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MULTILATERAL

International Convention for the protection of new varieties of plants (with annex, declaration, recommendation and official English and German translations). Done at Paris on 2 December 1961

Authentic text : French.

Registered by France on 2 March 1972.

MULTILATÉRAL

Convention internationale pour la protection des obtentions végétales (avec annexe, déclaration, recommandation et traductions anglaise et allemande officielles). Conclue à Paris le 2 décembre 1961

Texte authentique : français.

Enregistrée par la France le 2 mars 1972.

[OFFICIAL TRANSLATION¹ — TRADUCTION OFFICIELLE²]

INTERNATIONAL CONVENTION³ FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

The Contracting States,

Convinced of the importance attaching to the protection of new varieties of plants not only for the development of agriculture in their territory but also for safeguarding the interests of breeders,

Conscious of the special problems arising from the recognition and protection of the right of the creator in this field and particularly of the limitations that the requirements of the public interest may impose on the free exercise of such a right,

Deeming it highly desirable that these problems to which very many States rightly attach importance should be resolved by each of them in accordance with uniform and clearly defined principles,

Anxious to reach an agreement on these principles to which other States having the same interests may be able to adhere,

Have agreed as follows :

Article 1

(1) The purpose of this Convention is to recognise and to ensure to the breeder of a new plant variety, or to his successor in title, a right the content and the conditions of exercise of which are defined hereinafter.

(2) The States parties to this Convention, hereinafter referred to as

¹ See article 41 (3).

² Voir article 41, paragraphe 3.

³ Came into force on 10 August 1968 in respect of the following three States, i.e. 30 days after the deposit of the third instrument of ratification with the Government of France, in accordance with article 31 (3) :

<i>State</i>	<i>Date of the deposit of the instrument</i>
United Kingdom of Great Britain and Northern Ireland	17 September 1965
(With declarations.)*	
Federal Republic of Germany	11 July 1968
(With declarations.)*	
Netherlands	8 August 1967
(With declarations.)*	

Subsequently, the Convention came into force in respect of each of the following States 30 days after the deposit of their instrument of ratification with the Government of France, in accordance with article 31 (3) :

<i>State</i>	<i>Date of the deposit of the instrument</i>
Denmark	6 September 1968
(With effect from 6 October 1968. With declarations.)*	
France	3 September 1971
(With effect from 3 October 1971. With declarations.)*	

* See p. 146 of this volume for the text of the declarations.

member States of the Union, constitute a Union for the Protection of New Varieties of Plants.

(3) The seat of the Union and its permanent organs shall be at Geneva.

Article 2

(1) Each member State of the Union may recognise the right of the breeder provided for in this Convention by the grant either of a special title of protection or of a patent. Nevertheless, a member State of the Union whose national law admits of protection under both these forms may provide only one of them for one and the same botanical genus or species.

(2) For the purposes of this Convention, the word “variety” applies to any cultivar, clone, line, stock or hybrid which is capable of cultivation and which satisfies the provisions of subparagraphs (1)(c) and (d) of article 6.

Article 3

(1) Without prejudice to the rights specially provided for in this Convention, natural and legal persons resident or having their headquarters in one of the member States of the Union shall, in so far as the recognition and protection of the breeder’s right are concerned, enjoy in the other member States of the Union the same treatment as is accorded or may hereafter be accorded by the respective laws of such States to their own nationals, provided that such persons comply with the conditions and formalities imposed on such nationals.

(2) Nationals of member States of the Union not resident or having their headquarters in one of those States shall likewise enjoy the same rights provided that they fulfil such obligations as may be imposed on them for the purpose of enabling the new varieties which they have bred to be examined and the multiplication of such varieties to be controlled.

Article 4

(1) This Convention may be applied to all botanical genera and species.

(2) The member States of the Union undertake to adopt all measures necessary for the progressive application of the provisions of this Convention to the largest possible number of botanical genera and species.

(3) Each member State of the Union shall, on the entry into force of this Convention in its territory, apply the provisions of the Convention to at least five of the genera named in the list annexed to the Convention.

Each member State further undertakes to apply the said provisions to the other genera in the list, within the following periods from the date of the entry into force of the Convention in its territory :

(a) within three years, to at least two genera;

- (b) within six years, to at least four genera;
- (c) within eight years, to all the genera named in the list.

(4) Any member State of the Union protecting a genus or species not included in the list shall be entitled either to limit the benefit of such protection to the nationals of member States of the Union protecting the same genus or species and to natural and legal persons resident or having their headquarters in any of those States, or to extend the benefit of such protection to the nationals of other member States of the Union or to member States of the Paris Union for the Protection of Industrial Property and to natural and legal persons resident or having their headquarters in any of those States.

(5) Any member State of the Union may, on signing this Convention or on depositing its instrument of ratification or accession, declare that, with regard to the protection of new varieties of plants, it will apply articles 2 and 3 of the Paris Convention for the Protection of Industrial Property.¹

Article 5

(1) The effect of the right granted to the breeder of a new plant variety or his successor in title is that his prior authorisation shall be required for the production, for purposes of commercial marketing, of the reproductive or vegetative propagating material, as such, of the new variety, and for the offering for sale or marketing of such material. Vegetative propagating material shall be deemed to include whole plants. The breeder's right shall extend to ornamental plants or parts thereof normally marketed for purposes other than propagation when they are used commercially as propagating material in the production of ornamental plants or cut flowers.

(2) The authorisation given by the breeder or his successor in title may be made subject to such conditions as he may specify.

(3) Authorisation by the breeder or his successor in title shall not be required either for the utilisation of the new variety as an initial source of variation for the purpose of creating other new varieties or for the marketing of such varieties. Such authorisation shall be required, however, when the repeated use of the new variety is necessary for the commercial production of another variety.

(4) Any member State of the Union may, either under its own law or by means of special agreements under article 29, grant to breeders, in respect of certain botanical genera or species, a more extensive right than that set out in paragraph (1) of this article, extending in particular to the marketed product. A member State of the Union which grants such a right may limit the benefit of

¹ *British and Foreign State Papers*, vol. 74, p. 44; vol. 92, p. 807, and vol. 104, p. 116; League of Nations, *Treaty Series*, vol. LXXIV, p. 289, and vol. CXCII, p. 17, and United Nations, *Treaty Series*, vol. 828, pp. 107 and 305.

it to the nationals of member States of the Union which grant an identical right and to natural and legal persons resident or having their headquarters in any of those States.

Article 6

(1) The breeder of a new variety or his successor in title shall benefit from the protection provided for in this Convention when the following conditions are satisfied :

(a) Whatever may be the origin, artificial or natural, of the initial variation from which it has resulted, the new variety must be clearly distinguishable by one or more important characteristics from any other variety whose existence is a matter of common knowledge at the time when protection is applied for. Common knowledge may be established by reference to various factors such as : cultivation or marketing already in progress, entry in an official register of varieties already made or in the course of being made, inclusion in a reference collection or a precise description in a publication.

A new variety may be defined and distinguished by morphological or physiological characteristics. In all cases, such characteristics must be capable of precise description and recognition.

