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Geneva

## ADMINISTRATIVE AND LEGAL COMMITTEE

### Sixty-Seventh Session Geneva, March 21, 2013

#### DEVELOPMENT OF INFORMATION MATERIALS CONCERNING THE UPOV CONVENTION

*Document prepared by the Office of the Union*

1. The purpose of this document is to: provide background information to assist the Administrative and Legal Committee (CAJ) in its consideration of relevant matters at its sixty-seventh session, including the possibility of a seminar on essentially derived varieties; report on the work of the advisory group to the CAJ (CAJ-AG); provide information on a proposed revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention"; and present a tentative program for the development of information materials.

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## I. BACKGROUND

2. The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in document CAJ/52/4, paragraphs 8 to 10. It also agreed to the establishment of an advisory group to the CAJ (CAJ-AG) to assist in the preparation of documents concerning such materials, as proposed in document CAJ/52/4, paragraphs 11 to 14 (see document CAJ/52/5 "Report", paragraph 67).

3. The agreed approach is summarized as follows: the Office of the Union will develop certain draft materials which it considers covers aspects of a straightforward nature and will circulate these to the CAJ for comments within a specified time. In other cases, where it is considered that there are difficult issues, where discussions at a CAJ session would be important for the development of suitable information materials, and also in cases where the drafts on seemingly straightforward materials provoke unexpected concerns when circulated for comments, it was agreed that the assistance of the CAJ-AG would be sought prior to the CAJ being invited to discuss those matters at its sessions.

## II. OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

4. An overview of the development of the information materials is provided in the Annex to this document.

## III. MATTERS TO BE CONSIDERED BY THE ADMINISTRATIVE AND LEGAL COMMITTEE AT ITS SIXTY-SEVENTH SESSION

### (a) Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention (document UPOV/EXN/BRD Draft 6)

5. The CAJ-AG held its seventh session in Geneva on October 29 and 30, 2012 (see Part IV of this document). The CAJ-AG considered documents UPOV/EXN/BRD Draft 5 and CAJ-AG/12/7/2, the comments of the Russian Federation and of the European Seed Association (ESA), and the views expressed by the European Coordination Via Campesina (ECVC) (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 7).

6. The CAJ-AG agreed that, on the basis of the amendments made at its seventh session, the Office of the Union should prepare a revised version of document UPOV/EXN/BRD Draft 5, to be considered by the CAJ at its sixty-seventh session, to be held in Geneva on March 21, 2013 (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 9).

7. Document UPOV/EXN/BRD Draft 6, to be considered by the CAJ at its sixty-seventh session, has been prepared on the basis set out above.

*8. The CAJ is invited to consider document UPOV/EXN/BRD Draft 6 as the basis for the adoption of the "Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention" by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013.*

### (b) Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (document UPOV/EXN/HRV Draft 9)

9. The CAJ-AG, at its seventh session, considered documents UPOV/EXN/HRV Draft 8 and CAJ-AG/12/7/2, the comments of and the views expressed by the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOPORA), ECVC, and the International Seed Federation (ISF) (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 11).

10. The CAJ-AG agreed that on the basis of the amendments made at its seventh session, the Office of the Union should prepare a revised version of document UPOV/EXN/HRV Draft 8, to be considered by the CAJ at its sixty-seventh session, to be held in Geneva on March 21, 2013. Document UPOV/EXN/HRV Draft 9, to be considered by the CAJ at its sixty-seventh session, has been prepared on the basis set out above.

11. The CAJ-AG, at its seventh session, further agreed to propose to the CAJ that the CAJ-AG be invited to immediately start work on a possible future revision in order to include illustrative examples of situations where breeders might be considered to be able to exercise their rights in relation to harvested material because harvested material has been obtained through the unauthorized use of propagating material and the breeders have not had reasonable opportunity to exercise their rights in relation to the said propagating material. The CAJ-AG also agreed to propose to the CAJ that the CAJ-AG be invited to consider the development of guidance on "reasonable opportunity" (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 14).

