it would be liable to cause confusion regarding the nature or origin of products.

Section 20

- (1) Before adopting a denomination, the Board shall publish it in a manner to be determined by Our Minister.
- (2) Interested parties may lodge objections to a denomination with the Board within two months of the date of its publication on the ground that it resembles a trade name or trademark so closely that it would be liable to cause confusion regarding the nature or origin of products.
- (3) The Board shall not adopt a denomination until it has decided on the objections referred to in paragraph (2).
- (4) The Industrial Property Office shall, on request, furnish the Board with information concerning the trademarks registered with it.

Section 21

- (1) The applicant shall propose a denomination for the variety when applying for a plant breeder's right or when making the application referred to in paragraph (2) of Section 18.
- (2) The applicant may also use a provisional designation. If he does, he shall propose a denomination at a time to be fixed by the Board.
- (3) The proposed denomination shall be accompanied by a deed stating that the applicant will renounce any right accruing to him in any Member State of the Union with respect to that denomination for identical or similar products in the event of the proposed denomination being registered.

The Board shall send a copy of the deed to the Industrial Property Office and to the Office of the Union when the denomination has been registered.

- (4) The Board shall adopt the proposed denomination or the denomination referred to in paragraph (3) of Section 19, unless it is of the opinion that doing so would be contrary to the provisions of Section 19. In that event it shall call upon the applicant to propose another denomination.

Section 22

- (1) The Board may also establish and register a provisional description characterizing the variety.
- (2) The Board may supplement the description and shall register the additional information:
 - (a) at the request of the interested party;
 - (b) ex officio, if such is required in view of the description of some other variety, in which case the interested party shall be heard; or for other reasons, but then only with the interested party's consent.
- (3) The term "interested party" used in paragraph (2) shall be understood to mean the holder of a plant breeder's right, or the breeder of a variety of the kind referred to in paragraph (2) of Section 18.

Section 23

(1) If the use of a registered denomination for propagating material of the variety for which it was registered is prohibited by the decision of a Court on the ground of a right accruing to another person with respect to that denomination, the President of the Board shall delete the registered denomination at the request of the first party to take action and shall enter a provisional designation to serve as the denomination, if possible in consultation with the holder of the plant breeder's right, or with the breeder of a variety of the kind referred to in paragraph (2) of Section 18.

(2) The Board shall adopt a new denomination after having given to the holder of the plant breeder's right, or the breeder of the variety of the kind referred to in paragraph (2) of Section 18, the opportunity to suggest another denomination within a certain time limit and shall register the new denomination.

Section 24

(1) The applications and requests referred to in this Chapter, and the withdrawal or refusal of such applications and requests, shall be recorded in the Netherlands Register of Varieties.

(2) The registrations referred to in this Chapter and the entries pertaining to the applications referred to in paragraph (2) of Section 18, and the withdrawal and refusal of such applications, shall be published in the Nederlandse Staatscourant.

Section 25

The decisions of the Board made pursuant to the provisions of this Chapter shall contain the grounds on which they were taken and shall be communicated by registered letter to the interested party referred to in Section 20, the applicant referred to in Section 21 or the holder of the plant breeder's right referred to in Sections 22 and 23 or the breeder of a variety of the kind referred to in paragraph (2) of Section 18. Attention shall be drawn in the letter to the right of appeal under Section 26.

Section 26

(1) An appeal against the decisions referred to in Section 25, with the exception of the decisions made pursuant to Section 20 or paragraph (2) of Section 23, may be lodged with the Appeals Department.

(2) An appeal against the final decisions made by the Board pursuant to Section 20 or paragraph (2) of Section 23 may be lodged with the Court of Justice at The Hague, which shall sit in chambers. The Clerk of the Court shall inform the Board of the appeal and of the Court's decision within three days.

(3) The appeal must be lodged, within two months of the date of delivery by the post of the letter referred to in Section 25, by the person who is to be informed of the decision pursuant to that Section.

(4) The appeal shall be made by substantiated petition.

Section 27

Further provisions shall be made by or by virtue of a general administrative order with respect to:

- (a) the applications and requests referred to in this Chapter;
- (b) the fixing of the date on which the applications and requests referred to under (a) shall be deemed to have been submitted to the Board;
- (c) the hearing of interested parties.

Section 28

The registrations and entries referred to in this Chapter and based on decisions against which an appeal may be lodged shall be made when a decision has been taken on the appeal or if the time limit for an appeal has expired without the appeal having been lodged, or if the appeal has been withdrawn by means of a written notification to that effect addressed to the Board.

CHAPTER IV

THE PLANT BREEDER'S RIGHT

Part 1

The Entitlement to the Plant Breeder's Right

Section 29

(1) A plant breeder's right may be granted in respect of a new variety as from a date, which may be different for different species, to be fixed by general administrative order. The plant breeder's right shall be granted if:

(a) at the moment of making the application for a plant breeder's right, the variety is clearly distinguishable by one or more important characteristics from any other variety whose existence is a matter of common knowledge at that time, whatever may have been the origin, artificial or natural, of the initial variation from which it resulted;

(b) the variety is sufficiently homogeneous, having regard to the particular features of its sexual reproduction or vegetative propagation;

(c) the variety is stable in such a manner that it remains true to its description, in its essential characteristics, after repeated reproduction or propagation or, where the breeder has defined a particular cycle of reproduction or propagation, at the end of each cycle.

(2) The characteristics referred to in sub-paragraph (a) of paragraph (1) may be of a morphological or physiological nature and must be capable of precise description and recognition.

(3) A variety shall not be regarded as new if, at the time of filing of the application for a plant breeder's right:

(a) the variety has already been put on the market with the agreement of the person who has obtained it by his own breeding work, or of his successor in title in the Netherlands;

(b) the variety--if belonging to a species of vine, forest tree, fruit tree or ornamental tree or of rootstock of those--has been put on the market for longer than six years outside the Netherlands with the agreement of the person who has obtained it by his own breeding work, or of his successor in title;

(c) the variety--if belonging to a species other than those referred to in subparagraph (b)--has been put on the market for longer than four years outside the Netherlands with the agreement of the person who has obtained it by his own breeding work, or of his successor in title;

(d) the variety has been put on the market for longer than six years without the agreement of the person who has obtained it by his own breeding work, or of his successor in title.

(4) The fact that a variety has been given to others to test, or has been submitted for registration or registered in an official register, may not be held against the breeder of the variety or his successor in title.