(b) The fact that a variety has been entered in trials, or has been submitted for registration or entered in an official register, shall not prejudice the breeder of such variety or his successor in title.

At the time of the application for protection in a member State of the Union, the new variety must not have been offered for sale or marketed, with the agreement of the breeder or his successor in title, in the territory of that State, or for longer than four years in the territory of any other State.

(c) The new variety must be sufficiently homogeneous, having regard to the particular features of its sexual reproduction or vegetative propagation.

(d) The new variety must be stable in its essential characteristics, that is to say, it must remain true to its description after repeated reproduction or propagation or, where the breeder has defined a particular cycle of reproduction or multiplication, at the end of each cycle.

(e) The new variety shall be given a denomination in accordance with the provisions of article 13.

(2) Provided that the breeder or his successor in title shall have complied with the formalities provided for by the national law of each country, including the payment of fees, the grant of protection in respect of a new variety may not be made subject to conditions other than those set forth above.

Article 7

(1) Protection shall be granted only after examination of the new plant variety in the light of the criteria defined in article 6. Such examination shall

be adapted to each botanical genus or species having regard to its normal manner of reproduction or multiplication.

(2) For the purposes of such examination, the competent authorities of each country may require the breeder or his successor in title to furnish all the necessary information, documents, propagating material or seeds.

(3) During the period between the filing of the application for protection of a new plant variety and the decision thereon, any member State of the Union may take measures to protect the breeder or his successor in title against wrongful acts by third parties.

Article 8

(1) The right conferred on the breeder of a new plant variety or his successor in title shall be granted for a limited period. This period may not be less than fifteen years. For plants such as vines, fruit trees and their rootstocks, forest trees and ornamental trees, the minimum period shall be eighteen years.

(2) The period of protection in a member State of the Union shall run from the date of the issue of the title of protection.

(3) Each member State of the Union may adopt longer periods than those indicated above and may fix different periods for some classes of plants, in order to take account, in particular, of the requirements of regulations concerning the production and marketing of seeds and propagating material.

Article 9

The free exercise of the exclusive right accorded to the breeder or his successor in title may not be restricted otherwise than for reasons of public interest.

When any such restriction is made in order to ensure the widespread distribution of new varieties, the member State of the Union concerned shall take all measures necessary to ensure that the breeder or his successor in title receives equitable remuneration.

Article 10

(1) The right of the breeder shall be declared null and void, in accordance with the provisions of the national law of each member State of the Union, if it is established that the conditions laid down in subparagraphs (a) and (b) of paragraph (1) of article 6 were not effectively complied with at the time when the title of protection was issued.

(2) The breeder or his successor in title shall forfeit his right when he is no longer in a position to provide the competent authority with reproductive or propagating material capable of producing the new variety with its morphological and physiological characteristics as defined when the right was granted.

- (3) The right of the breeder or his successor in title may become forfeit if :
- (a) after being requested to do so and within a prescribed period, he does not provide the competent authority with the reproductive or propagating material, the documents and the information deemed necessary for checking the new variety, or he does not allow inspection of the measures which have been taken for the maintenance of the variety; or
 - (b) he has failed to pay within the prescribed period such fees as may be payable to keep his rights in force.

(4) The right of the breeder may not be annulled and the right of the breeder or his successor in title may not become forfeit except on the grounds set out in this article.

Article 11

(1) The breeder or his successor in title may choose the member State of the Union in which he wishes to make his first application for protection of his right in respect of a new variety.

(2) The breeder or his successor in title may apply to other member States of the Union for protection of his right without waiting for the issue to him of a title of protection by the member State of the Union in which he made his first application.

(3) The protection applied for in different member States of the Union by natural or legal persons entitled to benefit under this Convention shall be independent of the protection obtained for the same new variety in other States whether or not such States are members of the Union.

Article 12

(1) Any breeder or his successor in title who has duly filed an application for protection of a new variety in one of the member States of the Union shall, for the purposes of filing in the other member States of the Union, enjoy a right of priority for a period of twelve months. This period shall run from the date of filing of the first application. The day of filing shall not be included in such period.

(2) To benefit from the provisions of the preceding paragraph, the further filing must include an application for protection of the new variety, a claim in respect of the priority of the first application and, within a period of three months, a copy of the documents which constitute that application, certified to be a true copy by the authority which received it.

(3) The breeder or his successor in title shall be allowed a period of four years after the expiration of the period of priority in which to furnish, to the member State of the Union with which he has filed an application for protection

in accordance with the terms of paragraph (2), the additional documents and material required by the laws and regulations of that State.

(4) Such matters as the filing of another application or the publication or use of the subject of the application, occurring within the period provided for in paragraph (1), shall not constitute grounds for objection to an application filed in accordance with the foregoing conditions. Such matters may not give rise to any right in favour of a third party or to any right of personal possession.

Article 13

(1) A new variety shall be given a denomination.

(2) Such denomination must enable the new variety to be identified; in particular, it may not consist solely of figures.

The denomination must not be liable to mislead or to cause confusion concerning the characteristics, value or identity of the new 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, existing varieties of the same or a closely related botanical species.

(3) The breeder or his successor in title may not submit as the denomination of a new variety either a designation in respect of which he enjoys the protection, in a member State of the Union, accorded to trade marks, and which applies to products which are identical or similar within the meaning of trade mark law, or a designation liable to cause confusion with such a mark, unless he undertakes to renounce his right to the mark as from the registration of the denomination of the new variety.

If the breeder or his successor in title nevertheless submits such a denomination, he may not, as from the time when it is registered, continue to assert his right to the trade mark in respect of the above-mentioned products.

(4) The denomination of the new variety shall be submitted by the breeder or his successor in title to the authority referred to in article 30. If it is found that such denomination does not satisfy the requirements of the preceding paragraphs, the authority shall refuse to register it and shall require the breeder or his successor in title to propose another denomination within a prescribed period. The denomination shall be registered at the same time as the title of protection is issued in accordance with the provisions of article 7.

(5) A new variety must be submitted in member States of the Union under the same denomination. The competent authority for the issue of the title of protection in each member State of the Union shall register the denomination so submitted, unless it considers that denomination unsuitable in that State. In this case, it may require the breeder or his successor in title to submit a translation of the original denomination or another suitable denomination.

(6) When the denomination of a new variety is submitted to the competent authority of a member State of the Union, the latter shall communicate it to the

Office of the Union referred to in article 15, which shall notify it to the competent authorities of the other member States of the Union. Any member State of the Union may address its objections, if any, through the said Office, to the State which communicated the denomination.

The competent authority of each member State of the Union shall notify each registration of the denomination of a new variety and each refusal of registration to the Office of the Union, which shall inform the competent authorities of the other member States of the Union. Registrations shall also be communicated by the Office to the member States of the Paris Union for the Protection of Industrial Property.

(7) Any person in a member State of the Union who offers for sale or markets reproductive or vegetative propagating material of a new variety shall be obliged to use the denomination of that new variety, even after the expiration of the protection of that variety, in so far as, in accordance with the provisions of paragraph (10), prior rights do not prevent such use.

