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UPOV/72DC/3

Original: French

Date: March 6, 1972

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

DIPLOMATIC CONFERENCE

Geneva, November 7-10, 1972

DRAFT

ADDITIONAL ACT OF NOVEMBER 10, 1972, TO THE INTERNATIONAL
CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS,
SIGNED AT PARIS ON DECEMBER 2, 1961

The Contracting States,

Considering that in the light of the experience gained since the entry into force of the Convention for the Protection of New Varieties of Plants signed at Paris on December 2, 1961, the system of contributions of member States provided for by that Convention does not allow for sufficient differentiation among the member States as to the relative share in the total of the contributions that should be allotted to each of them,

Considering further that it is desirable to amend the provisions of that Convention on the contributions of member States and, in the event of arrears in the payment of such contributions, on the right to vote,

have agreed as follows:

Article I

Article 22 of the International Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961 (hereinafter referred to as the Convention), shall be replaced by the following text:

" Decisions of the Council shall be taken by a simple majority of the members present, except in the cases provided for in Articles 20, 27, 28 and 32, for the vote on the budget, for the fixing of the contributions of each member State, for the faculty provided for in Article 26(2) concerning payment of one-half of the contribution corresponding to Class V /and for any decision regarding voting rights under Article 26(5)7. In these last three /four/ cases, the majority required shall be three-quarters of the members present."

Article II

Article 26 of the Convention shall be replaced by the following text:

" (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)(a) For the purpose of determining the amount of their annual contributions, the member States of the Union shall each belong to a class on the basis of a number of units fixed as follows:

Class I	5 units
Class II	4 units
Class III	3 units
Class IV	2 units
Class V	1 unit

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

" (c) However, at the request of a member State or a State applying for accession to the Convention according to Article 32 and indicating the wish to be placed in Class V, the Council may, in special circumstances, decide to allow such State to pay only half of the contribution corresponding to Class V. Such decision will stand until the State concerned waives the faculty granted or declares that it wishes to be placed in another class /or until the Council revokes its decision/.

" (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)(a) 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.

" (b) Such declaration must be addressed to the Secretary General of the Union at least six months before the end of the financial year preceding that in which the change of class is to take effect.

" (5) A member State which is in arrears in the payment of its contributions may not exercise its right to vote in the Council if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years, but it shall not be relieved of its obligations under this Convention, nor shall it be deprived of any other rights thereunder. However, the Council may allow such a State to continue to exercise its right to vote if, and as long as, the Council is satisfied that the delay in payment is due to exceptional and unavoidable circumstances."

Article III

A declaration made by a State ratifying or acceding to the Convention, before the entry into force of this Additional Act with respect to such State, indicating its wish to be placed in the second or third class provided for in Article 26 of the Convention shall be deemed to refer to Class III or Class V, respectively, referred to in this Additional Act.

Article IV

(1) This Additional Act may be signed by any member State of the Union for the Protection of New Varieties of Plants (hereinafter referred to as the Union) and by any State having signed but not yet ratified the Convention.

(2) States which have signed this Additional Act may ratify it and other States may accede to it.

(3) Any State which is not yet a member State of the Union shall ratify or accede to this Additional Act at the time when it ratifies or accedes to the Convention.

(4) Instruments of ratification of or accession to this Additional Act by States which have ratified the Convention or which ratify it at the same time as they ratify or accede to this Additional Act shall be deposited with the Government of the French Republic. Instruments of ratification of or accession to this Additional Act by States which have acceded to the Convention or which accede to it at the same time as they ratify or accede to this Additional Act shall be deposited with the Government of the Swiss Confederation.

Article V

(1) This Additional Act shall enter into force in accordance with the first and second sentences of Article 27(4) of the Convention.

(2) With respect to any State which deposits its instrument of ratification of or accession to this Additional Act after the date on which this Additional Act has entered into force pursuant to the foregoing paragraph, this Additional Act shall enter into force thirty days after the deposit of such instrument.

Article VI

No reservations to this Additional Act are permitted.

Article VII

This Additional Act shall have the same validity and duration as the Convention.

Article VIII

(1) This Additional Act shall be signed in a single copy in the French language and shall be deposited with the Government of the French Republic.

(2) This Additional Act shall remain open for signature until April 1, 1973.

(3) Official translations of this Additional Act shall be established by the Secretary General of the Union, after consultation with the interested Governments in Dutch, English, German, Italian and Spanish, and in such other languages as the Council of the Union may designate.

(4) The Secretary General of the Union shall transmit two copies, certified by the Government of the French Republic, of the signed text of this Additional Act to the Governments of the States referred to in Article IV(1), to the Government of any other State when it accedes to the Convention, and on request to the Government of any other State.

(5) The Secretary General of the Union shall register this Additional Act with the Secretariat of the United Nations.

(6) The Government of the French Republic or the Government of the Swiss Confederation, as the case may be, shall notify the Secretary General of the Union of signatures of this Additional Act and of the deposit of instruments of ratification or accession.

(7) The Secretary General of the Union shall inform the States parties to the Convention and the other States referred to in Article IV(1) of the notifications received pursuant to the preceding paragraph and of the entry into force of this Additional Act.

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IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Additional Act.

DONE at Geneva, this tenth day of
November, 1972.

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