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COUNCIL

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PROGRESS REPORT OF THE WORK OF THE ADMINISTRATIVE AND LEGAL COMMITTEE

Document prepared by the Office of the Union

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1. The Administrative and Legal Committee (CAJ) held its sixty-ninth session in Geneva, on April 10, 2014, under the chairmanship of Mr. Martin Ekvad (European Union). An oral report on the seventieth session of the CAJ, to be held in Geneva on October 13, 2014, and on the program for its seventy-first session, will be made by the Chair of the CAJ at the forty-eighth ordinary session of the Council.

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Report on the sixty-ninth session of the CAJ

Report on Developments in the Technical Committee

2. The CAJ noted the report made by Mr. Alejandro Barrientos Priego (Mexico), Chair of the Technical Committee (TC), on developments in the TC at its fiftieth session, held in Geneva from April 7 to 9, 2014. The CAJ noted that the conclusions of the TC in relation to matters to be considered by the CAJ were reported in document CAJ/69/11. It further noted that the report on the conclusions of the TC was available in document TC/50/36 "Report on the Conclusions" (see document CAJ/69/12 "Report on the Conclusions", paragraph 8).

Development of information materials concerning the UPOV Convention

3. The CAJ noted the developments concerning the publication of the Seminar on Essentially Derived Varieties, which had been held in Geneva, on October 22, 2013 (see document CAJ/69/12 "Report on the Conclusions", paragraph 10).

4. The CAJ noted the work of the Administrative and Legal Committee Advisory Group (CAJ-AG), at its eighth session, concerning a new draft of document UPOV/EXN/EDV/2 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 11).

5. The CAJ noted that the CAJ-AG, at its eighth session, had agreed to consider the development of guidance concerning the status of essentially derived varieties that were not granted protection in their own right, after the adoption of the revised document UPOV/EXN/EDV/2 (see document CAJ/69/12 "Report on the Conclusions", paragraph 12).

6. The CAJ noted that the CAJ-AG, at its eighth session, had noted that, at an appropriate future session of the CAJ-AG, the Delegations of Australia, Brazil and the European Union and other members of the Union would be invited to make presentations on their systems concerning essentially derived varieties (see document CAJ/69/12 "Report on the Conclusions", paragraph 13).

7. The CAJ noted that the CAJ-AG, at its eighth session, had agreed that the Office of the Union should prepare an information document for the CAJ-AG on developments on alternative dispute settlement mechanisms at International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOFORA), the International Seed Federation (ISF) and the World Intellectual Property Organization (WIPO) and that the CAJ-AG had noted that one aspect for consideration would be the possible role of UPOV in the provision of experts on EDV matters (see document CAJ/69/12 "Report on the Conclusions", paragraph 14).

8. The CAJ agreed that the Office of the Union should prepare a document, for consideration by the CAJ-AG at its ninth session, to explore a possible role of authorities granting breeders' rights in matters concerning essentially derived varieties and agreed that the document would be included under item 3 of the program for the ninth session of the CAJ-AG. The CAJ welcomed the offer of the Delegation of Argentina to assist the Office of the Union in the development of the document (see document CAJ/69/12 "Report on the Conclusions", paragraph 15).

9. The CAJ noted the matters concerning variety descriptions to be considered by the CAJ-AG in the first instance (see document CAJ/69/12 "Report on the Conclusions", paragraph 16). The CAJ, in accordance with the proposal by the CAJ-AG, agreed to invite the TC to consider the development of guidance on certain matters concerning variety descriptions (see document CAJ/69/12 "Report on the Conclusions", paragraph 17).

10. The CAJ noted that the Consultative Committee, at its eighty-sixth session, had endorsed the current approach whereby the CAJ-AG invites, on an ad hoc basis, organizations that have observer status in the CAJ to present their views at the relevant part of the CAJ-AG, as it considered appropriate (see document CAJ/69/12 "Report on the Conclusions", paragraph 18).