(8) From the date of issue of a title of protection to a breeder or his successor in title in a member State of the Union :

- (a) the denomination of the new variety may not be used, in any member State of the Union, as the denomination of another variety of the same or a closely related botanical species;
- (b) the denomination of the new variety shall be regarded as the generic name for that variety. Consequently, subject to the provisions of paragraph (10), no person may, in any member State of the Union, apply for the registration of, or obtain protection as a trade mark for, a denomination identical to or liable to cause confusion with such denomination, in respect of identical or similar products within the meaning of trade mark law.

(9) It shall be permitted, in respect of the same product, to add a trade mark to the denomination of the new variety.

(10) Prior rights of third parties in respect of signs used to distinguish their products or enterprises shall not be affected. If, by reason of a prior right, the use of the denomination of a new variety is forbidden to a person who, in accordance with the provisions of paragraph (7), is obliged to use it, the competent authority shall, if need be, require the breeder or his successor in title to submit another denomination for the new variety.

Article 14

(1) The right accorded to the breeder in pursuance of the provisions of this Convention shall be independent of the measures taken by each member State of the Union to regulate the production, certification and marketing of seeds and propagating material.

(2) However, such measures shall, as far as possible, avoid hindering the application of the provisions of this Convention.

Article 15

The permanent organs of the Union shall be :

- (a) the Council;
- (b) the Secretariat General, entitled the Office of the International Union for the Protection of New Varieties of Plants. That Office shall be under the high authority of the Swiss Confederation.

Article 16

(1) The Council shall consist of representatives of the member States of the Union. Each member State of the Union shall appoint one representative to the Council and an alternate.

(2) Representatives or alternates may be accompanied by assistants or advisers.

(3) Each member State of the Union shall have one vote in the Council.

Article 17

(1) States which have signed but not yet ratified this Convention shall be invited as observers to meetings of the Council. Their representatives shall be entitled to speak in a consultative capacity.

(2) Other observers or experts may also be invited to such meetings.

Article 18

(1) The Council shall elect a President and a first Vice-President from among its members. It may elect other Vice-Presidents. The first Vice-President shall take the place of the President if the latter is unable to officiate.

(2) The President shall hold office for three years.

Article 19

(1) Meetings of the Council shall be convened by its President.

(2) A regular session of the Council shall be held annually. In addition, the President may convene the Council at his discretion; he shall convene it, within a period of three months, if a third of the member States of the Union so request.

Article 20

(1) The Council shall lay down its rules or procedure.

(2) The Council shall adopt the administrative and financial regulations of the Union, after having consulted the Government of the Swiss Confederation.

tion. The Government of the Swiss Confederation shall be responsible for ensuring that the regulations are carried out.

(3) A majority of three-quarters of the member States of the Union shall be required for the adoption of such rules and regulations and any amendments to them.

Article 21

The duties of the Council shall be to :

- (a) study appropriate measures to safeguard the interests and to encourage the development of the Union;
- (b) examine the annual report on the activities of the Union and lay down the programme for its future work;
- (c) give to the Secretary-General, whose functions are set out in article 23, all necessary directions, including those concerning relations with national authorities;
- (d) examine and approve the budget of the Union and fix the contribution of each member State in accordance with the provisions of article 26;
- (e) examine and approve the accounts presented by the Secretary-General;
- (f) fix, in accordance with the provisions of article 27, the date and place of the conferences referred to in that Article and take the measures necessary for their preparation;
- (g) make proposals to the Government of the Swiss Confederation concerning the appointment of the Secretary-General and senior officials; and
- (h) in general, take all necessary decisions to ensure the efficient functioning of the Union.

Article 22

The Council's decisions shall be taken by a simple majority of the members present, except in the cases provided for in articles 20, 27, 28 and 32, and for the vote on the budget and the fixing of the contributions of each member State. In these last two cases, the majority required shall be three-quarters of the members present.

Article 23

(1) The Office of the Union shall have the task of carrying out all the duties and tasks entrusted to it by the Council. It shall be under the direction of the Secretary-General.

(2) The Secretary-General shall be responsible to the Council; he shall be responsible for carrying out the decisions of the Council.

He shall submit the budget for the approval of the Council and shall be responsible for its implementation.

He shall make an annual report to the Council on his administration and a report on the activities and financial position of the Union.

(3) The Secretary-General and the senior officials shall be appointed, on the proposal of the Council, by the Government of the Swiss Confederation, which shall determine the terms of their appointment.

The terms of service and the remuneration of other grades in the Office of the Union shall be determined by the administrative and financial regulations.

Article 24

The Government of the Swiss Confederation shall supervise the expenditure and accounts of the Office of the International Union for the Protection of New Varieties of Plants. It shall submit an annual report on its supervisory function to the Council.

Article 25

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

Article 26

(1) The expenses of the Union shall be met from :

- (a) annual contributions of member States of the Union;
- (b) payments received for services rendered; and
- (c) miscellaneous receipts.

(2) For the purpose of determining the amount of their annual contributions, the member States of the Union shall be divided into three classes :

- First class . . . five units
- Second class . . three units
- Third class . . . one unit

Each member State of the Union shall contribute in proportion to the number of units of the class to which it belongs.

(3) For each budgetary period, the value of the unit of contribution shall be obtained by dividing the total expenditure to be met from the contributions of member States by the total number of units.

(4) Each member State of the Union shall indicate, on joining the Union,

the class in which it wishes to be placed. Any member State of the Union may, however, subsequently declare that it wishes to be placed in another class.

Such declaration must be made at least six months before the end of the financial year preceding that in which the change of class is to take effect.

Article 27

(1) This Convention shall be reviewed periodically with a view to the introduction of amendments designed to improve the working of the Union.

(2) For this purpose, conferences shall be held every five years, unless the Council, by a majority of five-sixths of the members present, considers that the convening of such a conference should be brought forward or postponed.

(3) The proceedings of a conference shall be effective only if at least half of the member States of the Union are represented at it.

A majority of five-sixths of the member States of the Union represented at the conference shall be required for the adoption of a revised text of the Convention.

(4) The revised text shall enter into force, in respect of member States of the Union which have ratified it, when it has been ratified by five-sixths of the member States of the Union. It shall enter into force thirty days after the deposit of the last of the instruments of ratification. If, however, a majority of five-sixths of the member States of the Union represented at the conference considers that the revised text includes amendments of such a kind as to preclude, for member States of the Union which do not ratify the revised text, the possibility of continuing to be bound by the former text in respect of the other member States of the Union, the revised text shall enter into force two years after the deposit of the last of the instruments of ratification. In such case, the former text shall, from the date of such entry into force, cease to bind the States which have ratified the revised text.

Article 28

(1) The English, French and German languages shall be used by the Office of the Union in carrying out its duties.

(2) Meetings of the Council and of revision conferences shall be held in the three languages.

(3) If the need arises, the Council may decide, by a majority of three-quarters of the members present, that further languages shall be used.

Article 29

Member States of the Union reserve the right to conclude among themselves special agreements for the protection of new varieties of plants, in so far as such agreements do not contravene the provisions of this Convention.

Member States of the Union which have not taken part in making such agreements shall be allowed to accede to them at their request.

