

**Council**
**C/55/3**
**Fifty-Fifth Ordinary Session  
Geneva, October 29, 2021**
**Original:** English  
**Date:** June 10, 2021

*to be considered by correspondence*
**ADOPTION OF DOCUMENTS**
*Document prepared by the Office of the Union*
*Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to provide information and invite adoption of the following documents<sup>1</sup>:

Information documents:

UPOV/INF/6	Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document C/55/3, Annex)
UPOV/INF/16	Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 1)
UPOV/INF/17	Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) (Revision) (document UPOV/INF/17/2 Draft 6)
UPOV/INF/22	Software and Equipment Used by Members of the Union (Revision) (document UPOV/INF/22/8 Draft 1)
UPOV/INF/23	Guide to the UPOV Code System (document UPOV/INF/23/1 Draft 3)
UPOV/INF-EXN	List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision) (document UPOV/INF-EXN/15 Draft 1)

Explanatory Notes

UPOV/EXN/DEN	Explanatory Notes on Variety Denominations under the UPOV Convention (document UPOV/EXN/DEN/1 Draft 6)
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TGP documents:

TGP/5	Experience and Cooperation in DUS Testing  Section 2: UPOV Model Form for the Application for Plant Breeders’ Rights (Revision) (document TGP/5: Section 2/4 Draft 1)
TGP/0	List of TGP documents and latest issue dates (Revision) (document TGP/0/13 Draft 1)

<sup>1</sup> The procedure for consideration of documents by correspondence is provided in Circular E-21/063 of May 14, 2021 (available at the [TC/57](#), [CAJ/78](#) and [C/55](#) webpages).

2. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee  
TC: Technical Committee

## INFORMATION DOCUMENTS

### UPOV/INF/6: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision) (document C/55/3, Annex)

3. The CAJ, at its seventy-seventh session, approved in the procedure by correspondence, on October 25, 2020, the revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" to add a reference to UPOV PRISMA in the Notes of Article 10 "Filing of applications" (see document CAJ/77/3 Rev. "Development of guidance and information materials", paragraphs 57 and 58 and CAJ/77/9 "Outcome of the consideration of documents by correspondence", paragraph 28).

4. On the above basis, it is proposed to adopt a revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/6), on the basis of the proposed amendments to document UPOV/INF/6/5, as presented in the Annex to this document.

*5. The Council is invited to adopt a revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/6), on the basis of the proposed amendments to document UPOV/INF/6/5, as presented in the Annex to this document.*

### UPOV/INF/16: Exchangeable Software (Revision) (document UPOV/INF/16/10 Draft 1)

6. The TC and the CAJ will be invited to agree the proposals to revise document UPOV/INF/16/9 "Exchangeable Software", as presented in document UPOV/INF/16/10 Draft 1.

*7. The Council is invited to adopt a revision of document UPOV/INF/16/9 "Exchangeable Software", on the basis of document UPOV/INF/16/10 Draft 1, subject to agreement by the TC and the CAJ.*

### Revision of document UPOV/INF/17 "Guidelines for DNA Profiling: Molecular Marker Selection and Database Construction ('BMT Guidelines')" (document UPOV/INF/17/2 Draft 6)

8. The TC and the CAJ will be invited to agree the proposals to revise document UPOV/INF/17/1 "Guidelines for DNA Profiling: Molecular Marker Selection and Database Construction ('BMT Guidelines')" as presented in document UPOV/INF/17/2 Draft 6.

*9. The Council is invited to adopt a revision of document UPOV/INF/17/1 "Guidelines for DNA Profiling: Molecular Marker Selection and Database Construction ('BMT Guidelines')", on the basis of document UPOV/INF/17/2 Draft 6, subject to agreement by the TC and the CAJ.*

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision)  
(document UPOV/INF/22/8 Draft 1)

10. The TC and the CAJ will be invited to agree the proposals to revise document UPOV/INF/22/7 “Software and equipment used by members of the Union” as presented in document UPOV/INF/22/8 Draft 1.

*11. The Council is invited to adopt a revision of document UPOV/INF/22/7 “Software and equipment used by members of the Union”, on the basis of document UPOV/INF/22/8 Draft 1, subject to agreement by the TC and the CAJ.*

UPOV/INF/23: Guide to the UPOV Code System (document UPOV/INF/23/1 Draft 3)

12. The TC and the CAJ will be invited to approve the proposals in document UPOV/INF/23 “Guide to the UPOV Code System”, on the basis of document UPOV/INF/23/1 Draft 3.

