



CAJ/53/3

ORIGINAL: English

DATE: February 13, 2006

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

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Fifty-Third Session**  
**Geneva, April 6, 2006**

**DEVELOPMENT OF INFORMATION MATERIALS  
CONCERNING THE UPOV CONVENTION**

*Document prepared by the Office of the Union*

1. The Administrative and Legal Committee (CAJ), at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention as explained in document CAJ/52/4 (see also paragraphs 51 to 67 of document CAJ/52/5 Prov.). The present document recalls the key aspects of the agreed approach and provides an update on developments within that approach.

Draft Materials to be Reviewed by Correspondence

2. The CAJ agreed that draft materials of a straight-forward nature could be reviewed by the CAJ by correspondence. The Office of the Union is currently preparing draft information materials on the following provisions of the UPOV Convention: novelty, right of priority, nullity of the breeder's right and cancellation of the breeder's right (see the Table in paragraph 15 of document CAJ/52/4).

3. The draft information materials corresponding to those provisions will be circulated to members and observers of the CAJ for comment in due course. In the absence of major concerns with those drafts, revisions will be made on the basis of comments received and the information materials brought into regular use by the Office of the Union.

Draft Materials to be Considered at the Sessions of the CAJ

4. The CAJ agreed that materials concerning difficult issues and materials on which concerns were expressed when circulated for comments, should be discussed at the regular sessions of the CAJ.

5. The CAJ agreed to the establishment of an advisory group, the “Administrative and Legal Committee Advisory Group” (hereinafter referred to as the “CAJ-AG”) to assist in the preparation of documents concerning such materials. The Office of the Union, in consultation with the Chair of the CAJ, was invited to identify a suitable group of experts with an appropriate range of expertise and experience and a good regional coverage while remaining at a sufficiently compact size to act as an effective advisory group. The composition of the CAJ-AG, identified by the Office of the Union in consultation with the Chair of the CAJ, is presented in the Annex to this document.

6. The first meeting of the CAJ-AG will take place on October 20, 2006. In order to facilitate the work of the CAJ-AG, the Office of the Union will prepare a discussion paper for the first meeting. The discussion paper will cover the list of provisions, agreed by the CAJ, where materials are most urgently required, and where discussion at a CAJ session would be necessary. The following will be added to the Table in paragraph 15 of document CAJ/52/4: Article 14(2) of the 1991 Act “[a]cts in respect of the harvested material” and Sections 1 to 7 of TGP/5 “Experience and Cooperation in DUS Testing” (see paragraph 9 of document CAJ/51/6). The CAJ-AG will also consider whether Article 1(vi) and Article 16 of the 1991 Act should be added to the list (see paragraph 63 of document CAJ/52/5 Prov.). The discussion paper will outline certain key issues concerning each provision.

7. As already mentioned in document CAJ/52/4, all documents prepared for the CAJ-AG will be accessible to the CAJ members and observers, who will be able to send comments directly to the CAJ-AG. Members of the Union may also participate at any meeting of the CAJ-AG. Depending on the information materials under development, the need for particular expertise might be identified by the CAJ, or by the CAJ-AG itself. Observer organizations, in particular those representing the interests of breeders, may be invited by the CAJ-AG to present their views on particular issues. Where appropriate, those presentations may be made in conjunction with a CAJ session. The CAJ-AG will report regularly to the CAJ on the progress of its work.

8. *The CAJ is invited to take note of:*
- (a) the contents of this document; and*
  - (b) the composition of the CAJ-AG presented in the Annex to this document.*

[Annex follows]

Composition of the Administrative and Legal Committee Advisory Group (CAJ-AG)

<i>Member of the Union</i>	<i>Expert</i>
Brazil	Mrs. Daniela de Moraes Aviani
Canada	Ms. Valerie Sisson
China	Ms. Li Yanmei [to be confirmed]
European Community	EC Expert
France	Ms. Nicole Bustin
Japan	Mr. Keiji Terazawa
Kenya	Mr. John Kedera
Netherlands	Mr. Krieno Fikkert
Republic of Korea	Mr. Keun-Jin Choi
Russian Federation	Mr. Yuri Rogovskiy
South Africa	Mr. Shadrack Moephuli [to be confirmed]
Spain	Mr. Luis Salaices
Switzerland	Mrs. Eva Tscharland
United States of America	Ms. Karen Hauda

<i>Officers</i>
President of the Council
Chair of the CAJ
Office of the Union

<i>Ad hoc</i> invitation to the meeting on October 20, 2006, for Mrs. Carmen Amelia M. Gianni (Argentina)
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[End of Annex and of document]