11. The CAJ noted that the CAJ-AG, at its eighth session, had recalled that observers to the CAJ could send comments on relevant matters of the program of the CAJ-AG and that, in cases where written comments were received from observers to the CAJ, the CAJ-AG had agreed to invite those observers to the

relevant part of the ninth session of the CAJ-AG and the Office of the Union would issue the corresponding ad hoc invitations (see document CAJ/69/12 "Report on the Conclusions", paragraph 19).

12. The CAJ requested to invite the CAJ-AG, at its ninth session, to consider whether the CAJ-AG would need the possibility for some discretion in relation to ad hoc invitations, for observers who had made written comments, to attend the relevant part of the CAJ-AG, and if so, the mechanism for implementation in a timely manner (see document CAJ/69/12 "Report on the Conclusions", paragraph 20).

13. The CAJ noted the plans of the CAJ-AG concerning the:

- development of the "Explanatory Notes on Propagation and Propagating Material under the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 21);
- revision of the "Explanatory Notes on Harvested Material under the 1991 Act of the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 21);
- possible revision of the "Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 21);
- possible revision of the "Explanatory Notes on Nullity of the Breeder's Right under the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 21);
- possible revision of the "Explanatory Notes on Variety Denominations under the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 21).

14. The CAJ noted that other developments on variety denominations that might be relevant in the context of a possible revision of the "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/INF/12/4) were considered in documents CAJ/69/5 "Variety Denominations" and CAJ/69/9 "Possible development of a UPOV similarity search tool for variety denomination purposes" (see document CAJ/69/12 "Report on the Conclusions", paragraph 22).

15. The CAJ noted that the CAJ-AG had agreed not to consider the development of guidance on matters arising after the grant of a breeder's right in relation to the filing of applications, nor enforcement of breeders' rights (see document CAJ/69/12 "Report on the Conclusions", paragraph 23).

16. The CAJ noted that the CAJ-AG had agreed to consider the possible revision of the "Explanatory Notes on Provisional Protection under the UPOV Convention" (see document CAJ/69/12 "Report on the Conclusions", paragraph 24).

17. The CAJ noted the report on the work of the CAJ-AG, at its eighth session, as provided in document CAJ-AG/13/8/10 "Report" (see document CAJ/69/12 "Report on the Conclusions", paragraph 25).

18. The CAJ approved the following work program for the development of information materials for the ninth session of the CAJ-AG, to be held in October 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 26):

1. Opening of the session
2. Adoption of the agenda
3. Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention
4. Explanatory Notes on Propagation and Propagating Material
5. Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention
6. Matters concerning cancellation of the breeder's right
7. Matters concerning nullity of the breeder's right
8. Matters concerning variety denominations

9. Matters concerning variety descriptions
10. Matters concerning provisional protection
11. Matters concerning observers in the CAJ-AG
12. Possible alternative dispute settlement mechanisms for EDVs
13. Matters referred by the CAJ to the CAJ-AG for consideration since the eighth session of the CAJ-AG
14. Date and program for the tenth session

19. The CAJ agreed that the following new drafts of explanatory notes be provided to the CAJ-AG by May 9, 2014, and that CAJ members and observers would also be given the opportunity to provide comments (see document CAJ/69/12 "Report on the Conclusions", paragraph 27):

- Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (document UPOV/EXN/EDV/2 Draft 4)
- Explanatory Notes on Propagation and Propagating Material under the UPOV Convention (document UPOV/EXN/PPM Draft 2)
- Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (document UPOV/EXN/HRV/2 Draft 1)
- Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention (document UPOV/EXN/CAN/2 Draft 1)
- Explanatory Notes on Nullity of the Breeder's Right under the UPOV Convention (document UPOV/EXN/NUL/2 Draft 1)
- Explanatory Notes on Variety Denominations under the UPOV Convention (document UPOV/INF/12/5 Draft 1)
- Explanatory Notes on Provisional Protection under the UPOV Convention (document UPOV/EXN/PRP/2 Draft 1)

On the basis of comments received, the CAJ noted that new drafts of the above explanatory notes would be posted by August 29, 2014 and that CAJ members and observers would be notified accordingly. The CAJ-AG would then consider those new drafts at its ninth session (see document CAJ/69/12 "Report on the Conclusions", paragraph 28).