*13. The Council is invited to adopt a revision of document UPOV/INF/23 “Guide to the UPOV Code System”, on the basis of document UPOV/INF/23/1 Draft 3, subject to agreement by the TC and the CAJ.*

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)  
(document UPOV/INF-EXN/15 Draft 1)

14. In conjunction with the information documents that the Council will be invited to adopt in 2021, it is proposed to adopt a revision of document UPOV/INF-EXN/14 “List of UPOV/INF-EXN Documents and Latest Issue Dates” on the basis of document UPOV/INF-EXN/15 Draft 1.

*15. The Council is invited to adopt document UPOV/INF-EXN/15, on the basis of document UPOV/INF-EXN/15 Draft 1, subject to adoption of the documents concerned.*

## EXPLANATORY NOTES

UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention  
(documents C/55/11 and UPOV/EXN/DEN/1 Draft 6)

16. Matters concerning variety denominations are considered in document C/55/11 “Explanatory Notes on Variety Denominations under the UPOV Convention”.

*17. The Council is invited to note that matters concerning variety denominations are considered in document C/55/11 “Explanatory Notes on Variety Denominations under the UPOV Convention”.*

TGP DOCUMENTS

TGP/5: Experience and Cooperation in DUS Testing  
Section 2: UPOV Model Form for the Application for Plant Breeders' Rights (Revision)  
(document TGP/5: Section 2/4 Draft 1)

18. The CAJ, at its seventy-seventh session, approved in the procedure by correspondence, on October 25, 2020, the revision of document TGP/5 "Experience and Cooperation in DUS Testing", Section 2 "UPOV Model Form for the Application for Plant Breeders' Rights", to include references to UPOV PRISMA (see document CAJ/77/3 Rev. "Development of guidance and information materials", paragraphs 57 and 59 and CAJ/77/9 "Outcome of the consideration of documents by correspondence", paragraph 28).

19. On the above basis, the Council is invited to adopt a revision of document TGP/5 "Experience and Cooperation in DUS Testing", Section 2 "UPOV Model Form for the Application for Plant Breeders' Rights" on the basis of the proposed amendments to document TGP/5: Section 2, as presented in document TGP/5: Section 2/4 Draft 1.

*20. The Council is invited to adopt a revision of document TGP/5 "Experience and Cooperation in DUS Testing", Section 2 "UPOV Model Form for the Application for Plant Breeders' Rights", on the basis of the proposed amendments to document TGP/5: Section 2, as presented in document TGP/5: Section 2/4 Draft 1.*

TGP/0: List of TGP documents and latest issue dates (Revision) (document TGP/0/13 Draft 1)

21. In conjunction with the adoption of the revised TGP document by the Council in 2021, it is proposed to adopt a revision of document TGP/0 "List of TGP documents and latest issue dates" (document TGP/0/12) on the basis of document TGP/0/13 Draft 1.

*22. The Council is invited to adopt document TGP/0/13 Draft 1 "List of TGP documents and latest issue dates", subject to adoption of the documents concerned.*

[Annex follows]

PROPOSED AMENDMENTS TO DOCUMENT UPOV/INF/6/5  
“GUIDANCE FOR THE PREPARATION OF LAWS BASED ON THE 1991 ACT OF THE  
UPOV CONVENTION” (DOCUMENT UPOV/INF/6/6)

NOTES ON ARTICLE 10 FILING OF APPLICATIONS

The CAJ approved the following reference to UPOV PRISMA in the Notes of Article 10 “Filing of applications” (see document CAJ/77/3 Rev. “Development of guidance and information materials”, paragraph 58 and CAJ/77/9 “Outcome of the consideration of documents by correspondence”, paragraph 28) (see new text highlighted in grey):

NOTES ON ARTICLE 10 FILING OF APPLICATIONS

**(1) [Place of first application]** The breeder may choose the Contracting Party with whose authority he wishes to file his first application for a breeder’s right.

**(2) [Time of subsequent applications]** The breeder may apply to the authorities of other Contracting Parties for the grant of breeders’ rights without waiting for the grant to him of a breeder’s right by the authority of the Contracting Party with which the first application was filed.

**(3) [Independence of protection]** No Contracting Party shall refuse to grant a breeder’s right or limit its duration on the ground that protection for the same variety has not been applied for, has been refused or has expired in any other State or intergovernmental organization.

1.1 The UPOV Model Form for the Application for Plant Breeders’ Rights (document [TGP/5](#) “Experience and Cooperation in DUS Testing” [Section 2](#)), provides guidance for the development of application forms for breeders’ rights.

1.2 For the UPOV Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights see document [TGP/5](#) “Experience and Cooperation in DUS Testing” [Section 3](#).

1.3 To facilitate the filing of applications, UPOV has developed the UPOV PRISMA PBR application tool which enables applicants to transmit their application data to participating members of the Union via the UPOV website (available at <http://www.upov.int/upovprisma>).

[End of the Annex and of document]