Section 30

(1) The entitlement to a plant breeder's right shall accrue to the person in respect of whom there are good reasons to believe that he or his predecessor in title developed the new variety by his own efforts.

(2) If the variety has been developed outside the Netherlands, there shall only be an entitlement to a plant breeder's right in so far as the Netherlands is obliged to grant the plant breeder's right under an international agreement and in so far as the requirements concerning examination and supervision of propagation laid down by general administrative order have been met.

(3) If a variety has been bred outside the Netherlands and there is no obligation as that described in paragraph (2), a plant breeder's right may be granted in respect of the variety if Our Minister is of the opinion that granting that right will benefit agriculture or horticulture in the Netherlands. Our Minister may make the granting of the right subject to certain conditions and he may limit the scope of the rights accruing to the breeder under this Act.

Section 31

(1) If a new variety has been developed by a person who is employed by another person or who works for another person otherwise than for wages and the nature of the work involves plant breeding activities with respect to the cultivated species to which the variety belongs, the entitlement to a plant breeder's right shall accrue to the employer.

(2) In that event the person who has done the breeding work shall be entitled to a fair remuneration, unless such remuneration may be deemed to be included in the wages received by him or in the benefits enjoyed by him.

(3) Any stipulation in derogation from the provisions of paragraph (2) shall be null and void.

Section 32

If two or more persons associated otherwise than in the manner described in Section 31 have together developed a new variety, they shall be jointly entitled to the plant breeder's right.

Section 33

If, pursuant to Section 30, two or more persons can lay claim independently of each other to the grant of a plant breeder's right in respect of the same new variety, the entitlement to the plant breeder's right shall accrue to the person who applied for it first.

Section 34

(1) Any person who, in another Member State of the Union, has filed an application for a plant breeder's right in accordance with the provisions in force in that State shall enjoy a right of priority in respect of the granting of a plant breeder's right in the Netherlands for the same variety, provided that:

(a) within twelve months of the date of filing of the application in the Member State of the Union, excluding the day on which the application was made, he files a provisional application in the Netherlands and thereby claims the priority in writing, and

(b) within three months of the date of filing of the provisional application, he submits copies of the documents submitted by him in the State of the first application, certified by the competent authority of that State, and

(c) within four years of the expiry of the period mentioned under (a), he submits a regular application as described in Section 35.

(2) Priority has the effect that, notwithstanding the provisions of Sections 29 and 33, such matters as the filing of an application by another person or the commercialization of propagating material of the variety, occurring in the period between the filing of the application in the other country and the filing of the provisional application in the Netherlands, shall not affect the application made in this country by the person entitled to priority.

Part 2

The Granting of the Plant Breeder's Right

Section 35

(1) An application for a plant breeder's right shall be addressed to the Board and the right shall be granted by the Board.

(2) In addition to the requirements of Section 21 with regard to the denomination, the application shall contain a clear description of the variety and an accurate account of the characteristics distinguishing it from other varieties of the same cultivated species.

(3) When the application is made, enough propagating material of the variety to which the application relates shall be made available to the Board for examination.

(4) If the applicant does not reside in the Netherlands, he shall elect domicile in the Netherlands through a person authorized to that effect, and the election of domicile shall, for the purposes of this Act, be deemed to remain valid until the Board is informed in writing of a change of domicile.

Section 36

The application, and the withdrawal or refusal of the application, shall be recorded in the Netherlands Register of Varieties.

Section 37

(1) The description characterising the variety and its denomination shall be laid down in the decision granting the plant breeder's right: Sections 19, 20, 21 and 22, paragraph (1), shall apply mutatis mutandis.

(2) The fact that a plant breeder's right has been granted shall also be recorded when the variety is entered in the Netherlands Register of Varieties.

(3) The effective date of the plant breeder's right shall be the date following the day on which the entry and record referred to in the preceding paragraph were made.

Section 38

It may be provided by general administrative order that, for varieties belonging to specified groups of cultivated species and for which plant breeders' rights have been granted, the holder of the right shall be required to pay an annual fee to be fixed by that general administrative order.

Section 39

Further provisions shall be made by or by virtue of a general administrative order with respect to:

- (a) applications for plant breeders' rights;
- (b) the fixing of the date on which applications for plant breeders' rights shall be deemed to have been filed with the Board;
- (c) the hearing of interested parties.

Part IIIRights and Obligations of the Holder of a Plant Breeder's RightSection 40

(1) The holder of a plant breeder's right shall have the exclusive right to produce propagating material of the variety for commercial purposes, to commercialize it, to offer it for sale, to export it, to stock it for any of these purposes and to have any or all of these activities performed. The right of the breeder shall extend to ornamental plants or parts thereof normally commercialized for purposes other than propagation if they are used commercially as propagating material in the production of ornamental plants or cut flowers.

(2) Persons other than the holder of a plant breeder's right shall not engage in the activities described in paragraph (1). The ban shall not apply if and in so far as authorization to engage in them has been granted by or by virtue of this Act or by the holder of the plant breeder's right.

(3) In so far as the production and the stocking for production of propagating material of a variety in respect of which a plant breeder's right has been granted is undertaken solely for scientific research purposes or for developing new varieties in the breeder's own nursery, this shall not be deemed to be at variance with the exclusive right of the holder of the plant breeder's right.

(4) If propagating material of a variety in respect of which a plant breeder's right has been granted has been commercialized in a manner that is not at variance with the right of the holder of the plant breeder's right, those acquiring the propagating material or the subsequent holders of it shall not be acting at variance with the plant breeder's right if they offer it for sale, export it or stock it for any of these purposes.

Section 41

(1) Engaging in any of the activities referred to paragraph (1) of Section 40 with regard to a certain variety shall not be deemed to be at variance with the exclusive right of the holder of the plant breeder's right in respect of any other variety.

(2) If the production of propagating material of a variety constantly calls for the utilization of another variety for which a plant breeder's right has been granted, the authorization of the holder of the plant breeder's right in respect of the latter variety shall be required for the activities mentioned in paragraph (1) of Section 40 with regard to the former variety.

(3) Engaging in the activities described in paragraph (1) of Section 40 with regard to a variety of the kind referred to in paragraph (2) shall be prohibited unless the authorization referred to in that paragraph has been obtained.

Section 42

(1) The holder of a plant breeder's right shall grant such licences as are necessary to supply the market with propagating material on reasonable terms and conditions.

(2) The obligation referred to in the preceding paragraph shall include the obligation of the holder of a plant breeder's right to furnish the licensee at a reasonable price with the propagating material he needs if he is to make proper use of the licence.

