

PLANT VARIETIES

Convention for the Protection of New Varieties of Plants

I. Ratification

FRANCE

The French Republic has ratified the International Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961¹, which entered into force on August 10, 1968. The instrument of ratification was deposited on September 3, 1971, in the archives of the French Ministry of Foreign Affairs, which, on the same day, notified the deposit to the Member States of the Union for the Protection of New Varieties of Plants and to the Signatory States of the Convention.

In accordance with Article 34 of the Convention, the French Government declared that the Convention would apply to the territory of the French Republic in Europe, to the Departments of Guadeloupe, Guyane, Martinique and Reunion, to the Overseas Territories of French Polynesia, New Caledonia, Saint Pierre and Miquelon, Wallis and Futuna Islands and the French Southern and Antarctic Territories.

In accordance with Article 33 of the Convention, the French Government declared that it would apply the Convention to the following genera and species included in the Annex to the Convention:

Wheat — Barley — Oats — Rice — Maize — Potatoes — Peas — Beans — Lettuce — Roses — Carnations.

The Convention will also be applied to a number of genera and species not included in the Annex to the Convention. With respect to these, France will limit the benefit of protection to nationals of Member States which protect the same genera and species, as well as to physical persons and corporate bodies having their domicile or establishment in one of these States².

In accordance with the provisions of Article 31(3), the Convention entered into force in respect of France thirty days after the deposit of the said instrument, that is, on October 3, 1971.

II. Accession

SWEDEN

The Government of Sweden deposited with the Government of Switzerland, on November 17, 1971, Sweden's instrument of accession to the Convention for the Protection of New Varieties of Plants.

In accordance with Article 32(4) of the Convention, the accession will take effect thirty days after the deposit of the instrument of accession, that is, on December 17, 1971.

III. Additional Information

Since the notices on the ratification of the Convention for the Protection of New Varieties of Plants by the United Kingdom (see *Industrial Property*, 1965, p. 275), the Netherlands (see *Industrial Property*, 1967, p. 313), Germany (Federal Republic) (see *Industrial Property*, 1968, p. 283) and Denmark (see *Industrial Property*, 1968, p. 300) do not mention the declarations given by these States, the following additional information is given:

DENMARK

1. Territorial application:

The Convention does not apply to the Faroe Islands and Greenland.

2. The following genera and species included in the Annex to the Convention have been notified in accordance with Article 33 of the Convention:

Wheat — Barley — Oats — Peas — Potatoes — Beans — Red clover.

3. National treatment with respect to genera and species not included in the Annex to the Convention:

"In the case of new plant varieties not included in the genera or species named in the list mentioned in Article 4, paragraph (3), Denmark intends to grant the benefit of protection to foreign breeders provided that they are nationals of States granting Danish breeders protection for new varieties of the same genera or species, or that they are physical persons or corporate bodies having their domicile or registered office in one of these States." (*Translation*)

GERMANY (Federal Republic)

1. Territorial application:

The Convention is also applicable to Land Berlin.

2. The following genera and species included in the Annex to the Convention have been notified in accordance with Article 33 of the Convention:

Oats — Barley — Lettuce — Ryegrass — Lucerne — Beans — Peas — Roses — Potatoes — Red clover — Wheat — Maize.

3. National treatment with respect to species not included in the Annex to the Convention³:

"Nationals of another State party to the Convention and physical persons or corporate bodies having their domicile or registered office in another Contracting State, if the Contracting State of which they are nationals or in which they have their registered office grants protection to varieties of the same species . . ." (*Translation*)

¹ See *Industrial Property*, 1962, p. 6.

² See Decree No. 71-765 of September 9, 1971, at p. 340 below.

³ A full list of genera and species eligible for protection in Germany (Federal Republic) was published in *Industrial Property*, 1969, p. 248.