20. The CAJ agreed that the ninth session of the CAJ-AG be held on October 14 and 17, 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 29).

21. The CAJ noted that the CAJ, at its sixty-eighth session, held in Geneva on October 21, 2013, had agreed to include an item for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" in the program for the seventieth session of the CAJ, to be held in October 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 30).

UPOV Information databases

22. The CAJ noted the developments concerning UPOV codes (see document CAJ/69/12 "Report on the Conclusions", paragraph 33).

23. The CAJ noted that the TC had agreed to provide information on the type of crop for each UPOV code in the GENIE database. It was clarified that more than one crop type could be allocated to a single UPOV Code. The CAJ noted that the TC had noted that the proposed approach would enable the data in the PLUTO database to be analyzed with regard to applications filed, titles issued and titles having ceased to be in force by type of crop, whilst noting that the multiple crop types for some UPOV codes would result in some limitations in that regard (see document CAJ/69/12 "Report on the Conclusions", paragraphs 34 and 35).

24. The CAJ noted the developments concerning the program for improvements to the Plant Variety Database (see document CAJ/69/12 "Report on the Conclusions", paragraph 36).

25. The CAJ noted the results of the survey of members of the Union on their use of databases for plant variety protection purposes and on their use of electronic application systems (see document CAJ/69/12 "Report on the Conclusions", paragraph 37).

Exchangeable software

26. The CAJ agreed with the proposal of the TC at its fiftieth session to present document UPOV/INF/22 "Software and equipment used by members of the Union" for adoption by the Council at its forty-eighth ordinary session, to be held in Geneva on October 16, 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 39).

27. The CAJ noted the plan, subject to adoption of document UPOV/INF/22 by the Council at its forty-eighth ordinary session, to be held in Geneva on October 16, 2014, to issue a circular to the designated persons of the members of the Union in the TC, inviting them to provide information regarding non-customized software and equipment used by members of the Union, as appropriate (see document CAJ/69/12 "Report on the Conclusions", paragraph 40).

28. The CAJ agreed to the inclusion of SIVAVE software in document UPOV/INF/16 "Exchangeable Software" (see document CAJ/69/12 "Report on the Conclusions", paragraph 41).

29. The CAJ agreed with the TC that a revision of document UPOV/INF/16/3 concerning the inclusion of the SIVAVE software should be presented for adoption by the Council at its forty-eighth ordinary session, to be held on October 16, 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 42).

30. The CAJ noted that Mexico had been invited to provide further information on the SISNAVA software at the thirty-second session of the Technical Working Party on Automation and Computer Programs (TWC), to be held in Helsinki, Finland, from June 3 to 6, 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 43).

31. The CAJ agreed the proposed revision of document UPOV/INF/16 concerning the inclusion of information on the use of software by members of the Union as a basis for its adoption by the Council at its forty-eighth ordinary session, to be held on October 16, 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 44).

32. The CAJ noted that an expert from France would make a presentation on the AIM software at the thirty-second session of the TWC, based on the English translation of the software (see document CAJ/69/12 "Report on the Conclusions", paragraph 45).

33. The CAJ noted the proposal for selected screenshots in English of the software "Information System (IS) used for Test and Protection of Plant Varieties in the Russian Federation" to be presented to the TWC at its thirty-second session, in order to explain how the software works (see document CAJ/69/12 "Report on the Conclusions", paragraph 46).

Electronic application systems

34. The CAJ noted the developments concerning the development of a prototype electronic form (see document CAJ/69/12 "Report on the Conclusions", paragraph 48).

35. The CAJ received a report of the meeting on the prototype electronic form, held in Geneva on April 9, 2014. It noted that the following features had been agreed for inclusion in the prototype (see document CAJ/69/12 "Report on the Conclusions", paragraph 49):

- All the features presented in the mock-up,
- An administration interface with a dashboard to edit, submit or delete informations,
- A possibility to import facility and export XML information.