Section 43

(1) If the holder of a plant breeder's right does not fulfil the obligation referred to in Section 42, the licence shall be granted by the Board if interested parties so request. Section 36 shall apply mutatis mutandis with respect to the request.

(2) Before taking a decision the Board shall give the parties an opportunity to reach agreement within a period determined by the Board, giving such instructions as it deems to be fit for the supply of propagating material.

(3) If agreement cannot be reached, the Board shall decide after having heard the parties. The scope of the licence, the remuneration to be paid to the holder of the plant breeder's right, and the quantity of propagating material to be furnished and the remuneration to be paid for it shall be fixed in the decision. When taking a decision the Board may require the person who has obtained the licence to furnish security within a certain period.

(4) When the Board has granted the licence and the obligation to provide security, if imposed, has been complied with, the licence shall be entered in the Netherlands Register of Varieties. The licence shall not operate before the date of its registration, also not with respect to persons who obtained rights on the plant breeder's right after the request referred to in paragraph (1) was recorded.

Section 44

(1) The holder of a plant breeder's right may make a public offer of licence. The offer shall be published in the Nederlandse Staatscourant, through the intermediary of the Board and at the expense of the holder of the plant breeder's right, if the Board agrees to the terms on which the licence is to be granted, having regard to the supply of the market with propagating material on reasonable terms.

(2) Any person wishing to avail himself of the offer shall obtain a licence by informing the Board by registered letter that he accepts the offer.

(3) The licence shall be entered in the Netherlands Register of Varieties and shall not operate until the date of its entry. From that date it shall also operate as regards persons who acquired rights on the plant breeder's right after the date of the publication referred to in paragraph (1).

(4) A public offer shall be irrevocable, subject to the provisions of the following paragraphs.

(5) Subject to the Board's approval, the holder of a plant breeder's right may modify the terms on which the licence is granted, but not until one year has elapsed since its entry in the Netherlands Register of Varieties.

(6) If the Board is of the opinion that the terms should be modified, it shall inform the holder of the plant breeder's right accordingly. In that event the holder of the plant breeder's right shall propose a modification within a period to be fixed by the Board, which period shall not be less than two months; if he fails to do so, the Board shall modify the terms ex officio.

(7) The modification shall be published in the Nederlandse Staatscourant through the intermediary of the Board.

Section 45

(1) If Our Minister is of the opinion that the supply of the market with propagating material of a certain variety on reasonable terms is not adequately ensured, he shall communicate this to the holder of the plant breeder's right in writing, stating the reasons for his opinion, and shall give him the opportunity to make a public offer under Section 44 within a period of one month and on such conditions as are approved by Our Minister.

(2) If an offer is not made pursuant to paragraph (1), the Board shall make the offer with due observance of the instructions given by Our Minister and shall publish it in the Nederlandse Staatscourant at the expense of the holder of the plant breeder's right.

(3) Paragraphs (2) to (7) of Section 44 shall apply mutatis mutandis, it being understood that the Board shall follow the instructions of Our Minister in the exercise of the powers defined in those paragraphs.

Section 46

(1) A licence shall authorize the licensee to engage in the activities described therein, which activities may not be engaged in, pursuant to paragraph (1) of Section 40, by persons other than the holder of the plant breeder's right.

(2) In the absence of provisions to the contrary a licence shall apply for the entire period of validity of the plant breeder's right and shall extend to all the activities reserved to the holder of the plant breeder's right under paragraph (1) of Section 40.

(3) A licence granted otherwise than under Sections 43, 44 and 45 shall be entered in the Netherlands Register of Varieties at the request of the licensee. It shall be valid in respect of third parties after it has been registered.

(4) A licence shall not be transferable, unless otherwise provided for.

Section 47

Further provisions shall be made by or by virtue of a general administrative order with respect to:

- (a) the requests to the Board referred to in this Part;
- (b) the fixing of the date when the requests referred to in (a) shall be deemed to have been submitted to the Board;
- (c) the hearing of interested parties.

Part IV

The Plant Breeder's Right as Part of the Breeder's Property

Section 48

(1) A plant breeder's right and the entitlement to the grant of a plant breeder's right are transferable and inheritable.

(2) Subject to the special provisions of this Act, they shall be regarded as movable property.

(3) Transfer of a plant breeder's right and of the right resulting from an application for a plant breeder's right shall take place by deed.

(4) Any reservation regarding the transfer shall be stated in the deed; in the absence of any such statement the transfer shall be unrestricted.

(5) The transfer shall not operate in respect of third parties until the deed has been entered in the Netherlands Register of Varieties.

(6) Either party shall be entitled to request the Board to make the entry.

Section 49

(1) If a plant breeder's right accrues to more than one person collectively, the position of such persons with respect to each other and their position with respect to third parties shall be governed by what they have settled by agreement; their position with respect to third parties shall be so governed only in so far as it is evident from the Netherlands Register of Varieties.

(2) If there is no agreement or if the agreement does not provide otherwise, any person co-entitled to a plant breeder's right shall be competent to exercise the right and to take action against any infringement of that right.

(3) Every person co-entitled to a plant breeder's right shall offer his rights to his co-participants at a reasonable price before alienating them to a third party.

Section 50

(1) If a plant breeder's right is seized, the report of the seizure shall be entered in the Netherlands Register of Varieties.

(2) After the entry of the report the holder of a plant breeder's right whose right has been seized shall not alienate or encumber it and shall grant no licences.

(3) Any licence fees not paid before the entry was made shall be included in the seizure ipso jure after a writ to that effect has been served upon the licensees.

(4) If the purpose of the seizure is to conserve the right, following a judicial decision that declared this worthwhile and has become final, the licence fees shall be paid over to the seizer to serve as payment along with the proceeds from the plant breeder's right, on the basis of the priorities of the various claims.

(5) On termination of the seizure the title on which the termination is based shall be entered in the Netherlands Register of Varieties.

(6) If the purpose of the seizure is to conserve the right, Sections 770e to 770g of the Code of Civil Procedure shall apply, it being understood that what is said of the recorder of mortgages in Section 770g shall apply to the Board.

(7) The sale of a plant breeder's right that has been seized shall be public and shall take place in the presence of a notary.

(8) The creditor who prosecutes the sale shall have the date of the sale served at least thirty days in advance on all the other creditors recorded at the time, at the domiciles chosen by them.

(9) The title on which the claim awarded is based shall be entered in the Netherlands Register of Varieties.