Article 30

(1) Each member State of the Union shall undertake to adopt all measures necessary for the application of this Convention.

In particular, each member State shall undertake to :

- (a) ensure to nationals of the other member States of the Union appropriate legal remedies for the effective defence of the rights provided for in this Convention;
- (b) set up a special authority for the protection of new varieties of plants or to entrust their protection to an existing authority; and
- (c) ensure that the public is informed of matters concerning such protection, including as a minimum the periodical publication of the list of titles of protection issued.

(2) Special agreements may also be concluded between member States of the Union, with a view to the joint utilisation of the services of the authorities entrusted with the examination of new varieties in accordance with the provisions of article 7 and with assembling the necessary reference collections and documents.

(3) It shall be understood that, on depositing its instrument of ratification or accession, each member State must be in a position, under its own domestic law, to give effect to the provisions of this Convention.

Article 31

(1) This Convention shall be open for signature until December 2, 1962, by States represented at the Paris Conference for the Protection of New Varieties of Plants.

(2) This Convention shall be subject to ratification; instruments of ratification shall be deposited with the Government of the French Republic, which shall notify such deposit to the other signatory States.

(3) When the Convention has been ratified by at least three States, it shall enter into force in respect of those States thirty days after the deposit of the third instrument of ratification. It shall enter into force, in respect of each State which ratifies thereafter, thirty days after the deposit of its instrument of ratification.

Article 32

(1) This Convention shall be open to accession by non-signatory States in accordance with the provisions of paragraphs (3) and (4) of this article.

(2) Applications for accession shall be addressed to the Government of the Swiss Confederation, which shall notify them to the member States of the Union.

(3) Applications for accession shall be considered by the Council having particular regard to the provisions of article 30.

Having regard to the nature of the decision to be taken and to the difference in the rule adopted for revision conferences, accession by a non-signatory State shall be accepted if a majority of four-fifths of the members present vote in favour of its application.

Three-quarters of the member States of the Union must be represented when the vote is taken.

(4) In the case of a favourable decision, the instrument of accession shall be deposited with the Government of the Swiss Confederation, which shall notify the member States of the Union of such deposit.

Accession shall take effect thirty days after the deposit of such instrument.

Article 33

(1) When ratifying this Convention, in the case of a signatory State, or when submitting an application for accession, in the case of any other State, each State shall give, in the first case to the Government of the French Republic and in the second case to the Government of the Swiss Confederation, the list of genera or species in respect of which it undertakes to apply the provisions of the Convention in accordance with the requirements of article 14. In addition, it shall specify, in the case of genera or species referred to in paragraph (4) of that article, whether it intends to avail itself of the option of limitation available under that provision.

(2) Each member State of the Union which subsequently decides to apply the provisions of this Convention to other genera or species shall communicate the same information as is required under paragraph (1) of this article to the Government of the Swiss Confederation and to the Office of the Union, at least thirty days before its decision takes effect.

(3) The Government of the French Republic or the Government of the Swiss Confederation, as the case may be, shall immediately communicate to all the member States of the Union the information referred to in paragraphs (1) and (2) of this article.

Article 34

(1) Every member State of the Union, either on signing or ratifying or acceding to this Convention, shall declare whether the Convention applies to all or to a part of its territories or to one or more or to all of the States or territories for which it is responsible.

This declaration may be supplemented at any time thereafter by notification

to the Government of the Swiss Confederation. Such notification shall take effect thirty days after it has been received by that Government.

(2) The Government which has received the declarations or notifications referred to in paragraph (1) of this Article shall communicate them to all member States of the Union.

Article 35

Notwithstanding the provisions of article 6, any member State of the Union may, without thereby creating an obligation for other member States of the Union, limit the requirement of novelty laid down in that article, with regard to varieties of recent creation existing at the date of entry into force of this Convention in respect of such State.

Article 36

(1) If, at the date of entry into force of this Convention in respect of a member State of the Union, the breeder of a new variety protected in that State, or his successor in title, enjoys in that State the protection of the denomination of that variety as a trade mark for identical or similar products within the meaning of trade mark law, he may either renounce the protection in respect of the trade mark or submit a new denomination for the variety in the place of the previous denomination. If a new denomination has not been submitted within a period of six months, the breeder or his successor in title may not continue to assert his right to the trade mark for the above-mentioned products.

(2) If a new denomination is registered for the variety, the breeder or his successor in title may not prohibit the use of the previous denomination by persons obliged to use it before the entry into force of this Convention, until a period of one year has expired from the publication of the registration of the new denomination.

Article 37

This Convention shall not affect existing rights under the national laws of member States of the Union or under agreements concluded between such States.

Article 38

(1) Any dispute between two or more member States of the Union concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of the States concerned, be submitted to the Council, which shall endeavour to bring about agreement between the member States concerned.

(2) If such agreement is not reached within six months from the date when the dispute was submitted to the Council, the dispute shall be referred to an arbitration tribunal at the request of one of the parties concerned.

(3) The tribunal shall consist of three arbitrators.

Where two member States are parties to a dispute, each of those States shall appoint an arbitrator.

Where more than two member States are parties to a dispute, two of the arbitrators shall be appointed by agreement among the States concerned.

If the States concerned have not appointed the arbitrators within a period of two months from the date on which the request for convening the tribunal was notified to them by the Office of the Union, any of the member States concerned may request the President of the International Court of Justice to make the necessary appointments.

In all cases, the third arbitrator shall be appointed by the President of the International Court of Justice.

If the President is a national of one of the member States parties to the dispute, the Vice-President shall make the appointments referred to above, unless he is himself also a national of one of the member States parties to the dispute. In this last case, the appointments shall be made by the member of the Court who is not a national of one of the member States parties to the dispute and who has been selected by the President to make the appointments.

(4) The award of the tribunal shall be final and binding on the member States concerned.

(5) The tribunal shall determine its own procedure, unless the member States concerned agree otherwise.

(6) Each of the member States parties to the dispute shall bear the costs of its representation before the arbitration tribunal; other costs shall be borne in equal parts by each of the States.

Article 39

Signature and ratification of and accession to this Convention shall not be subject to any reservation.

Article 40

(1) This Convention shall be of unlimited duration.

(2) Subject to the provisions of paragraph (4) of Article 27, if a member State of the Union denounces this Convention, such denunciation shall take effect one year after the date on which notification of denunciation is made by the Government of the Swiss Confederation to the other member States of the Union.

(3) Any member State may at any time declare that the Convention shall cease to apply to certain of its territories or to States or territories in respect of which it has made a declaration in accordance with the provisions of article 34. Such declaration shall take effect one year after the date on which notification thereof is made by the Government of the Swiss Confederation to the other member States of the Union.

(4) Such denunciations and declarations shall not affect rights acquired by reason of this Convention prior to the expiration of the time limit laid down in paragraphs (2) and (3) of this article.

Article 41

(1) This Convention is drawn up in a single copy in the French language. That copy is deposited in the archives of the Government of the French Republic.

(2) A certified true copy shall be forwarded by that Government to the Governments of all signatory States.