36. The CAJ noted that the following aspects would not be included in the prototype but would be included in the final version (see document CAJ/69/12 "Report on the Conclusions", paragraph 50):

- Payment authorization
- Different languages
- Possibility for introducing or modifying questions in the form
- Technical aspects such as business support for applicants; routine maintenance provisions; compliance with Web Content Accessibility Guidelines (WCAG); legal aspect and disclaimer

37. The CAJ noted that the following timetable had been agreed on the development of the prototype (see document CAJ/69/12 "Report on the Conclusions", paragraph 51):

Participating members to send their database structure, XML format or interface tables (requirement for participation in the project) Circular to be sent, requesting input from participants (PVP Offices + Breeders)	By May 30, 2014
Analysis of databases of participating members, design of the database structure and data interface tables	By September 2014
Consolidation of questions (bi/multilateral communication)	By September 2014
Finalization of project brief and request for cost estimate from approved supplier	June 2014
Agreement on the database structure/ import-export option/ interface tables format	October 2014
Start of the project	October 2014
Presentation of the prototype to the CAJ and Council	October 2015

38. The CAJ noted the request of the Delegation of Ecuador to participate in the meetings on the development of a prototype electronic form, and to provide information on its PVP platform project, which would be launched in July 2014 (see document CAJ/69/12 "Report on the Conclusions", paragraph 52).

39. The CAJ noted that the next meeting on the prototype electronic form would be held in Geneva on October 14, 2014, at 6.00 p.m. A report on that meeting will be provided to the CAJ at its seventy-first session (see document CAJ/69/12 "Report on the Conclusions", paragraph 53).

TGP documents

40. The CAJ noted that the Council would be invited to adopt document TGP/0/7 "List of TGP Documents and Latest Issue Dates", in order to reflect the adoption of TGP documents (see document CAJ/69/12 "Report on the Conclusions", paragraph 55).

41. The CAJ agreed the revision of document TGP/2 "List of Test Guidelines Adopted by UPOV" (see document CAJ/69/12 "Report on the Conclusions", paragraph 56).

42. The CAJ agreed the proposed amendment to the guidance in document TGP/5: Section 10: Notification of Additional Characteristics and States of Expression" (see document CAJ/69/12 "Report on the Conclusions", paragraph 57).

43. The CAJ agreed the revisions to document TGP/7, as set out in document CAJ/69/3 "TGP documents", as a basis for the adoption of document TGP/7/4 "Development of Test Guidelines" by the Council, at its forty-eighth ordinary session, subject to the following amendments (see document CAJ/69/12 "Report on the Conclusions", paragraphs 58 and 59):

Annex I, ASW 0	in the German version: to amend the translation of "Subject of these Test Guidelines" to read " <u>Gegenstand</u> dieser Prüfungsrichtlinien"
Annex I, GN 7	last paragraph to read: "In general, in the case of <i>plants</i> required only for a single growing trial (e.g. no plants required for special tests or variety collections), the number of plants requested in Chapter 2.3 often corresponds to the number of plants specified in Chapters 3.4 "Test Design" and 4.2 "Uniformity". In that respect, it is recalled the quantity of plant material specified in Chapter 2.3 of the Test Guidelines is the minimum quantity that an authority might request of the applicant. Therefore, each authority may decide to request a larger quantity of plant material, for example to allow for potential losses during establishment (see GN 7 (a))."
Annex I, GN 28, Section 3.2.2.	to read as follows: "3.2.2 Where different sets of example varieties are provided for different types of varieties covered by the same Test Guidelines, they are placed in the Table of Characteristics in the same column as normal. The sets of example varieties (e.g. winter and spring) are separated by a semicolon, and/or indicated by a key which is provided for each set and an explanation for the option chosen should be included in the legend of Chapter 6 of the Test Guidelines."
Annex I, GN 28, Section 4.	4.1 Reference to Section 2 to be replaced by reference to Section 4.2 4.2.3 Reference to Figure 1 to be replaced by reference to Section 4.2.3 4.2.5 Reference to Figure 1 to be deleted
Annex I, GN 35, Introduction	First sentence to read: "The taking of photographs is influenced by factors, such as light conditions, quality and setting of the camera, and the background."