Part V

Duration and Claiming of the Plant Breeder's Right

Section 51

The duration of a plant breeder's right shall be at least fifteen years and shall not exceed twenty-five years from the date of registration of the plant breeder's right. For grapevines, forest trees, fruit trees, ornamental trees and their rootstocks, the minimum duration shall be eighteen years. The duration shall be established by general administrative order for the various species.

Section 52

(1) The holder of a plant breeder's right may renounce it.

(2) Renunciation of a plant breeder's right shall be by deed only; the deed shall be entered in the Netherlands Register of Varieties.

(3) The deed shall not be entered if there are any persons who, according to documents entered in the Register, have obtained rights on the plant breeder's right or licences, or have instituted legal proceedings relating to the right, and if those persons have not agreed to the renunciation.

(4) A plant breeder's right shall lapse as from the date on which the deed is entered in the Netherlands Register of Varieties.

Section 53

(1) A plant breeder's right shall lapse ipso jure if the annual fee referred to in Section 38 remains unpaid six months after it became due. The fact that the right has lapsed shall be recorded in the Netherlands Register of Varieties.

(2) If the fee is not paid within fourteen days of the date on which the right lapsed, the Board shall remind by registered letter the person recorded in the Netherlands Register of Varieties as the holder of the plant breeder's right of his obligation to pay.

(3) If payment is not made within one month after the date on which the right lapsed, all the persons who, according to the documents entered in the Netherlands Register of Varieties, have obtained rights on the plant breeder's right or licences, or have instituted legal proceedings relating to the right, shall be informed of this in writing within fourteen days.

(4) Any claim by interested parties that they never received the letters referred to in the preceding paragraphs shall not be receivable.

Section 54

(1) A plant breeder's right shall be declared null and void if it transpires that the variety was not new or did not meet the requirements of subparagraph (a) of paragraph (1) of Section 29.

(2) Any interested party, Our Minister or any person or persons acting on his behalf may at any time submit to the Board a substantiated petition that a plant breeder's right be declared null and void.

(3) Annulment of a plant breeder's right deprives the plant breeder's right and any rights derived from it of any further legal implications.

Section 55

(1) A plant breeder's right can be claimed in its entirety or partly if it was granted to a person who was not entitled to it or was not alone entitled to it pursuant to Sections 30, 31 or 32.

(2) The right to claim a plant breeder's right shall accrue to the person who, pursuant to the said sections, has a full or partial entitlement to the plant breeder's right.

(3) The said right shall lapse five years from the date on which the plant breeder's right was registered.

(4) The claim shall be made by submitting a substantiated petition to the Board.

(5) Licences obtained in good faith before the entry referred to in paragraph (1) of Section 56 was made shall remain valid in respect of the new holder of the plant breeder's right, who shall be entitled to the fees payable for the licences.

Section 56

- (1) A request that a plant breeder's right be declared null and void and a request for the award of a claim, and any refusal or withdrawal of such requests, shall be entered in the Netherlands Register of Varieties.
- (2) As regards the adjudging of the costs, Sections 56 and 57 of the Code of Civil Procedure shall apply mutatis mutandis as far as possible.
- (3) The decision of the Board to declare a plant breeder's right null and void or to award a claim shall be entered in the Netherlands Register of Varieties.
- (4) The declaration that a plant breeder's right is null and void and the award of a claim shall have retroactive effect as from the date of the entry in the Netherlands Register of Varieties referred to in paragraph (1).

Section 57

Further provisions shall be made by or by virtue of a general administrative order with respect to:

- (a) the requests and petitions addressed to the Board referred to in this Part;
- (b) the fixing of the date on which the requests and petitions referred to under (a) shall be deemed to have been submitted to the Board;
- (c) the hearing of interested parties.

Part VI

Decisions of the Board, Appeals to the Board and Appeals to the Court of Justice at the Hague

Section 58

The decisions of the Board made pursuant to the provisions of this Chapter shall contain the grounds on which they were taken and shall be communicated by registered letter to the applicant or his successor in title and, if they were made at the request of a person other than the applicant or his successor in title, also to the petitioner. Attention shall be drawn in the letter to the right of appeal under Section 59 or 60.

Section 59

- (1) An appeal against the decisions referred to in the preceding Section, with the exception of decisions made pursuant to Sections 54 and 55, may be lodged with the Appeals Department.
- (2) The appeal must be lodged with the Appeals Department, within two months of the date of delivery by the post of the letter referred to in the preceding Section, by the person informed of the decision pursuant to the said Section.
- (3) The appeal shall be made in the form of a substantiated petition.

Section 60

- (1) An appeal against the final decisions made by the Board pursuant to Sections 54 and 55 may be lodged with the Court of Justice at The Hague.
- (2) The appeal to the Court of Justice shall be made by a writ of summons within three months of the date of dispatch of the decision of the Board for Plant Breeders' Rights.

(3) The writ of summons shall be entered in the Netherlands Register of Varieties within eight days from the date it bears. In the event of the writ of summons not being entered within that period, the appellant shall make good the damage suffered by those who, after that period and before the entry was made, obtained in good faith rights affected by the declaration that the plant breeder's right is null and void or the award of a claim.

(4) When a decision on an action for a declaration that a plant breeder's right is null and void or for the award of a claim becomes final, or when the action has been discontinued, a note to that effect shall be entered in the Netherlands Register of Varieties at the request of the first party to make the request.

Section 61

(1) When holding its deliberations and passing judgment, the Court of Justice shall be composed of three judges and two specialists who are not members of the Judiciary. One of the judges shall preside. Judgments passed when the Court is composed of any other number of persons shall be invalid.

(2) We shall appoint the persons referred to in the preceding paragraph who are not members of the Judiciary. We shall also appoint as many deputies as We may think fit. They shall be referred to as "advisers" and "deputy advisers" in the Court of Justice at The Hague.

(3) Persons shall not be eligible for appointment as advisers in the Court of Justice at The Hague until they have reached the age of thirty.

(4) The advisers and deputy advisers shall be appointed for a period of five years. They shall be eligible for re-appointment. They may be discharged by Us at their request.

(5) The advisers and deputy advisers shall be sworn in before they enter upon their duties.

(6) The advisers and deputy advisers shall be discharged by Us as from the first day of the month following the month in which they reach the age of seventy.

Section 62

(1) Spouses, blood relatives or relatives by marriage up to and including the third degree of relationship may not at the same time be members or deputy members of the Court of Justice at The Hague, members of the Public Prosecutor's Office or Clerks in the Court of Justice at The Hague.

