



C/38/9

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

GENEVA

**COUNCIL****Thirty-Eighth Ordinary Session  
Geneva, October 21, 2004**

## PROGRESS OF THE WORK OF THE ADMINISTRATIVE AND LEGAL COMMITTEE

*Document prepared by the Office of the Union*

1. Since the thirty-seventh session of the Council, the Administrative and Legal Committee (hereinafter referred to as the "CAJ") held its forty-ninth session in Geneva, on April 1, 2004, under the chairmanship of Ms. Nicole Bustin (France).

2. The CAJ examined the following matters:

(a) Transfer of Material for the Purposes of Examination of Distinctness, Uniformity and Stability: Proposed Recommendations: The CAJ discussed the "Draft Recommendations Concerning Information, Documents or Material Furnished for Examination Purposes", based upon document CAJ/49/2. The CAJ agreed that a new version of the draft recommendations would be prepared for the fiftieth session of the CAJ, taking into account the comments made at its forty-ninth session.

(b) UPOV Information Databases: Discussions were based on document TC/40/6-CAJ/49/4, which provided an update on developments concerning the Plant Variety Database (UPOV-ROM) and the GENIE database and a proposal for the introduction of the UPOV Code system. The CAJ agreed to the introduction of the UPOV Code system, to the development of a Web-based Plant Variety Database, and to the future of the UPOV-ROM proposed in that document.

(c) Publication of Variety Descriptions: The CAJ received a report on the meeting of the *Ad hoc* Working Group on the Publication of Variety Descriptions (WG-PVD) held in Geneva on March 31, 2004. It heard that the WG-PVD had: reviewed progress in the model study; considered how to address the administrative, legal and financial issues that were raised by the CAJ at its last meeting; and had reviewed the workplan and the future work. The CAJ noted that, as far as the administrative, legal and financial issues were concerned, it was clear from the discussion in the WG-PVD that, at this stage, there were no barriers to the study and no urgent matters concerning administrative, legal and financial issues that needed to be addressed. For that reason, the meeting of the WG-PVD planned for October 2004 to look at the administrative and legal issues had been cancelled and the next meeting would take place in April 2005, when there could be a review of progress on the model studies.

(d) Variety Denominations: The CAJ received an oral report on the sixth meeting of the *Ad hoc* Working Group on Variety Denominations (WG-VD), held in Geneva on April 1, 2004, to study a proposal to revise UPOV Recommendation 9 and the List of Classes for Variety Denomination Purposes (documents WG-VD/5/3 and WG-VD/6/2). The CAJ noted the consensus reached at the WG-VD that, in the absence of clear reasons otherwise, classes should be deleted in favor of the general principle. The CAJ heard that certain proposals for revision of the List of Classes had been agreed and that other proposals would require further consultation or coordination with relevant parties, such as the UPOV Technical Working Parties. The CAJ noted that the WG-VD would seek to finalize, at its next meeting to be held in October 2004, a complete proposal to revise the List of Classes for Variety Denomination Purposes.

(e) Election of new Vice-Chairman: The CAJ noted that, on December 12, 2003, Mr. Doug Waterhouse, Registrar, Plant Breeder's Rights, Department of Agriculture, Fisheries and Forestry of Australia, had informed the Office of the Union that he would not be able to continue to serve as Vice-Chairman of the CAJ due to his election, on October 23, 2003, as Vice-President of the Council of UPOV. The CAJ agreed to propose that Mr. Krieno Fikkert (Netherlands) be elected by the Council as Vice-Chairman of the CAJ at the twenty-first extraordinary session of the Council of UPOV, on April 2, 2004.

3. The fiftieth session of the CAJ will be held on October 18 and 19, 2004. The CAJ planned to discuss the following agenda items: Draft recommendations concerning information, documents or material furnished for examination purposes; Draft recommendations to ensure the independence of those DUS examination centers which have, or have links to, breeding activities; Draft explanatory notes on Article 15(1)(i) and (2) of the 1991 Act of the UPOV Convention: Acts done privately and for non-commercial purposes and provisions on farm-saved seed; Molecular techniques; UPOV information databases; Specific issues concerning the interface between patents and breeders' rights; Publication of variety descriptions and variety denominations.

*4. The Council is invited to note and approve this report.*

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