(3) Official translations of this Convention shall be made in the Dutch, English, German, Italian and Spanish languages.¹

IN WITNESS WHEREOF, the Plenipotentiaries duly authorised thereto, having communicated their full powers found to be in good and due form, have signed this Convention and have affixed thereto their seals.

DONE at Paris, this second day of December, 1961.

For the Federal Republic of Germany :

G. V. HAEFTEN
JOSEPH MURMANN
HANS SCHADE

For Belgium :

A. BAYOT

For France :

HENRI FERRU

For Italy :

In my capacity as Plenipotentiary, I declare that the Government of the Italian Republic, by virtue of the option afforded by paragraph (5) of article 4 of the present Convention, decides to apply articles 2 and 3 of the Convention of Paris for the Protection of Industrial Property with regard to the protection of plant varieties.

TALAMO

¹ Only translations into English and German (p. 128) have been established.

For the Netherlands :

F. E. NIJDAM

For the United Kingdom of Great Britain and Northern Ireland :

November 26, 1962

PIERSON DIXON

For Denmark :

At the time of signing this Convention I declare that my signature does not bind Greenland and the Faroe Islands.

November 26, 1962

E. BARTELS

For Switzerland :

November 30, 1962

AGOSTINO SOLDATI

ANNEX

LIST REFERRED TO IN ARTICLE 4, PARAGRAPH (3)

Species to be protected in each genus

1. Wheat *Triticum aestivum* L. ssp. *vulgare* (Vill Host) Mac Kay
Triticum durum Desf.
2. Barley *Hordeum vulgare* L. s. lat.
3. Oats *Avena sativa* L.
Avena byzantina C. Koch
or Rice *Oryza sativa* L.
4. Maize. . . . *Zea Mays* L.
5. Potato *Solanum tuberosum* L.
6. Peas *Pisum sativum* L.
7. Beans. . . . *Phaseolus vulgaris* L.
Phaseolus coccineus L.
8. Lucerne. . . . *Medicago sativa* L.
Medicago varia Martyn
9. Red Clover . . *Trifolium pratense* L.
10. Ryegrass . . . *Lolium* sp.
11. Lettuce *Lactuca sativa* L.
12. Apples *Malus domestica* Borkh
13. Roses. . . . *Rosa hort.*
or Carnations . *Dianthus caryophyllus* L.

If two optional genera are chosen—numbers 3 or 13 above—they shall be counted as one genus only.

DECLARATION

The signatory States declare it to be their common intention to extend the provisions of the Convention, as soon as it comes into force, to at least 15 genera and species the list of which will be drawn up by them by mutual agreement.

For the Federal Republic of Germany :

G. V. HAEFTEN
JOSEPH MURMANN
HANS SCHADE

For France :

HENRI FERRU

For the Netherlands :

F. E. NIJDAM

RECOMMENDATION

The Conference,

Having regard to articles 7 and 30 of the Convention,

Having regard to the fact that the examination of new varieties of plants will constitute for each of the member States of the Union an onerous task from a technical and financial point of view, which it is possible and desirable to alleviate by organising such examination on an international basis,

Having regard to the fact that such international co-operation will result in the possibility of extending the Union to include a larger number of States and to cover a larger number of botanical genera and species.

Recommends the States represented at the Conference to undertake as soon as possible the necessary studies for organising the examination on an international basis and for making the agreements provided for in article 30 of the Convention.

DECLARATIONS MADE
UPON RATIFICATION

UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN
IRELAND

“(1) *In accordance with paragraph (1) of article 33 :*

(a) The United Kingdom undertakes to apply the provisions of the Convention in accordance with the requirements of article 4 to the following genera or species named in the list annexed to the Convention, that is to say, to :

- (i) Wheat (all varieties of wheat which conform with the characteristics of cultivated varieties of the genus *Triticum*).
- (ii) Barley (all varieties of barley which conform with the characteristics of cultivated varieties of the genus *Hordeum vulgare L. sens lat.*).
- (iii) Oats (all varieties of oats which conform with the characteristics of cultivated cereal varieties of the genus *Avena*).
- (iv) Potatoes (all varieties of potatoes which conform with the characteristics of cultivated varieties of the species *Solanum tuberosum L. sens lat.*).

DÉCLARATIONS FAITES LORS
DE LA RATIFICATION

ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE
DU NORD

[TRADUCTION¹ — TRANSLATION²]

(1) *Conformément au paragraphe (1) de l'article 33 :*

(a) Le Royaume-Uni s'engage à appliquer les dispositions de la Convention dans les conditions prévues à l'article 4 aux genres ou espèces suivants figurant sur la liste annexée à la Convention, à savoir :

- (i) Blé (toutes variétés de blé répondant aux caractéristiques des variétés cultivées du genre *Triticum*)
- (ii) Orge (toutes variétés d'orge répondant aux caractéristiques des variétés cultivées du genre *Hordeum vulgare L. Sens lat.*)
- (iii) Avoine (toutes variétés d'avoine répondant aux caractéristiques des variétés de céréales cultivées du genre *Avena*).
- (iv) Pomme de terre (toutes variétés de pommes de terre répondant aux caractéristiques des variétés cultivées de l'espèce *Solanum tuberosum L. Sens lat.*)

¹ Traduction fournie par le Gouvernement français.

² Translation supplied by the Government of France.

- (v) Roses (all varieties of roses which conform with characteristics of the genus *Rosa*).
- (b) The United Kingdom does not intend to avail itself of the right of limitation available under paragraph (4) of article 4 in respect of genera and species not included in the list annexed to the Convention.
- (2) *In accordance with paragraph (1) of article 34 :*

The Convention will apply to the United Kingdom of Great Britain and Northern Ireland only.

I have the honour to add that under legislation at present in force in the United Kingdom nationals of all States whether or not they are domiciled or have a registered office in one of the Member States of the Union for the Protection of New Plant Varieties or of the Union for the Protection of Industrial Property, are entitled to the same treatment as nationals of the United Kingdom. ”

FEDERAL REPUBLIC
OF GERMANY

- (v) Rose (toutes variétés de roses répondant aux caractéristiques du genre *Rosa*).
- (b) Le Royaume-Uni n'a pas l'intention de se prévaloir du droit de limitation prévu au paragraphe (4) de l'article 4 en ce qui concerne les genres et espèces ne figurant pas sur la liste annexée à la Convention.
- (2) *Conformément au paragraphe (1) de l'article 34 :*

La Convention sera applicable exclusivement au Royaume-Uni de Grande-Bretagne et d'Irlande du Nord.

J'ai l'honneur d'ajouter qu'aux termes de la législation actuellement en vigueur au Royaume-Uni les ressortissants de tous Etats, qu'ils soient domiciliés ou non ou qu'ils aient ou non un siège social dans l'un des Etats membres de l'Union pour la Protection des obtentions végétales ou de l'Union pour la Protection de la propriété industrielle, ont droit au même traitement que les ressortissants du Royaume-Uni.

RÉPUBLIQUE FÉDÉRALE
D'ALLEMAGNE

[GERMAN TEXT — TEXTE ALLEMAND]

I

“ 1. Das Übereinkommen wird zunächst auf Pflanzengattungen und Pflanzenarten angewendet, die im Artenverzeichnis der Anlage zum Sortenschutzgesetz vom 20. Mai 1968 (*Bundesgesetzblatt I S. 429*) aufgeführt sind (das Artenverzeichnis ist als Anlage beigelegt).

