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UPOV

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INTERNATIONALER VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION  
FOR THE PROTECTION OF  
NEW PLANT VARIETIES

COUNCIL

Seventh Ordinary Session

Geneva, October 10 to 12, 1973

DRAFT RESOLUTION  
ON FEE QUESTIONS

The Council,

Recalling the importance of the grant of plant breeders' rights emphasized in the first paragraph of the Preamble of the International Convention for the Protection of New Varieties of Plants, not only for the breeders, but also for the development of agriculture,

Recognizing that, consequently, the system of plant breeders' rights is also in the public interest,

Considering that the authorities entrusted, under Article 30 of the Convention, with the protection of new varieties of plants, must, in the interest of economy, endeavor to minimize, as much as possible, the expenditure on work by using all possibilities of rationalization,

Recommends to the member States:

(1) to proceed, when using the results of a technical examination carried out, in accordance with Article 7 of the Convention, in another member State, on the basis of the following uniform principles:

- (a) The authority which has carried out a technical examination should send to each authority that would like to use the results of that examination the complete examination report.
- (b) The authority having received these results should refrain from any claim on the breeder with respect to a fee for a technical examination, unless the breeder has not already paid such a fee to another member State for the examination of the same variety.

However, the authority making use of the results can charge normal administrative and annual fees collected by virtue of its national legislation.

- (c) The authority having received these results should undertake to pay the authority which carried out the technical examination, on request, the amount of the fee payable in the member State where that examination was carried out.

Further recommends to the member States:

- (2) to endeavor to harmonize the amount of the fees charged for the purposes of plant breeders' rights.

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