



C/47/13

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

COUNCIL

Forty-Seventh Ordinary Session Geneva, October 24, 2013

ADOPTION OF DOCUMENTS

Document prepared by the Office of the Union

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1. The purpose of this document is to provide information concerning the following documents that the Council will be invited to adopt at its forty-seventh ordinary session, to be held in Geneva on October 24, 2013:

TGP documents

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| TGP/14/2 | Glossary of Terms Used in UPOV Documents (Revision)
(document TGP/14/2 Draft 1) |
| TGP/15/1 | [New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)] (document TGP/15/1 Draft 5) |
| TGP/0/6 | List of TGP documents and latest issue dates (Revision)
(document TGP/0/6 Draft 1) |

Explanatory notes

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|----------------|---|
| UPOV/EXN/BRD/1 | Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention (document UPOV/EXN/BRD Draft 7) |
| UPOV/EXN/HRV/1 | Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (document UPOV/EXN/HRV Draft 10) |

Information documents

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| UPOV/INF/6/3 | Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document C/47/13, Annex) |
| UPOV/INF/16/3 | Exchangeable Software (Revision) (document UPOV/INF/16/3 Draft 1) |
| UPOV/INF-EXN/5 | List of UPOV/INF-EXN Documents and Latest Issue Dates
(document UPOV/INF-EXN/5 Draft 1) |

TGP DOCUMENTS

TGP/14/2: Glossary of Terms Used in UPOV Documents (Revision)

2. The Technical Committee (TC), at its forty-ninth session, held in Geneva from March 18 to 20, 2013, and the Administrative and Legal Committee (CAJ), at sixty-seventh session, held in Geneva on March 21, 2013, agreed on changes to the text of documents TC/49/35 and CAJ/67/11, respectively, both entitled "Revision of existing sections of document TGP/14: Section 2: Botanical Terms, Subsection 2: Shapes and Structures", and of documents TC/49/35 and CAJ/67/12, respectively, both entitled "Revision of document TGP/14: Section 2: Botanical Terms, Subsection 3: Color". On that basis, the TC and the CAJ agreed that document TGP/14/2 should be put forward for adoption by the Council at its forty-seventh ordinary session.

3. The TC and CAJ noted that the updating of definitions of terms and indices, and the checking of the French, German and Spanish translations of the original English text by the relevant members of the Editorial Committee, would be done prior to submission of the draft of document TGP/14/2 to the Council. Document TGP/14/2 Draft 1 incorporates the updating of definitions of terms and indices and the editorial changes proposed by the relevant members of the Editorial Committee.

4. The Council is invited to adopt the revision of document TGP/14 "Glossary of Terms Used in UPOV Documents" (document TGP/14/2) on the basis of document TGP/14/2 Draft 1.

TGP/15/1: ~~[New Types of Characteristics]~~ [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]

5. The TC, at forty-ninth session, and the CAJ, at its sixty-seventh session, agreed to approve document TGP/15/1 Draft 4 as the basis for the adoption of document TGP/15/1 by the Council at its forty-seventh ordinary session.

6. The TC and the CAJ noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/15/1 to the Council. Document TGP/15/1 Draft 5 incorporates the editorial changes proposed by the relevant members of the Editorial Committee.

7. The TC and the CAJ noted that document TGP/15/1 could be revised in the future, for instance to incorporate additional examples for the models.

8. In the "General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of new Varieties of Plants" (document TG/1/3) there is a reference to document TGP/15 in section 4.7. The TC and the CAJ noted that, at the time of the adoption, the title of document TGP/15 "New Types of Characteristics" would need to be amended to "Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)".

9. The Council is invited to adopt document TGP/15/1 "Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)" on the basis of document TGP/15/1 Draft 5.

TGP/0/6: List of TGP Documents and Latest Issue Dates (Revision)

10. In conjunction with the adoption of document TGP/14/2 "Glossary of Terms Used in UPOV Documents (Revision)" and the adoption of document TGP/15/1 "~~[New Types of Characteristics]~~ [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]", at the forty-seventh ordinary session of the Council, it is proposed to adopt a revision of document TGP/0 on the basis of document TGP/0/6 Draft 1.

11. The Council is invited to adopt document TGP/0/6 "List of TGP Documents and Latest Issue Dates", on the basis of document TGP/0/6 Draft 1.

EXPLANATORY NOTES

UPOV/EXN/BRD/1: Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention

12. The CAJ, at its sixty-seventh session, agreed on the text of document UPOV/EXN/BRD Draft 7 as the basis for the adoption of document UPOV/EXN/BRD/1 by the Council, at its forty-seventh ordinary session.

13. The Council is invited to adopt document UPOV/EXN/BRD/1 “Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/BRD Draft 7.