(2) If the marriage is contracted after the appointment, the last-appointed member shall resign his office.

(3) If the relationship by marriage has come into being after the appointment, the person who caused that relationship to be established shall resign his office, unless We have given him permission to retain it.

(4) The relationship by marriage shall cease to exist upon the dissolution of the marriage that established it.

Section 63

(1) The provisions of Sections 11, 12, paragraph (1), 13, paragraphs (1) to (4), 13a, 13b, paragraph (1), and 14a to 14e of the Act on the Organization of the Judiciary shall be applicable mutatis mutandis to the advisers and deputy advisers in the Court of Justice at The Hague, on the understanding that the High Court shall give to the President of the Court of Justice the opportunity to give oral or written information and to express his opinion on a pending complaint under Section 14a of the said Act, in the case where the complaint is directed against an adviser or deputy adviser.

(2) The advisers and deputy advisers in the Court of Justice at The Hague may also be discharged by reason of breach of the obligations imposed upon them by paragraph (2) of Section 67, except for the reasons specified in Sections 11 and 12 of the Act on the Organization of the Judiciary.

Section 64

[Repealed]

Section 65

[Repealed]

Section 66

The President of the Court of Justice at The Hague shall have the power to admonish, either ex officio or on the request of the Public Prosecutor's Office, advisers and deputy advisers of the Court of Justice who act in a manner detrimental to the dignity of their office neglect their official duties or commit a breach of the obligation imposed upon them by Section 67, after having given them an opportunity to be heard.

Section 67

(1) The advisers and deputy advisers in the Court of Justice at The Hague shall not, either directly or indirectly, engage in any special interview or conversation, or establish contact with the parties, their Counsels, attorneys or proxies, on any matter which they are dealing with or which they know or have reason to believe will be dealt with by them, nor accept any special instructions, memoranda or other writings regarding that matter.

(2) The advisers and deputy advisers shall not do any consulting on or take up the defence of cases which they are dealing with or which they know or have reason to believe will be dealt with by them. Paragraph (2) of Section 29 of the Code of Civil Procedure shall apply mutatis mutandis to those persons.

(3) The advisers and deputy advisers shall be pledged to secrecy as to opinions expressed in chambers.

(4) Sections 30, 31, 33-39 and 42 of the Code of Civil Procedure shall apply mutatis mutandis to advisers and deputy advisers.

Section 68

(1) Regulations governing the implementation of the provisions of this Part shall be laid down by general administrative order.

(2) The travel and subsistence expenses incurred by advisers and deputy advisers in the Court of Justice at The Hague shall be reimbursed and they shall be entitled to further compensation, in accordance with rules to be laid down by general administrative order.

Section 69

(1) An appeal against the decisions of the Court of Justice may be lodged with the Supreme Court of the Netherlands.

(2) Paragraphs (2), (3) and (4) of Section 60 shall be applied mutatis mutandis.

Section 70

Copies of every judicial ruling on plant breeders' rights shall be sent within one month of the date of the ruling and free of charge to the Board by the Clerk of the tribunal which gave the ruling.

Part VII

Making and Publishing the Registrations and Entries in the Netherlands Register of Varieties

Section 71

The registrations referred to in this Chapter, and the entries based on decisions against which an appeal may be lodged, shall be made when a decision has been taken on the appeal or if the time limit for an appeal has expired without the appeal having been lodged, or if the appeal has been withdrawn by means of a written notification to that effect addressed to the Board.

Section 72

Notice on the following shall be published in the Nederlandse Staatscourant:

- (a) the registrations referred to in this Chapter, except the registrations made pursuant to paragraph (4) of Section 43, paragraph (3) of Section 44 and paragraph (3) of Section 46;
- (b) the entries made pursuant to Sections 36, 37, paragraph (1) of Section 53, paragraphs (1) and (3) of Section 56 and paragraph (4) of Section 60.

CHAPTER V

LISTS OF VARIETIES

Section 73

A List of Varieties shall be kept for the cultivated species or groups of cultivated species to be designated by Us, in which shall be entered the varieties and other groups of plants which belong to those cultivated species and whose growing in the Netherlands is deemed important by a committee to be set up by Us or by an institution to be designated by Us.

Section 74

The characteristics and other particulars which in the committee's or institution's view should be made generally available shall be entered when the varieties and the other groups of plants are put on the List of Varieties.

Section 75

(1) Entry on the List of Varieties, classification in the List, modification of the classification and removal from the List shall be carried out by the committee or the institution ex officio, subject to the provisions of Section 76.

(2) Before making any entry, classifying, modifying any classification or removing any entry from the List of Varieties, the committee or institution shall carry out an expert's examination or have such an examination carried out.

(3) The committee or institution shall not make any entry in the List of Varieties, transfer any entry to the "for export only" class or remove any entry from the List before it has heard, or at least duly summoned, the holder of the plant breeder's right, the authorized maintainer or the breeder of a variety registered by virtue of paragraph (2) of Section 18.

Section 76

(1) The holder of the plant breeder's right in respect of a variety and the breeder of a variety registered by virtue of paragraph (2) of Section 18 may submit a substantiated request to the committee or institution that his variety be put on the List of Varieties.

(2) If a variety of an agricultural species has been put in the "for export only" class, the holder of the plant breeder's right, the authorized maintainer or the breeder of a variety registered by virtue of paragraph (2) of Section 18 may, within three months of the date of publication of the edition of the List of Varieties concerned, submit to the committee a substantiated request that the classification of the variety be modified.

(3) Before deciding on a request as referred to in paragraphs (1) and (2), the committee or institution shall carry out an expert's examination or have such an examination carried out.

(4) The committee or institution shall not refuse a request before it has heard the petitioner, or at least duly summoned him.

Section 77

(1) If requested to do so, the committee or institution shall inform in writing the person who has submitted a request as referred to in Section 76 of the reasons for having refused his request.

(2) At the request of any interested party the committee or institution shall make known in writing the reasons for the removal of a variety or some other group of plants from the List of Varieties or for its entry in the "for export only" class.

(3) A request as referred to in paragraph (2) shall be submitted not later than three months after the date of publication of the edition of the List of Varieties concerned.

Section 78

(1) Any person who has received a communication as referred to in the preceding Section may address a substantiated petition to Our Minister within one month of the date of that communication.

(2) Our Minister shall decide whether any modifications and, if so, what modifications shall be made to the List of Varieties in the light of the petition addressed to him.

