



C/42/12

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

**COUNCIL**

**Forty-Second Ordinary Session**  
**Geneva, October 30, 2008**

**ADOPTION OF DOCUMENT TGP/10/1 "EXAMINING UNIFORMITY" AND REVISIONS  
TO DOCUMENT TGP/5 "EXPERIENCE AND COOPERATION IN DUS TESTING"**

*Document prepared by the Office of the Union*

1. The Council is invited to consider document TGP/10/1 Draft 10 "Examining Uniformity" and the revisions to document TGP/5 "Experience and Cooperation in DUS Testing".

*TGP/10/1 "Examining Uniformity"*

2. The text in document TGP/10/1 Draft 10 was agreed by the Technical Committee (TC) at its forty-fourth session, held in Geneva, from April 7 to 9, 2008, and by the Administrative and Legal Committee (CAJ), at its fifty-seventh session, held in Geneva on April 10, 2008. The French, German and Spanish translations of document TGP/10/1 Draft 10 have been reviewed by the relevant members of the Editorial Committee.

*3. The Council is invited to adopt document TGP/10/1 "Examining Uniformity" on the basis of TGP/10/1 Draft 10.*

*TGP/5 “Experience and Cooperation in DUS Testing”*

4. At its forty-first session, held in Geneva from April 4 to 6, 2005, the TC approved document TGP/5/1 “Experience and Cooperation in DUS Testing”. The TC noted that Sections 1 to 7 of document TGP/5 represented texts which were contained in the UPOV publication 644(E) “Important Texts and Documents”. It observed that some of those texts had been adopted several years ago and would benefit from updating. However, it recognized that those texts were adopted by UPOV and also noted that UPOV publication 644(E) was no longer available and that many new members of the Union did not have easy access to those texts. Therefore, it approved Sections 1 to 7 but, in addition, agreed to develop a program for updating those sections, based on priority, in conjunction with the CAJ and the Council, as appropriate.

5. At its fifty-sixth session, held in Geneva on October 22 and 23, 2007, the CAJ agreed to propose the addition of a new section (Section 11) “Examples of Policies and Contracts for Material Submitted by the Breeder” and agreed to propose to include an introduction to document TGP/5.

6. The CAJ, at its fifty-seventh session, held in Geneva on April 10, 2008, proposed the adoption of the Introduction and Sections 1, 2, 4, 5, 6, 7 and 11 of document TGP/5 by the Council, at its forty-second ordinary session to be held in Geneva on October 30, 2008, on the basis of the following documents:

Introduction Draft 2: Introduction;

Section 1/2 Draft 5: Model Administrative Agreement for International Cooperation in the Testing of Varieties;

Section 2/2 Draft 5: UPOV Model Form for the Application for Plant Breeders’ Rights;

Section 4/2 Draft 5: UPOV Model Form for the Designation of the Sample of the Variety;

Section 5/2 Draft 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results;

Section 6/2 Draft 5: UPOV Report on Technical Examination and UPOV Variety Description;

Section 7/2 Draft 5: UPOV Interim Report on Technical Examination; and

Section 11/1 Draft 3: Examples of Policies and Contracts for Material Submitted by the Breeder;

as amended by the TC at its forty-fourth session held in Geneva from April 7 to 9, 2008, and by the CAJ, at its fifty-seventh session. Those amendments have been incorporated in the drafts presented for adoption by the Council.

7. With regard to TGP/5 Section 2/2, B item 3, based on the considerations by the TC, at its forty-fourth session, and the CAJ, at its fifty-seventh session, a revised text for B Item 3 was prepared by the Office of the Union and agreed by the CAJ by correspondence.

8. In relation to the presentation of the revisions to Sections 1, 2, 4, 5, 6 and 7 of document TGP/5, the following should be noted: the changes to the currently adopted text are highlighted; strikethrough text indicates a deletion from the currently adopted text and underlining indicates an addition to the currently adopted version. In the incorporation of new items to Sections 1, 2, 4, 5, 6 and 7 of document TGP/5, where possible, (a), (b), (c), etc. has been used to avoid the need to renumber subsequent items.

*9. The Council is invited to adopt the revisions to document TGP/5 “Experience and Cooperation in DUS Testing”, on the basis of the following documents:*

*Introduction Draft 3: Introduction;*

*Section 1/2 Draft 6: Model Administrative Agreement for International Cooperation in the Testing of Varieties;*

*Section 2/2 Draft 6: UPOV Model Form for the Application for Plant Breeders’ Rights;*

*Section 4/2 Draft 6: UPOV Model Form for the Designation of the Sample of the Variety;*

*Section 5/2 Draft 6: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results;*

*Section 6/2 Draft 6: UPOV Report on Technical Examination and UPOV Variety Description;*

*Section 7/2 Draft 6: UPOV Interim Report on Technical Examination; and*

*Section 11/1 Draft 4: Examples of Policies and Contracts for Material Submitted by the Breeder.*

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