UPOV/EXN/HRV/1: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention

14. Subject to the approval of the CAJ, at its sixty-eighth session, the Council, at its forty-seventh ordinary session, will be invited to adopt document UPOV/EXN/HRV/1, on the basis of document UPOV/EXN/HRV Draft 10.

15. The Council is invited to adopt document UPOV/EXN/HRV/1 “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention”, on the basis of document UPOV/EXN/HRV Draft 10, as set out in paragraph 14, above.

INFORMATION DOCUMENTS

UPOV/INF/6/3: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document C/47/13, Annex)

16. The Council, at its forty-third ordinary session, held in Geneva on October 22, 2009, adopted document UPOV/INF/6/1 “Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention”. The Council, at its forty-fifth ordinary session, held in Geneva on October 20, 2011, adopted a revision of document UPOV/INF/6 (document UPOV/INF/6/2). Part II of document UPOV/INF/6 contains notes based on information materials concerning certain Articles of the 1991 Act of the UPOV Convention and, in particular, explanatory notes. 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 document UPOV/INF/21/1 “Alternative Dispute Settlement Mechanisms” has been adopted.

17. The CAJ, at its sixty-seventh session, noted that the Council would be invited to adopt a revision of document UPOV/INF/6/2 (document UPOV/INF/6/3), in conjunction with the explanatory notes that the Council would be invited to adopt at its forty-seventh ordinary session (see section “Explanatory Notes”, above).

18. The Council is invited to adopt 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/6/3), on the basis of the proposed amendments to document UPOV/INF/6/2, as presented in the Annex to this document.

UPOV/INF/16/3: Exchangeable Software (Revision)

19. The TC, at its forty-ninth session, approved the revision of document UPOV/INF/16 “Exchangeable software”, as presented in document UPOV/INF/16/3 Draft 1. It noted that, subject to the agreement by the CAJ at its sixty-eighth session, the revision of document UPOV/INF/16 (document UPOV/INF/16/3) would be put forward for adoption by the Council at its forty-seventh ordinary session. A report on the conclusions of the CAJ, at its sixty-eighth session, concerning the proposal to amend document UPOV/INF/16, will be made to the Council at its forty-seventh ordinary session.

20. The Council is invited, subject to the agreement of the CAJ, to adopt the revision of document UPOV/INF/16 “Exchangeable Software”, on the basis of document UPOV/INF/16/3 Draft 1.

UPOV/INF-EXN/5: List of UPOV/INF-EXN Documents and Latest Issue Dates

21. In conjunction with the information documents that the Council will be invited to adopt at its forty-seventh ordinary session, and in accordance with the approach for updating documents previously adopted by the Council, it is proposed to adopt document UPOV/INF-EXN/5 “List of UPOV/INF-EXN Documents and Latest Issue Dates” on the basis of document UPOV/INF-EXN/5 Draft 1.

22. The Council is invited to adopt the revision of document UPOV/INF-EXN “List of INF-EXN Documents and Latest Issue Dates” (document UPOV/INF-EXN/5) on the basis of document UPOV/INF-EXN/5 Draft 1.

[Annex follows]

DOCUMENT UPOV/INF/6/3

“GUIDANCE FOR THE PREPARATION OF LAWS BASED ON THE 1991 ACT
OF THE UPOV CONVENTION”
(REVISION)

PROPOSED AMENDMENTS

“Notes on Article 1”: to add the text from the “Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention” (document UPOV/EXN/BRD/1)

“Notes on Article 14”: to add the text from the “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention” (document UPOV/EXN/HRV/1)

“Notes on Article 20”: to add the new Class 213 from the “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/INF/12/4)

<u>Botanical names</u>		<u>UPOV codes</u>
Class 213	Eupatorium L. Acanthostyles R. M. King & H. Rob. Ageratina Spach Asplundianthus R. M. King & H. Rob. Bartlettina R. M. King & H. Rob. Campuloclinium DC. Chromolaena DC. Conoclinium DC. Cronquistianthus R. M. King & H. Rob. Eutrochium Raf. Fleischmannia Sch. Bip. Praxelis Cass. Viereckia R. M. King & H. Rob.	EUPAT - AGERT - - - - - - - EUTRO - - -

“Notes on Article 30”: to add in Note 1.1.2 (e)

“(e) Measures resulting from alternative dispute settlement mechanisms

Civil measures (see above (a)) obtained as a result of alternative dispute settlement mechanisms (e.g. arbitration).”

the following footnote: “see document UPOV/INF/21 “Alternative Dispute Settlement Mechanisms” at http://www.upov.int/information_documents/en/

[End of Annex and of document]