12. *The CAJ is invited to:*

*(a) consider*

*document UPOV/EXN/HRV Draft 9 as the basis for the adoption of the "Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention" by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013;*

*(b) invite the CAJ-AG to immediately start work on a future possible revision in order to include illustrative examples of situations where breeders might be considered to be able to exercise their rights in relation to harvested material; and*

*(c) invite the CAJ-AG to consider the development of guidance on "reasonable opportunity".*

(c) Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision) (document UPOV/EXN/EDV/2 Draft 3)

13. The CAJ-AG, at its seventh session, considered documents CAJ-AG/12/7/3 and UPOV/EXN/EDV/2 Draft 2, the comments of and the views expressed by CIOPORA, ECVV and ISF (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 18).

14. The CAJ-AG agreed that, on the basis of the amendments made at its seventh session, the Office of the Union should prepare a revised version of document UPOV/EXN/EDV/2 Draft 2, to be considered by the CAJ at its sixty-seventh session, to be held in Geneva on March 21, 2013 (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 21).

15. Document UPOV/EXN/EDV/2 Draft 3, to be considered by the CAJ at its sixty-seventh session, has been prepared on the basis set out above.

*16. The CAJ is invited to consider document UPOV/EXN/EDV/2 Draft 3 as the basis for the adoption of the revision of the "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention" by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013.*

*The use of information of the initial variety to obtain essentially derived varieties*

17. The CAJ-AG, at its seventh session, agreed that, on the basis of the text provided by ISF (document CAJ-AG/12/7/3, paragraph 8, reproduced below) with suitable amendments, the Office of the Union should prepare a text on the possibility to use molecular marker data information of an initial variety to obtain essentially derived varieties to be considered for by the CAJ-AG at its eighth session, to be held in October 2013.

“The collection of molecular data from the initial variety and the subsequent application of the obtained DNA profiles with the explicit intention to select for similar genotypes in a particular population, which is mostly related to the initial variety, may also be regarded as predominant derivation from the initial variety. Therefore, for the purpose of EDV assessment, “predominant derivation” may result from: i) The use of – mainly- the plant material of an initial variety for selection or (back) crossing followed by selection in the breeding process, or ii) The use of molecular marker data, collected from an initial variety, for the purpose of selection of genotypes close or similar to the genotype of the initial variety, or in the case of hybrids, close or similar to the genotype of its parent lines.”

(see document CAJ-AG/12/7/6 “Report on the conclusions”, paragraph 20)

*The relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention*

18. The CAJ-AG, at its seventh session, agreed that, on the basis of the explanatory note 6(ii) on Article 5 “Effects of the Right Granted to the Breeder” presented in document IOM/IV/2 (document CAJ-AG/12/7/3, paragraph 11, reproduced below), the Office of the Union should prepare draft guidance on the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention for consideration by the CAJ-AG at its eighth session, to be held in October 2013.

[Extract of the explanatory notes on Article 5 “Effects of the Right Granted to the Breeder” presented in document IOM/IV/2, “Revision of the Convention”]

“5. Paragraph 3. – This paragraph introduces a new concept into the law of plant variety protection: the exploitation – but not the breeding – of a variety that is essentially derived from a protected variety would be subject to the right granted to the breeder of the latter variety (‘dependence’).

“6. The Committee has not yet taken a final position on the question whether the word ‘single’ would be inserted or omitted; at the present stage of the discussions, there seems to be general agreement on the fact that the following conditions should be met for there to be dependence:

“[...]

“(ii) the derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)

“[...]

(see document CAJ-AG/12/7/6 “Report on the conclusions”, paragraph 22)

19. In order to assist the CAJ-AG in preparing draft guidance, the CAJ may wish to consider the possibility of organizing a seminar on essentially derived varieties (EDVs) to consider the following:

(a) technical and legal views on “predominantly derived”, “essential characteristics” and “differences which result from the act of derivation” (see Article 14(5)(b) of the 1991 Act of the UPOV Convention), the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention and the possible impact on breeding;

(b) existing experience in relation to EDVs; and

(c) the possible role of future UPOV guidance on EDVs in cases before the courts.

