



CAJ/55/3

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Fifty-Fifth Session
Geneva, March 29, 2007

MOLECULAR TECHNIQUES

Document prepared by the Office of the Union

1. At its at its fifty-fourth session, held in Geneva on October 16 and 17, 2006, the Administrative and Legal Committee (CAJ) considered document CAJ/54/4 "Molecular techniques". The CAJ noted that the extension of the terms of reference of the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) and the *Ad hoc* Subgroup of Technical and Legal Experts of Biochemical and Molecular Techniques (BMT Review Group) concerning the possible use of molecular tools for variety identification in relation to the enforcement of plant breeders' rights, was a matter to be considered by the Consultative Committee. The CAJ agreed that a revised version of document CAJ/54/4 should be prepared for the fifty-fifth session of the CAJ to be held on March 29, 2007, reflecting the comments made in the fifty-fourth session of the CAJ and the advice of the Consultative Committee.

2. At its seventy-second session, held in Geneva on October 18, 2006, the Consultative Committee noted that the role of the BMT included the following:

“The BMT is a group open to DUS experts, biochemical and molecular specialists and plant breeders, whose role is to:

[...]

“(viii) Provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of essential derivation and variety identification.”

3. The Consultative Committee noted that this provision enabled the BMT to provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of variety identification. The Vice Secretary-General noted that, with regard to the use of molecular tools for variety identification, the current terms of reference of the BMT appeared to be sufficiently broad. As a consequence, there was no immediate need to change the terms of reference of the BMT nor of the BMT Review Group. The BMT could continue its work and report to the TC and the CAJ. The TC and CAJ could identify any matters which the Committee might need to consider.

4. The discussions in the CAJ and in the Consultative Committee demonstrated that it would be beneficial to provide an overview of the UPOV bodies involved in the consideration of biochemical and molecular techniques. An overview has now been provided on the first restricted area of the UPOV website at http://www.upov.int/restrict/en/upov_structure_index.html. That overview is also made available to BMT participants who do not have the password to the first restricted area of the UPOV Website, via a temporary password area.

5. *The CAJ is invited to:*

(a) note the conclusion of the Consultative Committee that the role of the BMT enabled it to provide a forum for discussion on the use of biochemical and molecular techniques in the consideration of variety identification without a need for a change to the existing terms of reference; and

(b) note that an overview of the UPOV bodies involved in the consideration of biochemical and molecular techniques has been provided on the first restricted area of the UPOV website (see paragraph 4).

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