(3) Our Minister can have modifications made to the List of Varieties ex officio.

Section 79

In an order to be published in the Nederlandse Staatscourant Our Minister may make further provisions governing the arrangement, composition, classification and publication of a list of varieties, in respect of the particulars referred to in Section 74, and governing the submission of requests as referred to in Sections 76 and 77 and petitions as referred to in Section 78, the examinations and the publication of the results of examinations.

CHAPTER VI

TRADE IN PROPAGATING MATERIAL
AND TESTING INSTITUTIONS

Part I

Trade in Propagating MaterialSection 80

(1) Without prejudice to the right to use a trade name or trademark, propagating material of a variety entered in the Netherlands Register of Varieties shall not be put on the market, further commercialized and, subject to the provisions of paragraphs (2) and (3), exported otherwise than under the denomination entered in the Register.

(2) If, in any other country, a name different from the one registered in this country is prescribed for a variety, propagating material of that variety may only be exported to that country under the denomination prescribed there.

(3) Unless paragraph (2) of this Section is applicable, propagating material of a registered variety may be exported to States other than Member States of the Union under the denomination customarily used in the country of importation, provided the denomination registered in this country is also stated.

(4) The registered denomination or a similar term shall not be used for other propagating material from the same or a related cultivated species.

Section 81

(1) In the case of agricultural species, only propagating material of registered varieties shall be put on the market, further commercialized and exported.

(2) It may be provided by general administrative order that the preceding paragraph shall not apply to certain agricultural species.

(3) It may be provided by general administrative order that, in the case of horticultural species, only propagating material of registered varieties shall be put on the market, further commercialized and exported.

Section 82

Our Minister may, after having heard the committee or institution referred to in Section 73, decree that notwithstanding the provisions of, or made by virtue of, Section 81, propagating material of groups of plants to be specified by him that are not registered, may also be put on the market, further commercialized and exported.

Section 83

(1) It may be provided by general administrative order that, in the case of an agricultural species to which paragraph (1) of Section 81 applies, only propagating material of varieties or other groups of plants put on the List of Varieties shall be put on the market, further commercialized and exported.

(2) Our Minister shall make further provisions governing the putting on the market and further commercialization of the propagating material of varieties and other groups of plants entered in the "for export only" class.

Section 84

(1) It shall be specified by or by virtue of a general administrative order what categories of propagating material of varieties belonging to an agricultural species designated by virtue of Section 87 may be put on the market, further commercialized and exported.

(2) For technical, plant breeding reasons it may be provided by general administrative order that, in the case of species specified in that order and of the kind referred to in paragraph (1), some categories of propagating material of varieties belonging to those species and specified in that order shall be produced and put on the market exclusively by the holder of the plant breeder's right in respect of the variety concerned or, if there is no plant breeder's right in respect of that variety, by the maintainers designated for the variety.

(3) The maintainers shall be designated by the Board. The Board shall designate a single maintainer if this is necessary for technical, plant breeding reasons. The latter shall be obliged to make foundation stock suitable for the production of propagating material available to any person who has expressed a wish to receive it, on terms and conditions to be specified by the Board.

Section 85

Propagating material of a variety registered by virtue of paragraph (2) of Section 18 shall be put on the market, further commercialized and exported only by the breeder of the variety and by any person who has obtained from the breeder foundation stock suitable for the production of propagating material.

Section 86

Propagating material of a group of plants that may not be put on the market pursuant to the provisions of the preceding Sections may nevertheless be put on the market and exported for purposes of testing by or on behalf of the person who, by his own efforts, has developed the group of plants to which the propagating material belongs, provided that the testing institution designated by virtue of Section 87 has given permission.

Part II

Testing Institutions

Section 87

(1) It may be provided by general administrative order, with respect to a cultivated species, that only the persons who are members of a testing institution designated for that cultivated species in the general administrative order shall be authorized to engage in the production, storage and processing of propagating material for business purposes other than use on those persons own premises, and in the putting on the market, further commercialization, importation, exportation and offering for export of that material, or to have these activities performed, for business purposes.

(2) It may be provided by the general administrative order referred to in the preceding paragraph that for the purposes of that order seed not intended to be sown for the production of a crop shall also be regarded as propagating material.

(3) Our Minister shall have the power to grant dispensation or exemption from the provisions of paragraph (1) in such cases or groups of cases as he may determine.

Section 88

The following shall be required of an institution to be taken into consideration for designation as a testing institution pursuant to the preceding Section:

- 1° the institution shall, according to its statute:
 - (a) have been set up to promote by means of tests the putting on the market, further commercialization and exportation of reliable propagating material;
 - (b) be non-profit-making;
 - (c) have a board on which the interested parties or the groups of interested parties are adequately represented;
- 2° the statute of the institution shall provide that:
 - (a) the statute and the generally applicable rules, and any amendments to them and the repeal thereof, shall require Our Minister's approval before becoming operative;
 - (b) the Chairman of the Board shall be appointed by Our Minister, after having heard the views of the Board of the testing institution;
 - (c) any person shall be admitted as a member upon application;
 - (d) if a member does not comply with any of the obligations imposed by the statute or the generally applicable rules referred to under (a), one or more of the following disciplinary measures may be imposed: a reprimand, a fine not exceeding ten thousand guilders, the placing of the member under more stringent supervision for a period not exceeding two years at his own expense, the disciplinary order being published; if, during the five years immediately preceding the non-compliance with any of the obligations referred to above, a member was either put under more stringent supervision at his own expense or was fined twice, he may be suspended from membership for a period not exceeding three years;
 - (e) members shall have the right to appeal to an Appeals Tribunal against any decisions, other than those referred to in (g), taken by any of the organs of the testing institution within one month of the announcement of the decision; the composition of and procedure followed by the Appeals Tribunal shall be laid down in regulations governing appeals; generally applicable rules shall not be regarded as decisions;
 - (f) Our Minister shall appoint the Chairman, the members and the Secretary of the Appeals Tribunal;
 - (g) the members shall have the right to appeal to an Appeals Commission on Testing Matters against decisions taken in connection with testing;
 - (h) the testing institution shall submit to Government supervision carried out on behalf of Our Minister in accordance with rules to be laid down by him, and shall undertake to furnish all relevant information and cooperate in every possible manner to ensure that such supervision be effective;
 - (i) the Government officers who have to carry out the supervision shall have the right to attend the meetings of the Board and of the Executive Committee, and shall always receive invitations to those meetings together with all the relevant documents.