20. Subject to the agreement of the CAJ and the Council, it is proposed that a seminar on EDVs be held on October 22, 2013 (see document C/46/8 Rev. “Calendar of Meetings”). In order to accommodate a seminar on EDVs on October 22, 2013, the sixty-eighth session of the CAJ would be reduced to one day, on October 21, 2013. The program for the seminar would be organized on the basis of the items set out in paragraph 19, with speakers being agreed between the Office of the Union and the Chair and Vice-Chair of

the CAJ, and the President of the Council. It is proposed that attendance at the seminar would be open to members of the Union and observers, with the presentations and discussions at the seminar being made available on the UPOV website after a suitable broadcast delay.

*Matters concerning essentially derived varieties arising after the grant of a breeder's right*

21. The CAJ-AG noted the presentation by the Delegation of the European Union made to the CAJ-AG at its seventh session (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 23).

22. The CAJ-AG agreed that, at an appropriate future meeting 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-AG/12/7/6 "Report on the conclusions", paragraph 24).

23. *The CAJ is invited to:*

*(a) note that the Office of the Union will prepare a text on the possibility to use molecular marker data information of an initial variety to obtain essentially derived varieties for consideration by the CAJ-AG at its eighth session, to be held on October 25, 2013;*

*(b) note that the Office of the Union will prepare draft guidance on the relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention, on the basis of the explanatory note 6(ii) on Article 5 "Effects of the Right Granted to the Breeder" presented in document IOM/IV/2, for consideration by the CAJ-AG at its eighth session, to be held on October 25, 2013;*

*(c) propose to the Council that a seminar on EDVs be organized on October 22, 2013, as set out in paragraphs 19 and 20 above; and*

*(d) note 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 will be invited to make presentations on their systems concerning essentially derived varieties.*

(d) UPOV Model Plant Breeders' Rights Gazette (document CAJ/67/10)

24. A proposed program for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" is presented in document CAJ/67/10.

(e) Matters referred by the CAJ to the CAJ-AG for consideration since the sixth session of the CAJ-AG

25. The CAJ, at its sixty-fifth session, held in Geneva on October 29, 2012, noted the suggestion of the Association for Plant Breeding for the Benefit of Society (APBEBES) to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) (e.g. two per stakeholder group) in the CAJ-AG and to allow the stakeholder groups to coordinate on the persons to occupy those places at each session of the CAJ-AG, according to the matters under consideration. It also noted the suggestion by APBEBES that those permanent places could be supplemented on an *ad hoc* basis, as considered appropriate by the CAJ-AG. The CAJ agreed to invite the CAJ-AG to consider that approach at its seventh session, in October 2012 (see document CAJ/65/12 "Report on the Conclusions" paragraph 23).

26. The CAJ-AG, at its seventh session, considered document CAJ-AG/12/7/5 and the views of APBREBES (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 30).

27. With regard to the request of the CAJ, at its sixty-fifth session, for the CAJ-AG to consider the suggestion to include a limited number of permanent places for observers representing various stakeholder groups such as farmers, breeders and certain other observer non-governmental organizations (NGOs) in the CAJ-AG and to allow the stakeholder groups to coordinate on the persons to occupy those places at each session of the CAJ-AG, according to the matters under consideration, the CAJ-AG noted that document UPOV/INF/7 "Rules of Procedure of the Council", Rules 36 and 20, states as follows:

"Rule 36: Establishment of Committees

"(1) The Council may set up permanent or temporary committees to prepare its work or to examine technical, legal or any other questions of interest to UPOV.

"(2) When setting up any committees, the Council shall establish the terms of reference of that committee and shall determine whether and to what extent observers will be invited to the meetings of the committee; the Council may, at any time, decide changes in the initial terms of reference and in the decision concerning observers."

"Rule 20: Observers and Experts

"(1) Observers and experts may take part in debates at the invitation of the chairman.