(i) *Revision of document TGP/7: Additional Standard Wording for Growing Cycle for Tropical Species*

"New (after (b)): Evergreen species with indeterminate growth

"The growing cycle is considered to be the period ranging from the beginning of development of an individual flower or inflorescence, through fruit development and concluding with the harvesting of fruit from the corresponding individual flower or inflorescence."

(iv) *Revision of document TGP/7: Presence of Leading Expert at Technical Working Party Sessions*

"In order to be considered by a Technical Working Party, the Leading Expert of the draft Test Guidelines should be present at the session. Subject to approval by the Technical Working Party Chairperson, and where arranged sufficiently in advance of the session, a suitable alternative expert may act as the Leading Expert at the session, or the Leading Expert may participate by electronic means, where that enables the Test Guidelines to be considered in an effective way."

44. The CAJ agreed the revisions to document TGP/8, as set out in document CAJ/69/3 "TGP documents", as a basis for the adoption of document TGP/8/2 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability" by the Council, at its forty-eighth ordinary session, subject to the following amendments (see document CAJ/69/12 "Report on the Conclusions", paragraphs 60 and 61):

Annex II, Part I, Section 2.3.3.6.2	to delete heading "The absolute zero point"
Annex II, Part I, Section 2.3.3.7.3	to correct format for case I and case II and formulas
Annex II, Part I, Sections 3.5.1 and 4.2.2	to reinsert scales to graphs and remove colors

Annex II, Part I, Section 5	<ul style="list-style-type: none">• title to read as follows: “Cyclic planting of varieties from the variety collection to reduce trial size”• paragraph 1.1 to read as follows: “Cyclic planting of varieties from the variety collection (established varieties) to reduce trial size is appropriate for use in trials where:”• paragraph 1.1 to introduce a last bullet point: “three independent growing cycles are normally grown. The guidance below is for this case. However, it may also be adapted for crops where two independent growing cycles are normally grown.”• last sentence of second paragraph in 1.2 to read as follows: “If, after DUS testing, a variety is added to the variety collection it is allocated to a series and is cyclically omitted from the trial every third year.”• paragraph 1.3, sentences 5 and 6 to read as follows: “Because of a possible lag between final DUS testing and the decision on the application, candidate varieties are kept in trial for a fourth year after the three-year test period. If a positive decision is taken, they will become an established variety and will enter the cyclic planting system.”• note in paragraph 1.4, first sentence to read as follows: Note: if the DUSTNT software is used, a variety can be made to appear missing simply by removal of the variety from the “E file”.• paragraph 4.2.1, to remove extra dash in “t—test”
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45. The CAJ agreed to delay the revision of document TGP/9 until 2015, in accordance with the conclusions of the TC at its fiftieth session (see document CAJ/69/12 “Report on the Conclusions”, paragraph 62).

46. The CAJ noted the correction to the Spanish version of document TGP/14: Section 2: Subsection 3: Color, paragraph 2.2.2, (see document CAJ/69/12 “Report on the Conclusions”, paragraph 63).

47. The CAJ agreed the program for the development of TGP documents, as amended in accordance with the conclusions on TGP documents (see document CAJ/69/12 “Report on the Conclusions”, paragraph 64).

Molecular techniques

48. The CAJ noted that the fourteenth session of the BMT would be held in Seoul, the Republic of Korea, from November 10 to 13, 2014 and noted the amended program of the fourteenth session of the BMT (see document CAJ/69/12 “Report on the Conclusions”, paragraphs 66 and 67).

49. The CAJ noted that a Joint Workshop with the International Seed Testing Association (ISTA), the Organization for Economic Co-operation and Development (OECD) and UPOV would be held in conjunction with the fourteenth session of the BMT, on November 12, 2014 (see document CAJ/69/12 “Report on the Conclusions”, paragraph 68).

