

Community.

The proposal strengthens existing IP rights and protection for new varieties afforded to EC plant breeders under national plant breeders' rights (PBR) laws and the UPOV Convention. It responds to new developments in plant breeding techniques and the higher level of patent protection granted to plant biotechnology inventions. The length of the PBR term is to be increased to 30 years for most varieties; 50 years for vine and tree varieties. While the controversial issue of farmers' rights to plant harvested seed on their own land ("farmers' privilege") has not been resolved in the EC, the Commission will determine the conditions under which farmers' rights can be granted in implementing the regulation's provisions. Furthermore, compulsory licensing is to be provided under certain conditions.

The EC proposal for Community plant variety rights (CPVRs) requires that varieties of all botanical taxa and hybrids of taxa in the patent classification system be protected. The term "variety" is defined as an entity, as traditionally and commonly understood by plant breeders, which does not equal a botanical taxon and does not extend to single cells, or parts thereof, nor to cell lines. This definition is not intended to alter other industrial property rights or to exclude plants and plant materials or processes from patentability. Thus, the variety and the level of inventiveness are the criteria used to differentiate between PBRs and plant patents.

The proposal, however, ensures that the full application of the principles of the CPVR system is not impaired by the effects of other IP systems. Varieties that are the subject matter of CPVRs shall not be the subject of national plant variety rights. Any IP rights granted in addition to the CPVR will be revoked for as long as the CPVR remains effective. Therefore, principles of the CPVR system such as farmers' privilege and research exemption would be unaffected by the patent system. The Commission's proposal, however, was drafted prior to the 1991 revision of the UPOV Convention, and may, therefore, be revised to reflect amendments to that Convention. Nevertheless, the various plant variety rights systems are complementary.

Layout Designs for Semi-conductor Chips

Protection for the creators of semi-conductor chips is afforded by the 1986 Directive on the Legal Protection of Topographies of Semi-conductor Products (87/54/EEC). The aim of this Directive was to harmonize regulations conferring upon