The Netherlands Delegation proposes to insert in Article 37 of the Charter, after sub-paragraph k the following sentence:

"(1) necessary to protect the rights of the grower who improves plants of commercial use by selection or other scientific method."

Comment: In order to prevent undesirable utilization of plants, improved by cultivators or scientific institutions it is deemed necessary to provide for special measures, eventually involving the control of the export of this material.

The attention is drawn to the fact that the F.A.O. is preparing a proposal for creating a right of patent for improved plants, which might necessitate certain restrictions or even prohibition of the export of such material.

In the absence of such internationally adopted measures, it is anyhow important for countries dependent on highly developed agricultural enterprises to enforce a protection for scientifically improved planting-material, in the same way as the right of patent confers to improvements or inventions in industrial processes. As a matter of fact it has been shown in several countries that no equal protection can be ensured without a strict control on the export of the material in question.