2. Nach Par. 23 Abs. 1 des Sortenschutzgesetzes stehen Rechte aus diesem Gesetz u.a. nur zu

[TRANSLATION — TRADUCTION]

[TRADUCTION¹ — TRANSLATION²]

I

I

1. The Convention shall apply in the first place to the genera and species of plants named in the list of species annexed to the Act of 21 May 1968 on the protection of plant varieties (Federal Official Gazette I, p. 429) attached hereto.

2. According to article 23, paragraph 1, of the Act on the protection of plant varieties, the rights deriving from this Act *et alia* may be enjoyed only by

- a) Persons resident in the territory to which this Act applies and legal persons and trading partnerships with headquarters in the territory to which this Act applies;
- b) Nationals of another State Party to the Convention and natural and legal persons resident or having their headquarters in another State Party, if the State Party of which they are nationals or in which they are resident or have their headquarters affords protection for varieties of the same species or if the variety by reason of its species is included in the list annexed to the Convention.

1. Tout d'abord la Convention est applicable aux genres et espèces botaniques qui sont désignés dans la liste des espèces figurant en annexe à la loi sur la protection des variétés végétales du 20 mai 1968 (Bulletin fédéral des lois I, page 429), liste ci-annexée.

2. Aux termes de l'article 23, alinéa 1 de la loi sur la protection des variétés végétales, ne peuvent bénéficier des droits découlant de ladite loi ou d'autres textes législatifs que :

- a) des personnes physiques qui ont leur domicile sur le territoire où s'applique cette loi ainsi que des personnes morales et des « Sociétés commerciales de personnes » qui ont leur siège sur le territoire où s'applique cette loi;
- b) les personnes possédant la nationalité d'un autre Etat partie à la Convention ainsi que les personnes physiques et morales qui ont leur domicile ou leur siège sur le territoire d'un autre Etat partie, à la condition que l'Etat partie dont elles possèdent la nationalité ou selon le droit duquel elles sont constituées accorde une protection aux variétés de la même espèce, ou lorsque la variété, compte tenu de l'espèce à laquelle elle appartient, figure sur la liste annexée à la Convention.

¹ Traduction fournie par le Gouvernement français.

² Translation supplied by the Government of France.

II

The Convention shall also apply to Land Berlin with effect from the date on which it enters into force with respect to the Federal Republic of Germany.

II

La Convention sera également applicable au Land de Berlin à compter de la date à laquelle elle entrera en vigueur à l'égard de la République fédérale d'Allemagne.

LIST OF SPECIES — VARIÉTÉS

<i>Agrostis spec.</i>	Bent-grass	Agrotis
<i>Allium cepa L.</i>	Garden onion	Oignon comestible
<i>Allium porrum L.</i>	Garden leek	Poireau
<i>Alopecurus pratensis L.</i>	Meadow foxtail	Vulpin des près
<i>Apium graveolens L.</i>	Celery	Céliéri
<i>Arrhenatherum elatius (L.) P. Beauv.</i> <i>ex S. et K. B. Presl</i>	Tall oat grass	Pay-grass de France
<i>Asparagus officinalis L.</i>	Asparagus	Asperge
<i>Avena nuda Hoeyer</i>	Naked oat	Avoine nue
<i>Avena sativa L.</i>	Oats	Avoine
<i>Beta vulgaris L. ssp. vulgaris var. alba</i> <i>DC.</i>	White beet	Betterave
<i>Beta vulgaris L. ssp. vulgaris var.</i> <i>altissima (Doell)</i>	Sugar beet	Betterave sucrière
<i>Beta vulgaris L. ssp. vulgaris var. con-</i> <i>ditiva Alef.</i>	Red beet	Betterave rouge
<i>Beta vulgaris L. ssp. vulgaris var.</i> <i>vulgaris</i>	Mangel-wurzel	Bette
<i>Brassica juncea (L.) Czern. et Coss</i> <i>ssp. juncea</i>	Sarepta mustard	Moutarde de Sarepte
<i>Brassica napus L. emend. Metzger var.</i> <i>napobrassica (L.) Rchb.</i>	Swede, rutabaga	Chou-navet
<i>Brassica napus L. emend. Metzger var.</i> <i>napus</i>	Rape	Colza
<i>Brassica nigra (L.) W. D. J. Koch</i>	(Black) mustard	Moutarde noire
<i>Brassica oleracea L. convar. acephala</i> <i>(DC.) Alef. var. gongyloides L.</i>	Kohl-rabi	Chou-rave
<i>Brassica oleracea L. convar. acephala</i> <i>(DC.) Alef. var. sabellica L.</i>	Kale	Chou-vert
<i>Brassica oleracea L. convar. acephala</i> <i>(DC.) Alef. var. viridis L. + var.</i> <i>medullosa Thell. in Hegi</i>	Fodder kale	Chou fourrager
<i>Brassica oleracea L. convar. botrytis</i> <i>(L.) Alef. var. botrytis</i>	Cauliflower	Chou-fleur
<i>Brassica oleracea L. convar. capitata</i> <i>(L.) Alef. var. capitata</i>	Head cabbage, red cabbage	Chou-blanc, chou rouge

<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>sabauda</i> L.	Savoy cabbage	Chou de Milan
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussel sprouts	Chou de Bruxelles
<i>Brassica rapa</i> L. var. <i>silvestris</i> (Lam.) Briggs	Rübsen	Navette
<i>Brassica rapa</i> L. emend. Metzger var. <i>rapa</i>	Common turnip, " May turnip ", late turnip	Navet
<i>Bromus inermis</i> Leyss.	Awnless brome-grass	Navet brome
<i>Cannabis sativa</i> L.	Hemp	Chanvre
<i>Cichorium endivia</i> L.	Endive	Endive
<i>Cichorium intybus</i> L. var. <i>sativum</i> DC	Chicory	Chicorée
<i>Cucumis sativus</i> L.	Cucumber	Concombre
<i>Cucurbita maxima</i> Duch.	Gourd, squash	Potiron
<i>Cucurbita pepo</i> L.	Pumpkin	Courgettes
<i>Dactylis glomerata</i> L.	Cocksfoot	Dactyle pelotonné
<i>Daucus carota</i> L. ssp. <i>sativus</i> (Hoffm.) Arcang.	Carrot	Carotte
<i>Fagopyrum esculentum</i> Moench.	Buckwheat	Sarrasin
<i>Festuca spec.</i>	Fescue-grass	Fétuque
<i>Fragaria ananassa</i> Duch.	Strawberry (pine- apple variety)	Fraisier cultivé
<i>Glycine soja</i> Sieb. et Zucc.	Soy bean	Soja
<i>Helianthus annuus</i> L.	Sunflower	Tournesol
<i>Helianthus tuberosus</i> L.	Jerusalem artichoke	Topinambour
<i>Hordeum vulgare</i> L. convar. <i>distichon</i> (L.) Alef.	Two-rowed barley	Orge distique
<i>Hordeum vulgare</i> L. convar. <i>vulgare</i>	Bigg barley	Orge commune
<i>Humulus lupulus</i> L.	Hops	Houblon
<i>Lactuca sativa</i> L. var. <i>capitata</i> L.	Head lettuce	Laitue pommée
<i>Lactuca sativa</i> L. var. <i>crispa</i> L.	Leaf lettuce, cutting lettuce	Laitue à cueillée, laitue romaine
<i>Lathyrus cicera</i> L.	Lesser chick pea, flat-podded vetch	Gesse à fleurs moyen
<i>Lathyrus sativus</i> L.	Chickling vetch	Gesse commune
<i>Lathyrus tingitanus</i> L.	Tangier pea	Gesse à fleurs pour- pres
<i>Lens culinaris</i> Medik.	Lentil	Lentille
<i>Lycopersicon esculentum</i> Mill.	Tomato	Tomate
<i>Linum usitatissimum</i> L.	Flax	Lin
<i>Lolium spec.</i>	Ryegrass	Turaie
<i>Lotus corniculatus</i> L.	Birds-foot trefoil	Lotier corniculé
<i>Lotus uliginosus</i> Schkuhr	Large birds-foot trefoil	Lotier velu
<i>Lupinus albus</i> L.	White lupin	Lupin blanc
<i>Lupinus angustifolius</i> L.	Blue lupin	Lupin bleu