50. The CAJ noted that the TC had recalled that, at its forty-ninth session, held in Geneva from March 18 to March 20, 2013, it had agreed that there was a need to provide suitable information on the situation in UPOV with regard to the use of molecular techniques to a wider audience, including breeders and the public in general. That information should explain the potential advantages and disadvantages of the techniques, and the relationship between genotype and phenotype, which lay behind the situation in UPOV (see document TC/49/41 “Report on the Conclusions”). In that regard, the TC had agreed that the explanation provided in document CAJ/69/4, paragraph 22, provided suitable information on the situation in UPOV with regard to the use of molecular techniques for breeders and persons with knowledge of DUS testing, subject to the following amendments (see document CAJ/69/12 “Report on the Conclusions”, paragraph 70):

“Question: Does UPOV allow molecular techniques (DNA profiles) in the DUS examination?”

Answer: “It is important to note that, in some cases, varieties may have a different DNA profile but be ~~morphologically~~ phenotypically identical, whilst, in other cases, varieties which have a large phenotypic difference may have the same DNA profile for a particular set of molecular markers (e.g. some mutations).

“In relation to the use of molecular markers that are not related to phenotypic differences, the concern is that it might be possible to use a limitless number of markers to find differences between varieties.—”

~~particular differences could be found~~ at the genetic level that are not reflected in ~~morphological~~ phenotypic characteristics.

“On the above basis, UPOV has agreed the following uses of molecular markers in relation to DUS examination:

“(a) Molecular markers can be used as a method of examining DUS characteristics that satisfy the criteria for characteristics set out in the General Introduction if there is a reliable link between the marker and the characteristic.

“(b) A combination of phenotypic differences and molecular distances can be used to improve the selection of varieties to be compared in the growing trial if the molecular distances are sufficiently related to phenotypic differences and the method does not create an increased risk of not selecting a variety in the variety collection which should be compared to candidate varieties in the DUS growing trial.

“The situation in UPOV is explained in documents TGP/15 ‘Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)’ and UPOV/INF/18 ‘Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)’”.

With regard to a wider audience, the TC had agreed that the question was not framed in an appropriate way and, therefore, it would not be appropriate to seek to develop an answer to that question. The TC had agreed that the question should be rephrased after clarification of the issues of interest to a wider audience.

Variety denominations

51. The CAJ noted that the TC, at its fiftieth session, had agreed that the example “Bough” and “Bow” in document UPOV/INF/12, paragraph 2.3.3(i) should be replaced by a suitable example and further noted that the work on the possible development of a UPOV similarity search tool might be reflected in a review of document UPOV/INF/12. It also agreed that guidance on confusion for phonetic reasons should continue to be included in document UPOV/INF/12. The CAJ considered that it would be appropriate to amend document UPOV/INF/12, paragraph 2.3.3(a)(i) (see document CAJ/69/12 “Report on the Conclusions”, paragraphs 72 and 73).

52. The CAJ noted that a report concerning the possible development of a UPOV similarity search tool for variety denomination purposes was contained in document CAJ/69/9 “Possible development of a UPOV similarity search tool for variety denomination purposes” (see document CAJ/69/12 “Report on the Conclusions”, paragraph 74).

53. The CAJ noted the developments concerning potential areas for cooperation between the International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS Commission), the International Society for Horticultural Science Commission for Nomenclature and Cultivar Registration (ISHS Commission) and UPOV (see document CAJ/69/12 “Report on the Conclusions”, paragraph 75).

Possible development of a UPOV similarity search tool for variety denomination purposes

54. The CAJ noted that the TC, at its fiftieth session, had welcomed the establishment of a working group for the development of a UPOV similarity search tool and had invited experts to contribute to its work. Furthermore, the CAJ agreed with the TC that there were some challenges concerning linguistic and alphabet aspects which should be considered by the working group when defining the objectives of its work (see document CAJ/69/12 “Report on the Conclusions”, paragraph 77).

55. The CAJ noted that the first meeting of the working group would be arranged for 2014 and a report would be made to the CAJ at its seventieth session, to be held in Geneva, on October 13 and 14, 2014 (see document CAJ/69/12 “Report on the Conclusions”, paragraph 78).

Matters raised by the International Seed Federation

56. The CAJ endorsed the development of guidance on the time period for the filing of applications in document UPOV/INF/15 (see document CAJ/69/12 “Report on the Conclusions”, paragraph 80).

