



C/39/9

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

COUNCIL

Thirty-Ninth Ordinary Session
Geneva, October 27, 2005

PROGRESS OF THE WORK OF THE ADMINISTRATIVE AND LEGAL COMMITTEE

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1. Since the thirty-eighth session of the Council, the Administrative and Legal Committee (hereinafter referred to as the "CAJ") held its fifty-first session in Geneva, on April 7, 2005, under the chairmanship of Mr. Krieno Fikkert (Netherlands).
2. The CAJ examined the following matters:
 - (a) Molecular Techniques: The CAJ discussed document CAJ/50/4. It agreed to invite the BMT Review Group to examine the possible use of molecular tools for variety identification in relation to the enforcement of plant breeders' rights, technical verification and the consideration of essential derivation. Discussion on molecular techniques will continue at the fifty-second session of the CAJ to be held in Geneva on October 24 and 25, 2005.
 - (b) UPOV Information Databases: The CAJ received a demonstration of the GENIE database. The CAJ noted the developments concerning the UPOV databases and agreed with the proposals presented in document CAJ/51/2.
 - (c) 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: Discussions were based on document CAJ/51/3. While there was general agreement with the content of the Annex to document CAJ/51/3, the CAJ will consider how to address the comments made at the session.

(d) Guidance Concerning Information, Documents or Material Furnished by the Breeder for Examination Purposes and for Verifying the Maintenance of Varieties: The CAJ considered document CAJ/51/4 and decided to continue discussions on that matter at its forthcoming session.

(e) Draft Recommendations to Ensure the Independence of those DUS Examination Centers which have, or have links to, Breeding Activities: It was agreed that an updated version of document CAJ/49/3 would be prepared for a future session of the CAJ.

(f) Program for the Development of Explanatory Notes on the 1991 Act of the UPOV Convention: Initial discussions took place on document CAJ/51/5, and it was agreed that further deliberations on this program would take place at a future session of the CAJ.

(g) Variety Denominations: The CAJ noted that the Working Group on Variety Denominations (WG-VD) had held a meeting on April 7, 2005, at which it agreed draft explanatory notes on Article 20 of the 1991 Act for consideration by the CAJ at its fifty-second session.

3. The fifty-second session of the CAJ will be held on October 24 and 25, 2005. The CAJ planned to discuss the following agenda items: 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; Draft guidance concerning information, documents or material furnished by the breeder for examination purposes and for verifying the maintenance of varieties and draft recommendations to ensure the independence of those DUS examination centers which have, or have links to, breeding activities; Molecular techniques; Draft explanatory notes on Article 20 of the 1991 Act of the UPOV Convention concerning variety denominations; Explanatory notes on the 1991 Act of the UPOV Convention and UPOV information databases.

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

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