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UPOV**RC/ad hoc/4****ORIGINAL:** French**DATE:** July 31, 1978**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS****GENEVA****AD HOC COMMITTEE ON
THE REVISION OF THE CONVENTION****Geneva, September 11 to 15, 1978****OBSERVATIONS ON THE DRAFT REVISED CONVENTION**Submitted by France

The Representative of France in the UPOV Council transmitted, by a letter dated July 19, 1978, the comments of France on the draft revised Act of the Convention and asked that they be distributed only within the UPOV member States. A translation of these comments appears in the Annex to this document.

[Annex follows]

ANNEX

COMMENTS OF FRANCE ON THE DRAFT REVISED ACT
OF THE PARIS CONVENTION OF DECEMBER 2, 1961,
FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Article 2. - The new wording of paragraph (2) of Article 2, and especially the French version of the text, does not yet seem to be satisfactory; in particular, the French rendering of the English word "assemblage" by the expression "ensemble" is not a good solution. The French Delegation will try to find a new wording.

Article 4(3)(a). - It would be useful to specify that the five genera or species should be selected from among the main crops of the State concerned.

Article 5(1), second sentence. - By deleting the word "vegetative" in the expression "vegetative propagating material shall be deemed to include ...," the protection of plantlets would automatically be ensured.

Article 7. - It appears indispensable that the variety be protected, at least on a provisional basis, during the period elapsing between the filing of the application for protection and the issuance of the title of protection. This could be achieved by replacing the verb "may" by "shall" and the words "any member State" by "each member State" in the phrase in paragraph (3) of Article 7 which reads: "...any member State ... may take measures ...".

Article 6(1). - France fears that the introduction of a one-year period of grace such as that existing under US legislation would constitute a source of difficulties and disputes.

The following could be done:

(a) on the one hand, in order to help breeders and to allow them to test their varieties commercially abroad, the period of absolute priority provided for by Article 12 could be extended to two years;

(b) on the other hand, an Article 34N could be provided for to allow States which have instituted the period of grace before the revised Act of the Convention is signed to maintain it.

Article 8. - France is of the opinion that the period of protection of non-commercial inbred lines and single cross hybrids used for the production of double cross hybrids, or three-way cross hybrids, would require special study. It may not be essential to amend the Convention on this point, but a recommendation on this particular case could at least be envisaged.

As a matter of interest, France has decided on the principle of the progressive extension to 25 years, and later to 30 years, of the period of protection of hereditary components, at least in the case of maize.

Article 12. - See Article 6(1).

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