THIRD COMMITTEE: COMMERCIAL POLICY

SUB-COMMITTEE D (ARTICLES 40, 41 AND 43)

OBSERVATIONS OF THE NETHERLANDS DELEGATION ON ARTICLE 43.

Not being a member of the Sub-Committee, and in order to expedite the work of the committee, the Netherlands delegation invites the attention of the Sub-Committee to the following points, with regard to Article 43:

1. At the Geneva Conference, the Netherlands delegation has drawn attention to the need to protect the proprietary rights of plant and livestock breeders alongside with patents, trademarks and copyrights, (Article 43, I, (d)). These proprietary rights, which are protected by national laws in many countries, aim at securing to plant and livestock breeders royalties from the commercial exploitation by other farmers and breeders of the results of their research, labour and capital investment.

In our opinion, it ought to be made clear in the records of the Conference or in the text, that the legitimate rights are not nullified by the provisions of Chapter IV.

2. In Article II (b) and (c) the words, "the war" appear. Unfortunately there has been more than one war and therefore the deletion of the word the seems necessary.

3. The Netherlands delegation would like to indicate that it wants to reserve its position on the latter part of Article 43, II, starting from, "Measures Instituted". It might be, following the discussions in the joint Sub-Committee of Committee V and VI, and subsequent discussions in those committees, better to delete the final part of this provision after the words "have ceased". Such change would cover:

(a) any necessary provision to safeguard the interests of members in the process of de-stockpiling reserves for national security beyond the date of 1 January 1957.

(b) the equitable distribution of non-primary products in short supply, such as were envisaged in the Uruguayan amendment to Articles 53 and 54 (g), and which, were found not desirable to be included in Chapter VI.

(c) the intention of the amendment of Norway (Item 31 in the annotated agenda).