Section 89

(1) The testing institution shall be supervised on behalf of Our Minister in accordance with rules to be laid down by him. It shall be obliged to furnish all relevant information and to cooperate in every possible manner to ensure that such supervision be effective.

(2) The testing institution shall supply annually the holder of a plant breeder's right in respect of a variety of an agricultural species, at his request, with a list of members who have produced propagating material of his

variety, stating the quantities concerned, and shall, if so requested, assist him in collecting the licence fees.

Section 90

(1) The Appeals Tribunal referred to in subparagraph (e) of paragraph 2° of Section 88 shall have absolute discretion when judging the decisions referred to in that Section taken by any of the organs of the testing institution.

(2) Judgments of the Appeals Tribunal shall have the force of binding recommendations.

Section 91

(1) Without prejudice to the powers of the production and industrial boards, the testing institution shall have the authority to lay down rules with respect to the cultivated species for which it has been designated governing:

- (a) the health, purity and quality of the propagating material;
- (b) the grading, classification, treatment, packing, shipping and description of the propagating material in so far as those factors affect any of the aspects mentioned in (a);
- (c) the use of the documents and distinguishing marks relating to the propagating material which are required for one or more of the activities referred to in paragraph (1) of Section 87;
- (d) the technical set-up and the management of the business, and also the technical aspects of conducting it;
- (e) the checking of the observance of the rules concerning the matters referred to in (a), (b), (c) and (d) and the testing of the propagating material.

(2) In so far as the rules concerning the matters referred to in (a), (b), (c) and (d) relate to exports, Our Minister may decree that the checking of their observance shall be entrusted to an authority to be designated by him.

(3) The rules concerning the matters referred to in (a), (b) and (c) may be suspended by Our Minister, in the case where they are contrary to public interest, for a certain period which, if not extended, shall not exceed six months; they may also be quashed by him.

(4) If no testing institution has been designated or if an institution cannot provide rules of the kind described in paragraph (1) or cannot provide all of them, such rules may be provided by or by virtue of a general administrative order.

(5) A general administrative order issued in the circumstance referred to in paragraph (4) shall be repealed in so far as the testing institution designated by virtue of Section 87 has made the necessary rules and these rules have been approved by Our Minister.

Section 92

(1) The testing institution shall forbid a member to commercialize propagating material and shall prohibit trade in that material if it finds that the material does not belong to the group of plants the member claimed it belonged to when he offered it, or that it does not comply with the rules made by virtue of Section 91.

(2) In such special cases or groups of cases as he may specify, Our Minister may grant dispensation or exemption from the rules made by virtue of Section 91, either on conditions to be specified by him, or not.

(3) If it is evident from a member's method and the results it produces that the production, storage and processing of the propagating material are not being carried out with sufficient adequacy, the testing institution may defer the testing of that member's propagating material for a period not exceeding three years, as often as is necessary.

Section 93

Our Minister shall determine the distinguishing marks, signs, pieces of evidence and seals to be prescribed under this Act.

CHAPTER VII

CONSULTATIONS WITH TRADE AND INDUSTRY

Section 94

Before We are advised to issue any of the general administrative orders referred to in Sections 3, 18, 29, 51, 81, 83, 84, 87, 91, paragraph (4), and 99, paragraph (2), or to amend or repeal any such general administrative order, the bodies to be designated by Our Minister referred to in Section 66 of the Industrial Organization Act and other organizations which may be deemed to have substantial interest in the matter to be regulated shall be given an opportunity to give their opinions on the draft.

CHAPTER VIII

PENAL PROVISIONS

Section 95

(1) If the findings in a civil or criminal case depend on the determination of the variety to which a group of plants must be deemed to belong, the Board shall be heard. The Board's advice shall give the grounds on which it is made.

(2) The Board shall give absolute priority to the matter referred to in paragraph (1).

Section 96

(1) Any person intentionnally acting in contravention of the provisions made by or by virtue of Sections 40, 41, 80, 81, 83 to 85, 87 and 91, paragraph (4), shall be guilty of a criminal offence.

(2) Any person acting in contravention of the provisions made by or by virtue of Sections 40, 41, 80, 81, 83 to 85, 87 and 91, paragraph (4), shall be guilty of an offence.

Section 97

The provision of sub-item t of the second item of Section 1 of the Economic Offences Act shall be deleted and in item 3.1 of that Act the words "Sections 40, 41, 80, 81, 83 to 85, 87 and 91, paragraph (4), of the Seeds and Planting Material Act" shall be substituted for the words "the Plant Breeders Ordinance, 1941, (Verordeningenblad 1942, 8)."

Section 98

In the event of non-compliance with an obligation as referred to in subparagraph (d) of paragraph 2 of Section 88 resulting in an economic offence as well, the Public Prosecutor shall, after having consulted the testing institution, decide whether or not disciplinary action shall be taken by the testing institution in respect of the offence.

CHAPTER IX

TRANSITIONAL AND FINAL PROVISIONS

Section 99

(1) The contents of the Central Register of Varieties referred to in Section 2 of the Plant Breeders Ordinance, 1941, at the time of the entry into force of this Act, shall as from that date be absorbed ex officio by the Netherlands Register of Varieties. Plant breeders' rights obtained by entry in the Central Register of Varieties and any plant breeders' rights valid at the time of the entry into force of this Act shall remain effective, on the understanding that, notwithstanding the provisions of paragraph (3) of Section 37, those plant breeders' rights shall be dated as from the date of entry of the variety in the Central Register of Varieties and that, notwithstanding the provisions of Section 51, the validity of these rights shall be twenty-five years, and for roses seventeen years.

(2) The provisions of Sections 7, paragraph (2), item 2°, 40 to 44 and 46 of the Plant Breeders Ordinance, 1941, shall remain applicable to varieties to which the provisions of Section 7, paragraph (2), item 2°, or Section 46 of that Decree were applicable at the time of the entry into force of this Act, notwithstanding the provisions made by or by virtue of this Act, until July 1st of the year following the year in which this Act enters into force or until such later date as shall be specified by general administrative order. Our Minister shall ensure that at the time when the aforementioned Sections of the Plant Breeders Ordinance, 1941, cease to be applicable to any variety of potato which had been recorded in the Central Register of Varieties for five years or more at the time of the entry into force of this Act, licenses shall become operative for that variety, by virtue of a public offer made in the manner described in Section 45, for the remainder of the validity of the plant breeder's right.

