



C/41/9

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

GENEVA

**COUNCIL****Forty-First Ordinary Session  
Geneva, October 25, 2007****PROGRESS REPORT OF THE WORK OF THE  
ADMINISTRATIVE AND LEGAL COMMITTEE***Document prepared by the Office of the Union*

1. The Administrative and Legal Committee (hereinafter referred to as the "CAJ") held its fifty-fifth session in Geneva, on March 29, 2007, under the chairmanship of Mr. Krieno Fikkert (Netherlands). An oral report on the fifty-sixth session of the CAJ and the program for its fifty-seventh session will be made by the Chair of the CAJ at the forty-first ordinary session of the Council.

2. The CAJ examined the following matters:

(a) Report on the Developments in the Technical Committee: The CAJ received an oral report by the Chair of the Technical Committee (TC) on the forty-third session of the TC, which had taken place in Geneva from March 26 to 28, 2007.

(b) TGP Documents: The CAJ endorsed the amendments made to document TGP/4/1 Draft 9 "Constitution and Management of Variety Collections" by the TC at its forty-third session and agreed that document TGP/4/1 Draft 9, as amended, should be the basis for adoption of document TGP/4/1 by the Council. The CAJ agreed with the amendments made by the TC to document TGP/9/1 Draft 9 "Examining Distinctness" and agreed that TGP/9/1 Draft 9, as amended, should be the basis for the adoption of document TGP/9/1 by the Council.

(c) Molecular Techniques: The CAJ noted the conclusion of the Consultative Committee that the role of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) enabled it to provide a forum for discussion on the use of molecular techniques in variety identification and in the consideration of essential derivation without a need for a change to the existing terms of reference. It noted that an overview of the UPOV bodies involved in the consideration of biochemical and molecular techniques had been provided on the first restricted area of the UPOV website.

(d) Development of Information Materials Concerning the UPOV Convention: The CAJ endorsed the conclusion of the Administrative and Legal Committee Advisory Group (CAJ-AG) that the General Introduction already provided guidance with respect to the term “common knowledge” and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 “Varieties of Common Knowledge”. The CAJ endorsed the explanation in paragraph 16 of document CAJ-AG/06/1/3 that “there was no requirement for an initial variety to be protected in order to be considered an initial variety” and the corresponding scheme representing the relationship between an initial variety and an essentially derived variety in Annex II to document CAJ-AG/06/1/3, as an appropriate reflection of the UPOV Convention. The CAJ agreed to consider document TGP/5/1 “Experience and Cooperation in DUS Testing” at its fifty-sixth session. The CAJ invited the International Seed Federation (ISF) to make a presentation on its proposal for the development of an electronic application form and technical questionnaire. The CAJ agreed that that would also provide an opportunity for members of the Union to present their initiatives on the development of on-line application facilities.

(e) Explanatory Notes on Variety Denominations under the UPOV Convention: The CAJ noted that a list of contacts for the exchange of information on matters concerning variety denominations would be published on the first restricted area of the UPOV Website.

(f) Enforcement of Plant Breeders’ Rights: The CAJ noted the reports by the Delegation of Japan and the Delegation of the European Community on seminars concerning the enforcement of plant breeders’ rights.

(g) UPOV Information Databases: The CAJ took note of the oral report made by the Office of the Union on developments concerning the GENIE database, the UPOV code system and the Plant Variety Database (UPOV-ROM).

3. At its fifty-sixth session to be held on October 22 and 23, 2007, the CAJ planned to discuss the following agenda items: Presentations by members of the Union and the International Seed Federation (ISF) on experiences and initiatives for the development of electronic application forms and technical questionnaires; TGP documents (document TGP/5 “Experience and Cooperation in DUS Testing”); Molecular techniques; Development of information materials concerning the UPOV Convention; Enforcement of plant breeders’ rights.

4. *The Council is invited:*

*(a) to note the work of the CAJ, as provided in this document and reported by the Chair of the CAJ; and*

*(b) to approve the work program for the fifty-seventh session of the CAJ, as presented in the oral report of the Chair of the CAJ.*

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