<i>Lupinus luteus</i> L.	Yellow lupin	Lupin jaune
<i>Medicago falcata</i> L.	Sickel lucerne	Luzerne falcata
<i>Medicago lupulina</i> L.	Yellow clover, Black medic	Lupule
<i>Medicago sativa</i> L.	Lucerne, alfalfa	<i>Medicago sativa</i>
<i>Medicago x varia</i> Martyn	Hybrid medic	Luzerne
<i>Nicotiana rustica</i> L.	Green or wild tobacco	Faux tabac
<i>Nicotiana tabacum</i> L.	Tobacco	Tabac
<i>Onobrychis viciifolia</i> Scop.	Sainfoin	Sainfoin
<i>Ornithopus sativus</i> Brot.	Serradella	Pied-d'oiseau
<i>Panicum miliaceum</i> L.	Millet	Millet commun à panicules
<i>Papaver somniferum</i> L.	Poppy	Pavot
<i>Petroselinum Hill crispum</i> (Mill.) Nym. ex hort. Kew.	Parsley	Persil
<i>Phalaris arundinacea</i> L.	Reed canary grass	Chiendent ruban
<i>Phaseolus coccineus</i> L.	Runner bean	Haricot d'Espagne, faséole rouge
<i>Phaseolus vulgaris</i> L. var. <i>nanus</i> (L.) Aschers.	Dwarf French bean	Haricot nain
<i>Phaseolus vulgaris</i> L. var. <i>vulgaris</i>	Climbing French bean	Haricot à rames
<i>Phleum pratense</i> L.	Timothy grass	Gazon d'Angleterre
<i>Pisum sativum</i> L.	Fodder peas, vegetable peas, dried peas	Pois fourrager
<i>Poa spec.</i>	Meadow-grass	Pâturin
<i>Populus spec.</i>	Poplar	Peuplier
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black radish	Raifort
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Oil radish of China, oil-seed radish	Raifort oléifère
<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis
<i>Ribes nigrum</i> L.	Blackcurrant	Cassis
<i>Ribes niveum</i> Lindl.	Snow gooseberry	Groseille (blanche)
<i>Ribes sylvestre</i> (Lam.) Mert. et W. D. J. Koch	Northern redcurrant	Groseille (rouge)
<i>Ribes uva-crispa</i> L.	Gooseberry	Groseille à maquereau
<i>Rosa</i> L. hort.	Roses	Rose
<i>Rubus eubatus</i>	Blackberry	Mûre sauvage
<i>Rubus idaeus</i> L.	Raspberry	Framboise
<i>Scorzonera hispanica</i> L.	Black salsify, scorzonera	Salsifis
<i>Secale cereale</i> L.	Rye	Seigle
<i>Setaria italica</i> (L.) P. Beauv.	Foxtail millet	Millet des oiseaux
<i>Sinapis alba</i> L.	White mustard	Moutarde blanche
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre

<i>Sorghum saccharatum</i> Moench.	} Broom corn sorghum	Sorgho sucré
<i>Sorghum technicum</i> Koern.		Sorgho à balais
<i>Spinacia oleracea</i> L.	Spinach	Épinard
<i>Trifolium hybridum</i> L.	Swedish clover	Trèfle hybride
<i>Trifolium incarnatum</i> L.	Crimson clover	Trèfle incarnat
<i>Trifolium pratense</i> L.	Red clover	Trèfle violet
<i>Trifolium repens</i> L.	White clover	Trèfle blanc
<i>Trisetum flavescens</i> (L.) P. Beauv.	False oat	Avoine jaune
<i>Triticum aestivum</i> L.	Wheat (bread)	Blé tendre
<i>Triticum spelta</i> L.	Wheat (durum)	Epeautre
<i>Valerianella</i> Mill. <i>locusta</i> (L.) <i>Laterade</i>	Corn salad, lamb's lettuce	Valérianelle
<i>Vicia articulata</i> Hornem.	Jointed vetch	Vesle articulée
<i>Vicia faba</i> L. var. <i>major</i> Harz	Broad bean (great ticks)	Fève des marais
<i>Vicia faba</i> L. var. <i>minor</i> (Peterm.) Beck (v. <i>equina</i> Pers.)	Broad bean (horse-bean)	Féverole
<i>Vicia pannonica</i> Crantz	Hungarian vetch	Vesce pannonique
<i>Vicia sativa</i> L.	Common vetch	Vesce commune
<i>Vicia sepium</i> L.	Bush vetch	Vesce des bergeries
<i>Vicia villosa</i> Roth	Hairy or winter vetch	Vesce velue
<i>Vitis spec.</i>	Vine (producing stock and root-stock)	Cépage de rapport, cépage de support
<i>Zea mays</i> L.	Maize	Maïs

NETHERLANDS

PAYS-BAS

[TRANSLATION — TRADUCTION]

In accordance with article 34, paragraph (1) of the Convention, this ratification is valid only for the Kingdom of the Netherlands in Europe.

List, provided for in article 33, paragraph (1), of the Convention, of the genera and species to which the Netherlands Government undertakes to apply the provisions of the Convention in accordance with the terms of article 4, paragraph (3).

Wheat: *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay;
Barley: *Hordeum vulgare* L. s. Lat.;

[Conformément] à l'article 34, premier paragraphe, de la Convention, cette ratification n'est valable que pour le Royaume en Europe.

Liste, prévue à l'article 33, premier paragraphe, de la Convention, des genres et espèces pour lesquels le Gouvernement néerlandais s'engage à appliquer les dispositions de la Convention dans les conditions prévues à l'article 4 paragraphe 3.