(3) The lists of varieties drawn up by virtue of Section 31 of the Plant Breeders Ordinance, 1941, at the time of the entry into force of this Act, shall as from that date be deemed to be lists of varieties within the meaning of Section 73.

(4) The applications and requests pending at the time of the entry into force of this Act before the Board for Plant Breeders' Rights referred to in Section 6 of the Plant Breeders Ordinance, 1941, shall, as from that date, be ipso jure before the Board in the state in which they are at the time, provided that:

(a) an application for registration in the Central Register of Varieties shall be deemed to be an application for a plant breeder's right, and

(b) an application relating to a variety as referred to in paragraph (2) of Section 18 shall be deemed to be an application for registration of the variety in the Netherlands Register of Varieties, and

(c) a request for the transfer of a registration in the Central Register of Varieties shall be deemed to be tantamount to a claim to a plant breeder's right within the meaning of Section 55.

The Board shall ensure that the necessary entries are made in the Netherlands Register of Varieties.

(5) The cases pending at the time of the entry into force of this Act before the Plant Breeders' Rights Appeals Tribunal referred to in Section 23 of the

Plant Breeders Ordinance, 1941, shall be ipso jure before the Appeals Department in the state in which they are at the time. The Board shall ensure that the necessary entries are made in the Netherlands Register of Varieties.

(6) The cases pending at the time of the entry into force of this Act before the Appeals Tribunal, the Court of Justice at The Hague or the Supreme Court pursuant to Sections 23, 24 or 28 of the Plant Breeders Ordinance, 1941, shall be dealt with and decided on in accordance with the provisions of the Plant Breeders Ordinance, 1941.

(7) The provision of paragraph (1) of Section 81 shall not apply to varieties appearing on a list of varieties at the time of the entry into force of this Act:

(a) if, at that time, an application as referred to in sub-paragraph (a) or sub-paragraph (b) of paragraph (4) is pending with respect to the variety, until such time as the Board has decided on the application;

(b) until one month after the entry into force of this Act, or if within that month an application is received for a plant breeders' right or for registration in the Netherlands Register of Varieties under paragraph (2) of Section 18, until such time as the Board has decided on the application.

Section 100

The Administrative Orders (Appeals) Act shall be amended as follows:

In sub-paragraph (g) of paragraph (1) of Section 1 the words "the Patent Office and the Board for Plant Breeders' Rights" shall be substituted for "the Patent Office".

Section 101

(1) The following regulations made by the German occupation authorities shall be cancelled:

(a) the Plant Breeders Ordinance, 1941, Verordeningenblad 1942, 8;

(b) the order of the Secretary-General of the Agriculture and Fisheries Department of June 24, 1942, concerning the entry into force of the Plant Breeders Ordinance, 1941, Staatscourant 1942, 120.

(2) The following Acts shall be repealed:

(a) the Horticultural Seeds and Planting Material Testing Act;

(b) the Act of December 31, 1920, Stb. 957.

Section 102

(1) This Act may be cited as the Seeds and Planting Materials Act.

(2) It shall enter into force on a date to be specified by Us.

[Cont'd from page 26]

Mr. Oredsson has misunderstood my mentioning of the "Red Dove" decision. It was mentioned for the definition of "technical." From that he draws the conclusion that for the possibility that a reproducible method for breeding a dove with red plumage exists I would consider it to be patentable. The patentability of that, of course, can be questioned on other grounds. What is the industrial applicability? A certain animal breed or the production of that breed does not seem to be possible under the present legislation anyway since the protection of the production would include the product of the process.

Mr. Oredsson still seems unwilling to accept the fact that, according to the present legislation, the deposit is part of the description. The decisions he recommends me to study (15308/69, 16023/70, 5873/72 and 7611201-0) I have now studied once more.

Of the five cases mentioned, 15308/69 and 7611201-0 are still waiting for a decision by the Administrative Supreme Court.

16023/70 has been rejected at two levels. The reason given by the Court of Patent Appeals is that neither the virus and how it is isolated is described nor is it deposited at an internationally known, from the applicant independent, domestic or foreign institution at the latest on the day of filing and publicly available when 18 months have passed since that day.

5873/72 has also been rejected at two levels. The reasons for rejection given are inventive step and lack of description of the enzyme.

16053/72 has been rejected at all three levels. One of the reasons for rejection given by the Court of Patent Appeals is the lack of description or deposit and general availability of the viruses used.

In neither of these applications a deposit according to the requirements of later legislation exists. Nevertheless the decisions show that in case of such deposit a sufficient disclosure would have existed.

Parliament has not approved motion 1984/85: 841 and therefore no committee has been formed. The Swedish preparations for the WIPO-discussions have taken steps forward now that more background has been presented.

MEMBER STATES

Federal Republic of Germany: Creation of a Foundation for the Promotion of Plant Variety Protection

The former President of the Bundesverband deutscher Pflanzenzüchter (Association of German Plant Breeders), Dobimar von Kameke-Streckenthin, who passed away on August 3, 1985, has created a foundation for the promotion of plant variety protection in the Federal Republic of Germany. The purpose of the foundation is to stimulate individual and collective creativeness with a view to make known the role of plant variety protection as the necessary legal framework for progress in plant breeding and maintenance breeding, to secure that role and to further it.

Japan: Appointment of a New Director of the Seeds and Seedlings Division

Mr. Masashi Kawaguchi has been appointed Director of the Seeds and Seedlings Division and representative of Japan on the UPOV Council, in replacement of Mr. Misao Kakibaya, who has taken up another function.

CALENDAR

1988

February 19 (eighth extraordinary session)	Council
April 18 to 21	Administrative and Legal Committee
April 22	Consultative Committee
June 7 to 9 Edinburgh, United Kingdom	Technical Working Party on Automation and Computer Programs
June 13 to 15 Wageningen, Netherlands	Technical Working Party for Vegetables
June 16 and 17 Wageningen, Netherlands	Workshop on Variety Examination (on lettuce)
June 20 to 24 Melle, Belgium	Technical Working Party for Ornamental Plants and Forest Trees
June 29 to July 1 Hanover, Federal Republic of Germany	Technical Working Party for Fruit Crops (Subgroups on June 28)
July 5 to 8 Surgères, France	Technical Working Party for Agricultural Crops
September 27 and 28 Cambridge, United Kingdom	Workshop on Variety Examination (on the use of new technology in the examination of varieties)
October 11 to 14	Administrative and Legal Committee
October 17	Consultative Committee
October 18 and 19 (twenty-second ordinary session)	Council
October 20 and 21	Technical 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.

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