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CAJ/28/5

ORIGINAL : French

DATE : October 3, 1990

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Twenty-eighth Session

Geneva, October 12 to 16, 1990

NOTES AND LETTERS OF INVITATION TO THE 1991 DIPLOMATIC CONFERENCE FOR THE REVISION OF THE UPOV CONVENTION

Document prepared by the Office of the Union

1. The annexes to this document contain a first draft of the notes and letters of invitation to the 1991 Diplomatic Conference for the Revision of the UPOV Convention.
2. The first drafts are broadly similar to the Notes and letters relating to the 1978 Diplomatic Conference; the essential difference concerns the description of the rights of the delegations from non-member States, which description is based on the first draft of the Provisional Rules of Procedure (see in particular paragraph 4 of document CAJ/28/4).
3. As usual, the invitations will be addressed, in the case of the States, to the ministers for foreign affairs, with copies to the ministers for agriculture, the permanent missions in Geneva and the members of the Council and the Administrative and Legal Committee. In the case of the intergovernmental and international non-governmental organizations, the invitations will be sent to their heads (president, director (general), secretary general). In this regard, it is recalled that the question of the list of States and organizations to be invited to the Diplomatic Conference is within the competence of the Consultative Committee; it has been put on the agenda for the forty-second session of that Committee.
4. The Notes and letters are based on the assumption that the whole documentation will be the subject of one mailing. The Office of the Union believes that this would be the best procedure to raise an interest among the non-member States for participation in the Diplomatic Conference.

5. The Administrative and Legal Committee is invited to approve the submission of the first draft of the Notes and letters of invitation to the Diplomatic Conference to the twenty-fourth ordinary session of the Council for adoption.

[Annexes follow]

ANNEX I

FIRST DRAFT OF THE NOTE VERBALE TO BE SENT
TO THE MINISTERS FOR FOREIGN AFFAIRS

C. U [01]
-312

The Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) presents his compliments to the Minister for Foreign Affairs and has the honor to invite His Excellency's Government to be represented at the

Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants

which will be held at the headquarters of UPOV, 34, chemin des Colombettes, Geneva (Switzerland), from March 4 to 19, 1991, and will open on Monday, March 4, 1991, at 10 a.m.

The working languages will be English, French and German; simultaneous interpretation will be provided in these languages.

The objective of the Diplomatic Conference is to negotiate and adopt a revised text of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised in Geneva on November 10, 1972, and on October 23, 1978.

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The provisional agenda of the Diplomatic Conference (document DC/91/1), the Provisional Rules of Procedure of the Diplomatic Conference (document DC/91/2) and the draft revised text of the Convention which constitutes the "basic proposal" (document DC/91/3) are attached herewith. The said proposal, which is submitted by the Office of UPOV on the basis of instructions of the Council of UPOV, will constitute the basis for the Diplomatic Conference's deliberations.

Assuming that the relevant Provisions of the Rules of Procedure will be adopted by the Diplomatic Conference as proposed in document DC/91/2,

/...

(i) the delegations of the member States of UPOV, that is, at the date of this Note, Australia, Belgium, Denmark, France, Germany, Hungary, Ireland, Israel, Italy, Japan, the Netherlands, New Zealand, Poland, South Africa, Spain, Sweden, Switzerland, the United Kingdom and the United States of America, will have full participating and voting rights in the Diplomatic Conference, and the right to sign the revised text of the Convention;

(ii) the delegations of the other States will have the right to participate in the Plenary of the Diplomatic Conference, to make oral statements and to submit written statements which will be distributed by the Secretariat of the Conference in the quantities and in the languages in which they will be made available; those delegations will also be eligible for membership in the working groups which may be established; they will also have the right to sign the final act of the Diplomatic Conference, if any, but not the revised text of the Convention.

His Excellency's attention is drawn to the necessity of providing the representatives of His Excellency's Government with credentials, and, for the signature of the revised text of the Convention, with full powers. Credentials and full powers should be issued by the Head of the State or Government, or by His Excellency.

The Secretary-General would appreciate it if the names and titles of the persons representing His Excellency's Government at the Diplomatic Conference could be communicated to him by February 4, 1991.

A copy of this Note is being sent to the Minister for Agriculture of His Excellency's Government and to some of its experts.

October . . , 1990

Enclosures: documents DC/91/1, 2 and 3

[Annex II follows]

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ANNEX II

FIRST DRAFT OF THE NOTE VERBALE TO BE SENT
TO THE MINISTERS FOR AGRICULTURE

C. U [02]
-312

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The Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) presents his compliments to the Minister for Agriculture and has the honor to remit to His Excellency a copy of the Note, together with its enclosures, which he is sending today to the Minister for Foreign Affairs of His Excellency's Government on the subject of the

Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants

which will be held at the headquarters of UPOV, 34, chemin des Colombettes, Geneva (Switzerland), from March 4 to 19, 1991.

October . . , 1990

Enclosures: copy of Note C. U [01]-312 and documents
DC/91/1, 2 and 3

[Annex III follows]

CAJ/28/5

ANNEX III

FIRST DRAFT OF THE LETTER TO BE SENT TO THE MEMBERS
OF THE COUNCIL AND THE ADMINISTRATIVE AND LEGAL
COMMITTEE

Circular U [03]
-312

October . . , 1990

Sir,
Madam,

./.
I have the honor to send you herewith a copy of the Note, together with its enclosure, which I am sending today to the Minister for Foreign Affairs of your country on the subject of the

Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants

which will be held at the headquarters of UPOV, 34, chemin des Colombettes, Geneva (Switzerland), from March 4 to 19, 1991.

Sincerely yours,

Arpad Bogsch
Secretary-General

Enclosures: copy of Note C. U [01]-312 and documents
DC/91/1, 2 and 3

[Annex IV follows]

CAJ/28/5

ANNEX IV

FIRST DRAFT OF THE LETTER TO BE SENT
TO THE INTERNATIONAL ORGANIZATIONS

Circular U [04]
-313

October ..., 1990

Sir,
Madam,

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I have the honor to invite your organization to be represented by observers at the

Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants

which will be held at the headquarters of UPOV, 34, chemin des Colombettes, Geneva (Switzerland), from March 4 to 19, 1991, and will open on Monday, March 4, 1991, at 10 a.m.

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Circular U [04]
-313

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Your attention is drawn to the necessity of providing the representatives of your organization with a letter or document appointing them; such letter or document should be signed by the Head (Director General, Secretary General, or President) of the organization.

I would appreciate it if the names and titles of the persons representing your organization at the Diplomatic Conference could be communicated to me by February 4, 1991.

Sincerely yours,

Arpad Bogsch
Secretary-General

Enclosures: documents DC/91/1, 2 and 3

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