"(2) They may not submit proposals, amendments or motions, and have no right to vote."

(see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 31).

28. The CAJ-AG agreed that it, in that context, the CAJ-AG should seek further guidance from the CAJ before making a proposal (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 32).

*29. The CAJ is invited to consider the request from the CAJ-AG for further guidance on the proposals concerning participation of observers in the CAJ-AG.*

#### IV. REPORT OF THE WORK OF THE CAJ-AG AT ITS SEVENTH SESSION

30. The CAJ-AG held its seventh session in Geneva on October 29 and 30, 2012. The "Report on the conclusions" of the CAJ-AG at its seventh session (document CAJ-AG/12/7/6) has been posted on the CAJ-AG and CAJ/67 sections of the UPOV website.

31. In addition to matters reported in Part III "Matters to be considered by the Administrative and Legal Committee at its sixty-seventh session" of this document, the following matters were considered by the CAJ-AG at its seventh session.

(a) Matters arising after the grant of a breeder's right

32. The CAJ-AG, its seventh session, considered document CAJ-AG/11/6/4 (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 25).

33. The CAJ-AG considered that it would be appropriate to develop further guidance in separate documents for the following matters, on the basis of the relevant sections in document CAJ-AG/11/6/4:

- (a) Cancellation of the breeder's right;
- (b) Nullity of the breeder's right;
- (c) Variety denominations; and
- (d) Variety descriptions.

(see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 26)

34. The CAJ-AG agreed that the Office of the Union should seek clarification on the issues that the European Union and the Russian Federation intended to be covered in relation to possible further guidance on provisional protection (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 27).

35. The CAJ-AG agreed that the Office of the Union should seek clarification on the issues that the Russian Federation intended to be covered in relation to possible further guidance on filing of applications and enforcement of breeders' rights (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 28).

36. In the light of other developments and matters already under consideration, the CAJ-AG agreed not to continue discussions on:

- (e) Material covered by the breeder's right;
- (f) Essentially derived varieties;
- (g) Exhaustion of the breeder's right;
- (k) Providing information on varieties covered by the breeder's right.

(see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 29)

*37. The CAJ is invited to note the plans of the CAJ-AG concerning matters arising after the grant of a breeder's right, as set out in paragraphs 32 to 36, above.*

(b) Explanatory Notes on Propagation and Propagating Material

38. The CAJ-AG, at its seventh session, considered document CAJ-AG/12/7/4, the comments of and the presentations and views expressed by CIOPORA and ISF (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 15).

39. The CAJ-AG agreed that the Office of the Union should prepare a draft "Explanatory Note on Propagation and Propagating Material Under the 1991 Act of the UPOV Convention" for consideration at its eighth session. The basis of the Explanatory Note would be:

(a) to explain forms of material that could be propagating material, including an explanation on the basis of document UPOV/EXN/HRV Draft 8 that "some forms of harvested material have the potential to be used as propagating material", in a similar way to that explained in the "Model Law on the Protection of New Varieties of Plants" ("Model Law" - UPOV Publication No. 842), Section 1.19;

(b) to provide a non-exhaustive list of factors that might be considered in deciding whether material is propagating material, such as:

- (i) whether the material has been used to propagate the variety;
- (ii) whether the material is capable of producing entire plants of the variety;
- (iii) whether there has been a custom/practice of using the material for that purpose;
- (iv) the intention on the part of those concerned (producer, seller, buyer, user); and
- (v) whether the plant material is suitable for reproducing the variety unchanged.

(see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 16)

40. It was noted that the list above was a tentative, initial list that would require further consideration. It was also agreed that, in the preparation of the draft Explanatory Notes by the Office of the Union, CIOPORA and ISF should be invited to provide additional factors (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 17).

