

**Council for Trade-Related Aspects  
of Intellectual Property Rights**

**REVIEW OF THE PROVISIONS OF ARTICLE 27.3(b)**

ILLUSTRATIVE LIST OF QUESTIONS

*Prepared by the Secretariat*

1. At its meeting of 1-2 December 1998, the Council agreed to initiate the review due under Article 27.3(b) of the provisions of that subparagraph through an information-gathering exercise. In this connection, the Council invited Members that were already under an obligation to apply Article 27.3(b) to provide information on how the matters addressed in this provision were presently treated in their national law. Other Members were invited to provide such information on a best endeavours basis. While it would be left to each Member to provide information as it would see fit, having regard to the specific provisions of Article 27.3(b), the Council requested the Secretariat to provide an illustrative list of questions relevant in this regard, in order to assist Members to prepare their contributions.
2. In response to this request, the illustrative list annexed to the present document has been prepared by the Secretariat.
3. The Council set 1 February 1999 as the target date for Members to provide the requested information.



B. PROTECTION OF PLANT VARIETIES

1. Does your country's law provide for the protection of plant varieties by plant breeder's rights, plant patents or any other *sui generis* system for the protection of plant varieties?
2.
  - (a) If your country is a party to the International Convention for the Protection of New Varieties of Plants (UPOV), please indicate which Act or Acts of the UPOV Convention your country has signed; which it has ratified; to which it has acceded; and to the standards of which its law conforms but to which it has not (yet) adhered.
  - (b) If your country is not a party to the UPOV Convention, does the protection offered to plant varieties under your country's law conform to the standards of any of the Acts of the UPOV Convention and, if so, which?
3. Please indicate whether concurrent protection under your country's plant variety protection law and its patent law is available (see also question A.4 above).
4. Please provide the following details of your country's *sui generis* system for the protection of plant varieties:
  - (a) the relevant laws and regulations and, if they have been notified to the Council for TRIPS, a reference to the relevant WTO documents;
  - (b) the definition of "plant variety";
  - (c) the conditions required for protection;
  - (d) the extent to which subject-matter that is already known to the public or identical to what occur deto is rhTcee all t11.6(c):