57. The CAJ agreed to the development of further guidance on requests for pedigree information (see document CAJ/69/12 “Report on the Conclusions”, paragraph 81).

58. The CAJ noted the existing initiatives, as set out in document CAJ/69/10, paragraph 9, concerning electronic applications (see document CAJ/69/12 "Report on the Conclusions", paragraph 82).
59. The CAJ agreed to the development of guidance in document UPOV/INF/15 on the possibility to file applications electronically (see document CAJ/69/12 "Report on the Conclusions", paragraph 83).
60. The CAJ noted the existing guidance in document TGP/5 Section 2 "UPOV Model Form for the Application for Plant Breeders' Rights", with regard to correspondence, and agreed not to seek to develop additional guidance for the time being (see document CAJ/69/12 "Report on the Conclusions", paragraph 84).
61. The CAJ noted the existing guidance with regard to parent lines in relation to applications concerning hybrids, and agreed not to develop additional guidance for the time being (see document CAJ/69/12 "Report on the Conclusions", paragraph 85).
62. The CAJ noted the existing guidance in relation to the availability and exchange of material, and agreed not to develop additional guidance for the time being (see document CAJ/69/12 "Report on the Conclusions", paragraph 86).
63. The CAJ noted the discussions that had taken place in the CAJ concerning the "Recommendations to Ensure the Independence of those DUS Examination Centers Which Have, or Have Links to, Breeding Activities" (see document CAJ/69/12 "Report on the Conclusions", paragraph 87).
64. The CAJ agreed to the development of guidance in document UPOV/INF/15 on confidentiality of applicants' material when DUS examination centers have, or have links to, breeding activities (see document CAJ/69/12 "Report on the Conclusions", paragraph 88).
65. The CAJ noted that document CAJ/69/6 "UPOV information databases" contained relevant matters on the regular provision of information to the PLUTO Plant Variety Database and that document CAJ/69/6 contained the replies from a survey of members of the Union on their use of databases for plant variety protection purposes and on their use of electronic application systems (see document CAJ/69/12 "Report on the Conclusions", paragraph 89).
66. The CAJ agreed to the development of guidance concerning frequency of data submission and completeness of databases in conjunction with the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" (see document CAJ/69/12 "Report on the Conclusions", paragraph 90).
67. The CAJ noted that guidance on denominations was already covered under ongoing work in relation to variety denominations (see document CAJ/69/12 "Report on the Conclusions", paragraph 91).
68. The CAJ agreed to the development of document UPOV/INF/15 "Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation" into an umbrella document that would identify key issues for the operation of a plant variety protection system and provide a link to relevant detailed guidance (see document CAJ/69/12 "Report on the Conclusions", paragraph 92).
69. The CAJ agreed, in relation to the next steps, that the Office of the Union would prepare relevant documents on the issues concerning each of the items that the CAJ had agreed to develop further guidance and would present those issues for further consideration by the CAJ at its seventieth session. At that point, the CAJ would decide on the relevant bodies that might consider those issues (see document CAJ/69/12 "Report on the Conclusions", paragraph 93).

Program for the seventieth session

70. The following program was agreed for the seventieth session of the CAJ, to be held in Geneva on October 13, 2014: Opening of the session; Adoption of the agenda; Development of information materials concerning the UPOV Convention; Revision of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette"; Variety denominations; Guidance for Members of UPOV on Ongoing Obligations and Related Notifications and on the Provision of Information to Facilitate Cooperation; Molecular techniques; UPOV information and databases; Electronic application systems; Exchangeable software; Program for the seventy-first session; Adoption of the report on the conclusions (if time permits); Closing of the session (see document CAJ/69/12 "Report on the Conclusions", paragraph 94).

71. *The Council is invited to:*

(a) note the work of the CAJ, as reported in this document and in the oral report to be made by the Chair of the CAJ; and

(b) approve the work program for the seventy-first session of the CAJ, as presented in the oral report of the Chair of the CAJ.

[End of document]