*41. The CAJ is invited to note:*

*(a) the plans of the CAJ-AG concerning the development of the "Explanatory Notes on Propagation and Propagating Material Under the 1991 Act of the UPOV Convention", as set out in paragraphs 38 to 40; and*

*(b) the report on the work of the CAJ-AG at its seventh session, as provided in document CAJ-AG/12/7/6 "Report on the conclusions".*

V. PROPOSED REVISION OF DOCUMENT UPOV/INF/6 "GUIDANCE FOR THE PREPARATION OF LAWS BASED ON THE 1991 ACT OF THE UPOV CONVENTION" (DOCUMENT UPOV/INF/6/3)

42. At its forty-fifth ordinary session, held in Geneva on October 20, 2011, the Council adopted the revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/2). Part II of document UPOV/INF/6/2 contains notes based on information materials concerning certain Articles of the 1991 Act of the UPOV Convention and, in particular, explanatory notes.

43. Since document UPOV/INF/6/2 was adopted by the Council, the "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/INF/12/4) have been revised and drafts of the "Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention" (document UPOV/EXN/BRD/1), the "Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention" (document UPOV/EXN/HRV/1) and the "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention" (document UPOV/EXN/EDV/2), are being proposed for adoption by the Council at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013. In conjunction with the explanatory notes that the Council will be invited to adopt at its forty-seventh ordinary session, it is proposed to adopt a revision of document UPOV/INF/6/2 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/3).

*44. The CAJ is invited to note that the Council will be invited to adopt a revision of document UPOV/INF/6/2 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/3), in conjunction with the explanatory notes that the Council will be invited to adopt at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013.*

VI. PROGRAM FOR THE DEVELOPMENT OF INFORMATION MATERIALS

Work program for the development of information materials for the eighth session of the CAJ-AG, to be held in Geneva in October 2013

45. The CAJ-AG, at its seventh session, agreed the following program for its eighth session, to be held in October 2013, subject to approval by the CAJ at its sixty-seventh session (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 33):

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 (revision)
4. Explanatory Notes on Propagation and Propagating Material under the 1991 Act of the UPOV Convention
5. Possible revision of the Explanatory Notes on the Cancellation of the Breeder's Right under the UPOV Convention
6. Possible revision of the Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention



7. Possible revision of the Explanatory Notes on Variety Denominations under the UPOV Convention
8. Possible guidance on variety descriptions
9. Matters arising after the grant of a breeder's right on: provisional protection, filing of applications and enforcement of breeders' rights.
10. Matters referred by the CAJ to the CAJ-AG for consideration since the seventh session of the CAJ-AG
11. Date and program for the ninth session

46. Subject to the endorsement of the CAJ at its sixty-seventh session, the CAJ-AG proposed that the eighth session of the CAJ-AG be held on October 25, 2013 (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 34).

*47. The CAJ is invited to approve the work program for the development of information materials for the eighth session of the CAJ-AG, to be held on October 25, 2013, as set out in paragraph 45, above.*

[Annex follows]

## OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

## EXPLANATORY NOTES

Reference	Explanatory Notes on:	Status
UPOV/EXN/BRD	Definition of Breeder under the 1991 Act of the UPOV Convention	(Draft: CAJ session in March 2013 document UPOV/EXN/BRD Draft 6)
UPOV/EXN/CAL	Conditions and Limitations Concerning the Breeder's Authorization in Respect of Propagating Material under the UPOV Convention	UPOV/EXN/CAL/1 adopted in October 2010
UPOV/EXN/CAN	Cancellation of the Breeder's Right under the UPOV Convention	UPOV/EXN/CAN/1 adopted in October 2009 (Possible revision: CAJ-AG session in October 2013)
UPOV/EXN/EDV	Essentially Derived Varieties under the 1991 Act of the UPOV Convention	UPOV/EXN/EDV/1 adopted in October 2009 (Revision: CAJ session in March 2013, document UPOV/EXN/EDV/2 Draft 3) (document for the CAJ-AG session in October 2013)
UPOV/EXN/ENF	Enforcement of Breeders' Rights under the UPOV Convention	UPOV/EXN/ENF/1 adopted in October 2009
UPOV/EXN/EXC	Exceptions to the Breeder's Right under the 1991 Act of the UPOV Convention	UPOV/EXN/EXC/1 adopted in October 2009
UPOV/EXN/GEN	Genera and Species to be Protected under the 1991 Act of the UPOV Convention	UPOV/EXN/GEN/1 adopted in October 2009
UPOV/EXN/HRV	Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention	(Draft: CAJ session in March 2013 document UPOV/EXN/HRV Draft 9)
UPOV/EXN/NAT	National Treatment under the 1991 Act of the UPOV Convention	UPOV/EXN/NAT/1 adopted in October 2009
UPOV/EXN/NOV	Novelty under the UPOV Convention	UPOV/EXN/NOV/1 adopted in October 2009
UPOV/EXN/NUL	Nullity of the Breeder's Right under the UPOV Convention	UPOV/EXN/NUL/1 adopted in October 2009 (Possible revision: CAJ-AG session in October 2013)
UPOV/EXN/PPM	Propagation and Propagating Material under the UPOV Convention	Draft: CAJ-AG session in October 2013
UPOV/EXN/PRI	Right of Priority under the UPOV Convention	UPOV/EXN/PRI/1 adopted in October 2009
UPOV/EXN/PRP	Provisional Protection under the UPOV Convention	UPOV/EXN/PRP/1 adopted in October 2009
UPOV/EXN/VAR	Definition of Variety under the 1991 Act of the UPOV Convention	UPOV/EXN/VAR/1 adopted in October 2010

INFORMATION DOCUMENTS

Latest reference	INF documents	Status
UPOV/INF-EXN	List of UPOV/INF-EXN Documents and Latest Issue Dates	UPOV/INF-EXN/3 adopted in November 2012 (Revision to be considered for adoption by the Council in March 2013)
UPOV/INF/4	Financial Regulations and Rules of UPOV	UPOV/INF/4/2 adopted in March 2012 (Revision to be considered for adoption by the Council in March 2013: document C(Extr.)/30/2, Annex)
UPOV/INF/5	UPOV model plant breeders' rights gazette	UPOV/INF/5 adopted in October 1979 (Revision: CAJ session in March 2013)
UPOV/INF/6	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention	UPOV/INF/6/2 adopted in October 2011
UPOV/INF/7	Rules of Procedure of the Council	UPOV/INF/7 adopted in October 1982
UPOV/INF/8	Agreement between the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants	UPOV/INF/8 signed in November 1982
UPOV/INF/9	Agreement between the International Union for the Protection of New Varieties of Plants and the Swiss Federal Council to Determine the Legal Status in Switzerland of that Union (Headquarters Agreement)	UPOV/INF/9 signed in November 1983
UPOV/INF/10	Internal Audit	UPOV/INF/10/1 adopted in October 2010
UPOV/INF/12	Explanatory Notes on Variety Denominations under the UPOV Convention	UPOV/INF/12/4 adopted in November 2012 (Possible revision: CAJ-AG session in October 2013)
UPOV/INF/13	Guidance on how to become a member of UPOV	UPOV/INF/13/1 adopted in October 2009
UPOV/INF/14	Guidance for members of UPOV on how to ratify, or accede to, the 1991 Act of the UPOV Convention	UPOV/INF/14/1 adopted in October 2009
UPOV/INF/15	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications	UPOV/INF/15/1 adopted in October 2010 (Revision to be considered by the Council in March 2013: document UPOV/INF/15/2 Draft 2)
UPOV/INF/16	Exchangeable Software	UPOV/INF/16/2 adopted in October 2011 (Revision to be considered by the Council in October 2013)
UPOV/INF/17	Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")	UPOV/INF/17/1 adopted in October 2010
UPOV/INF/18	Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)	UPOV/INF/18/1 adopted in October 2011
UPOV/INF/19	Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies	UPOV/INF/19/1 adopted in November 2012
UPOV/INF/20	Rules governing access to UPOV documents	UPOV/INF/20/1 adopted in November 2012
UPOV/INF/21	Alternative Dispute Settlement Mechanisms	UPOV/INF/21/1 adopted in November 2012