Blé: *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay;
Orge: *Hordeum vulgare* L. s. Lat.;

Oats : *Avena sativa* L.; *Avena byzantina* C. Koch;

Maize : *Zea Mays* L.;

Potato : *Solanum tuberosum* L.;

Peas : *Pisum sativum* L.;

Beans : *Phaseolus vulgaris* L.; *Phaseolus coccineus* L.;

Lettuce : *Lactuca sativa* L.;

Apple : *Malus domestica* Borkh.;

Roses : *Rosa hort.*

Carnations : *Dianthus caryophyllus* L.

Avoine : *Avena sativa* L.; *Avena byzantina* C. Koch;

Maïs : *Zea Mays* L.;

Pomme de terre : *Solanum tuberosum* L.;

Pois : *Pisum sativum* L.;

Haricot : *Phaseolus vulgaris* L.; *Phaseolus coccineus* L.;

Laitue : *Lactuca sativa* L.;

Pomme : *Malus domestica* Borkh.;

Rose : *Rosa hort.*;

Œillet : *Dianthus caryophyllus* L.

DENMARK

DANEMARK

[TRANSLATION — TRADUCTION]

I. In pursuance of article 33, paragraph (1) :

1. In accordance with article 4, paragraph (3), upon the entry into force of the convention with respect to Denmark, Denmark will apply it to the five following genera (species) named in the list annexed to the said Convention :

Wheat : *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay, *Triticum durum* Desf.

Barley : *Hordeum vulgare* L. s. lat.

Oats : *Avena sativa* L.; *Avena byzantina* C. Koch

Peas : *Pisum sativum* L.

Potato : *Solanum tuberosum* L.

2. With regard to article 4, paragraph (4) :

As far as new varieties of plants not belonging to the genera and species named in the list mentioned in article 4, paragraph (3), are concerned Denmark intends to grant the benefit of

I. En vertu de l'article 33, paragraphe (1) :

1. « Conformément à l'article 4, paragraphe (3), dès l'entrée en vigueur de la Convention à son égard, le Danemark l'appliquera aux cinq genres (espèces) suivants figurant sur la liste annexée à ladite Convention :

Blé : *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay, *Triticum durum* Desf.

Orge : *Hordeum vulgare* L. s. lat.

Avoine : *Avena sativa* L.; *Avena byzantina* C. Koch.

Pois : *Pisum sativum* L.

Pomme de terre : *Solanum tuberosum* L. »

2. Au sujet de l'article 4, paragraphe (4) :

« En ce qui concerne les obtentions végétales n'appartenant pas aux genres ou espèces figurant sur la liste mentionnée à l'article 4, paragraphe (3), le Danemark a l'intention d'accorder le

protection to foreign breeders provided that they are nationals of States affording Danish breeders protection for new varieties of the same genus or the same species, or that they are natural or legal persons resident or having their headquarters in one of those States.

II. In pursuance of article 26, paragraph (4) :

Denmark wishes to be placed in the third class for the purpose of determining the amount of its annual contribution.

bénéfice de la protection aux obtenteurs étrangers à la condition qu'ils soient les nationaux d'Etats qui accordent aux obtenteurs danois la protection des variétés nouvelles du même genre ou de la même espèce, ou qu'ils soient des personnes physiques ou morales ayant leur domicile ou siège dans un de ces Etats. »

II. En vertu de l'article 26, paragraphe (4) :

« Le Danemark désire être rangé dans la troisième classe pour la détermination du montant de sa contribution annuelle. »

FRANCE

[TRANSLATION — TRADUCTION]

I. In application of article 26, paragraph (4) :

France wishes to be placed in the first class for the purpose of determining the amount of its annual contribution.

II. In application of article 33, paragraph (1) :

1. As far as article 4, paragraph (3) is concerned, upon the entry into force of the Convention with respect to France, France will apply the provisions of the Convention to the following genera and species named in the list annexed to the Convention :

Wheat : *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay, *Triticum durum* Desf

Barley : *Hordeum vulgare* L. s. lat.

Oats : *Avena sativa* L.

FRANCE

I. En application de l'article 26, paragraphe 4 :

« La France désire être rangée dans la première classe pour la détermination du montant de sa contribution annuelle. »

II. En application de l'article 33, paragraphe 1 :

1. « En ce qui concerne l'article 4, paragraphe 3, dès l'entrée en vigueur de la Convention à son égard, la France en appliquera les dispositions aux genres et espèces suivants figurant sur la liste annexée à la Convention :

« Blé : *Triticum aestivum* L. ssp. *vulgare* (Vill. Host) Mac Kay, *Triticum durum* Desf.

« Orge : *Hordeum vulgare* L. s. lat.

« Avoine : *Avena sativa* L.

Rice: *Oryza sativa* L.

Maize: *Zea Mays* L.

Potato: *Solanum Tuberosum* L.

Peas: *Pisum sativum* L.

Beans: *Phaseolus vulgaris* L., *Phaseolus coccineus* L.

Lettuce: *Lactuca sativa* L.

Roses: *Rosa hort.*

Carnations: *Dianthus caryophyllus* L.

2) As far as article 4, paragraph (4) is concerned, France, which upon the entry into force of the Convention with respect to it, will protect the following genera or species not named in the list annexed to the Convention, namely: flax, tomato, strawberry plant, plum-tree, peach-tree, pear-tree, quince-tree, cherry-tree, apricot-tree, vine and poplar, will limit the benefit of such protection to the nationals of the States of the Union protecting the same genera or species and to natural and legal persons resident or having their headquarters in any of those States.

III. In application of article 34, paragraph (1):

This Convention is applicable in the territory of the French Republic in Europe, in the Departments of Guiana, Guadeloupe, Martinique and Reunion and in the overseas territories of New Caledonia, French Polynesia, St. Pierre and Miquelon, Wallis and Futuna and the Southern and Antarctic territories.

« Riz: *Oryza sativa* L.

« Maïs: *Zea Mays* L.

« Pomme de terre: *Solanum tuberosum* L.

« Pois: *Pisum sativum* L.

« Haricot: *Phaseolus vulgaris* L., *Phaseolus coccineus* L.

« Laitue: *Lactuca sativa* L.

« Rose: *Rosa hort.*

« Œillet: *Dianthus caryophyllus* L. »

2. « En ce qui concerne l'article 4, paragraphe 4, la France qui, dès l'entrée en vigueur de la Convention à son égard, protégera les genres ou espèces suivants ne figurant pas sur la liste annexée à la Convention, à savoir: lin, tomate, fraisier, prunier, pêcher, poirier, cognassier, cerisier, abricotier, vigne et peuplier, limitera le bénéfice de cette protection aux nationaux des Etats de l'Union protégeant les mêmes genres ou espèces ainsi qu'aux personnes physiques ou morales ayant leur domicile ou siège dans un de ces Etats. »

III. En application de l'article 34, paragraphe 1:

« La présente Convention est applicable dans le territoire de la République française en Europe, dans les départements de la Guyane, de la Guadeloupe, de la Martinique et de la Réunion et dans les territoires d'outre-mer de la Nouvelle-Calédonie, de la Polynésie française, de Saint-Pierre et Miquelon, de Wallis et Futuna et des Terres australes et antarctiques françaises. »