



C/40/9

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

**COUNCIL**

**Fortieth Ordinary Session**  
**Geneva, October 19, 2006**

**PROGRESS REPORT OF THE WORK OF THE  
ADMINISTRATIVE AND LEGAL COMMITTEE**

*Document prepared by the Office of the Union*

1. Since the thirty-ninth session of the Council, the Administrative and Legal Committee (hereinafter referred to as the "CAJ") held its fifty-third session in Geneva, on April 6, 2006, under the chairmanship of Mr. Krieno Fikkert (Netherlands).

2. The CAJ examined the following matters:

(a) Molecular Techniques: The Chairperson of the Technical Committee (TC) made an oral report on the document "Situation in UPOV concerning the possible use of molecular markers in DUS examination" (document TC/40/9 Add.). The CAJ took note of the conclusion of the TC that it would not be appropriate to rework document TC/40/9 Add. and the reaffirmation of the support of the TC for the presentation of the situation as set out in documents TC/38/14-CAJ/45/5 and TC/38/14 Add.-CAJ/45/5 Add.

(b) Draft Explanatory Notes on Variety Denominations under the UPOV Convention: The CAJ discussed documents CAJ/53/2 and CAJ/53/2 Add. and approved the "Explanatory Notes on Variety Denominations under the UPOV Convention". The CAJ proposed that those Explanatory Notes be formally adopted by the Council at its fortieth session on October 19, 2006 (see document C/40/12).

(c) Development of Information Materials Concerning the UPOV Convention: The CAJ discussed document CAJ/53/3 and received information on the composition of the Administrative and Legal Committee Advisory Group (CAJ-AG).

(d) TGP Documents: The Chairperson of the TC informed the CAJ that the TC had discussed a number of TGP documents. In particular, it had discussed TGP/4 “Constitution and Management of Variety Collections”, TGP/9 “Examining Distinctness” and TGP/10 “Examining Uniformity”, and found that there was a good level of agreement on the drafts presented. It was hoped that the CAJ would consider drafts of TGP/4, TGP/9 and TGP/10 at its fifty-fourth session, on October 16 and 17, 2006, in order that the TC would have the possibility to finalize those documents in April 2007.

(e) Enforcement of Plant Breeders’ Rights: The CAJ discussed document CAJ/53/4 and noted that a report on the discussions concerning the enforcement of plant breeders’ rights by the Consultative Committee at its seventy-first session on April 7, 2006, would be made to the CAJ at its fifty-fourth session on October 16 and 17, 2006.

(f) UPOV Information Databases: The CAJ took note of the oral report made by the Technical Director on developments concerning UPOV information databases.

(g) Publication of Variety Descriptions: The CAJ took note of the oral report made by the Vice Secretary-General on the meeting of the *Ad hoc* Working Group on the Publication of Variety Descriptions (WG-PVD).

3. The fifty-fourth session of the CAJ will be held on October 16 and 17, 2006. The CAJ planned to discuss the following agenda items: a report on the “Explanatory Notes on Variety Denominations under the UPOV Convention”; TGP documents (documents TGP/4/1 “Constitution and Management of Variety Collections”, TGP/9/1 “Examining Distinctness”, TGP/10/1 “Examining Uniformity”); Molecular techniques; Development of information materials concerning the UPOV Convention; Enforcement of plant breeders’ rights and UPOV information databases.

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

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