

UPOV

INTERNATIONALER
VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENF, SCHWEIZ

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS
VÉGÉTALES

GENÈVE, SUISSE

UNIÓN INTERNACIONAL
PARA LA PROTECCIÓN
DE LAS OBTENCIONES
VEGETALES

GINEBRA, SUIZA

INTERNATIONAL UNION
FOR THE PROTECTION
OF NEW VARIETIES
OF PLANTS

GENEVA, SWITZERLAND

CBD

Ref.: SCBD/SELIOJ/VN/GD/65871

January 23, 2009

Dear Executive Secretary Djoghlaif,

I should like to thank the Secretariat of the Convention on Biological Diversity (CBD) for providing the International Union for the Protection of New Varieties of Plants (UPOV) with an opportunity to make a peer review of the draft "Study on the relationship between the ABS International Regimen and other international instruments which govern the use of genetic resources: The World Trade Organization (WTO); the World Intellectual Property Organization (WIPO); and the Union for the Protection of New Varieties of Plants (UPOV)", prepared by Mr. Jorge Cabrera Medaglia ("Draft Study").

The Draft Study appears to cover many of the key elements which need to be taken into account for an international regime on access and benefit-sharing under the CBD that is mutually supportive with the UPOV Convention. In that respect, it is important that the term "mutually supportive" should be understood as meaning the Convention on Biological Diversity (CBD) and the UPOV Convention both being supportive of each other. In particular, an international regime on access and benefit-sharing would not be mutually supportive if it created conflict with the UPOV Convention.

/...

Mr. Ahmed Djoghlaif
Executive Secretary
Secretariat of the Convention on Biological Diversity
United Nations Environment Programme
413, rue Saint-Jacques, Office 800
Montréal, Québec H2Y 1N9
Canada

by e-mail: secretariat@cbd.int

Mr. Ahmed Djoghlaif, Montréal – January 23, 2009

The specific comments of UPOV on the Draft Study are incorporated in
./ the form of the attached annotated version of the Draft Study, with proposed
deletions shown as strikethrough text and proposed additions shown as
underlined text. Observations are underlined and prefixed by “Note:”.

Yours sincerely,



Francis Gurry
Secretary-General