



CAJ/64/2

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Fourth Session
Geneva, October 17, 2011

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

Document prepared by the Office of the Union

Introduction

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 paragraphs 8 to 10 of document CAJ/52/4. It also agreed to the establishment of an advisory group to the CAJ ("CAJ-AG") to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).
2. The agreed approach is summarized as follows: the Office of the Union will develop certain draft materials which it considers covers aspects of a straightforward nature and will circulate these to the CAJ for comments within a specified time. In other cases, where it is considered that there are difficult issues, where discussions at a CAJ session would be important for the development of suitable information materials, and also in cases where the drafts on seemingly straightforward materials provoke unexpected concerns when circulated for comments, it was agreed that the assistance of the CAJ-AG would be sought prior to the CAJ being invited to discuss those matters at its sessions.
3. An overview of the development of the information materials is provided in the Annex to this document.

4. The structure of this document is as follows:

I. MATTERS TO BE CONSIDERED BY THE ADMINISTRATIVE AND LEGAL COMMITTEE AT ITS SIXTY-FOURTH SESSION

Alternative dispute settlement mechanisms (document CAJ/64/3)

II. PROGRAM FOR THE DEVELOPMENT OF INFORMATION MATERIALS

Proposal to update the “UPOV Model Plant Breeders’ Rights Gazette” (document UPOV/INF/5)

Program for the development of information materials for the sixth session of the CAJ-AG, to be held in Geneva on October 18, 2011

I. MATTERS TO BE CONSIDERED BY THE ADMINISTRATIVE AND LEGAL COMMITTEE AT ITS SIXTY-FOURTH SESSION

5. The CAJ, at its sixty-third session, held in Geneva on April 7, 2011, noted the proposal made by the Delegation of the Republic of Korea for the development of information materials on alternative dispute settlement mechanisms for breeders’ rights, such as arbitration and mediation and the intervention by the representative of the International Seed Federation (ISF) on the existing ISF arbitration and mediation rules (see document CAJ/63/9 “Report on the Conclusions”, paragraph 35).

6. The CAJ is invited to note that this matter is considered in document CAJ/63/3 “Alternative dispute settlement mechanisms”.

II. PROGRAM FOR THE DEVELOPMENT OF INFORMATION MATERIALS

Proposal to update the “UPOV Model Plant Breeders’ Rights Gazette” (document UPOV/INF/5)

7. The “UPOV Model Plant Breeders’ Rights Gazette” (document UPOV/INF/5) was adopted by the Council on October 18, 1979 (see document C/XIII/17, paragraphs 12 and 12a). A copy of document UPOV/INF/5 has been posted on the CAJ/64 section of the UPOV website for information.

8. It is proposed to update document UPOV/INF/5 in order to:

(a) reflect the wording of the 1991 Act of the UPOV Convention and of documents recently adopted by the Council (e.g. UPOV Model Form for the Application of Plant Breeders’ Rights (document TGP/5 Section 2/3));

(b) address relevant developments in the formats of national/regional Gazettes of members of the Union; and

(c) simplify the structure of the document.

9. Based on the above approach, it is proposed to present to the CAJ, at its sixty-fifth session, to be held in Geneva in March 2012, a program for the updating of document UPOV/INF/5.

10. The CAJ is invited to consider the proposal to update the “UPOV Model Plant Breeders’ Rights Gazette” (document UPOV/INF/5), as set out in paragraphs 8 and 9, above.

Program for the development of information materials for the sixth session of the CAJ-AG, to be held in Geneva on October 18, 2011

11. At its sixty-third session, the CAJ approved the program for the sixth session of the CAJ-AG, to be held in Geneva on October 18, 2011 (see document CAJ/63/9 “Report on the Conclusions”, paragraph 38). A report on the work of the CAJ-AG, at its sixth session, will be presented to the sixty-fifth session of the CAJ. The draft agenda of the sixth session of the CAJ-AG (document CAJ-AG/11/6/1) is reproduced below:

1. Opening of the session
2. Adoption of the agenda
3. Explanatory Notes (document CAJ-AG/11/6/2)
 - (a) UPOV/EXN/BRD: Explanatory Notes on the Definition of Breeder under the 1991 Act of the UPOV Convention (document UPOV/EXN/BRD Draft 4)
 - (b) UPOV/EXN/HRV: Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention (document UPOV/EXN/HRV Draft 6)
4. Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (revision) (documents CAJ-AG/11/6/3 and UPOV/EXN/EDV/2 Draft 1)
5. Matters arising after the grant of a breeder’s right (document CAJ-AG/11/6/4)
6. Objectives of the possible development of a document on the exhaustion of the breeder’s right under the 1991 Act of the UPOV Convention (documents CAJ-AG/10/5/4 and CAJ-AG/11/6/5)
7. Propagation and Propagating Material (document CAJ-AG/11/6/6)
8. Matters referred by the CAJ to the CAJ-AG for consideration since the fifth session of the CAJ-AG

9. Date and program for the seventh session
10. Adoption of the report on the conclusions (if time permits)
11. Closing of the session

12. The CAJ is invited to note the information concerning the program for the sixth session of the CAJ-AG, to be held in Geneva on October 18, 2011, as set out in paragraph 11, above.

[Annex follows]

OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

Latest reference	Explanatory Notes on:	Status
UPOV/EXN/GEN/1	Genera and Species to be Protected under the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/NAT/1	National Treatment under the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/NOV/1	Novelty under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/PRI/1	Right of Priority under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/PRP/1	Provisional Protection under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/EDV/1	Essentially Derived Varieties under the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/EXC/1	Exceptions to the Breeder's Right under the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/NUL/1	Nullity of the Breeder's Right under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/CAN/1	Cancellation of the Breeder's Right under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/ENF/1	Enforcement of Breeders' Rights under the UPOV Convention	Adopted by the Council in October 2009
UPOV/EXN/VAR/1	Definition of Variety under the 1991 Act of the UPOV Convention	Adopted by the Council in October 2010
UPOV/EXN/CAL/1	Conditions and Limitations Concerning the Breeder's Authorization in Respect of Propagating Material under the UPOV Convention	Adopted by the Council in October 2010
UPOV/EXN/HRV Draft 6	Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention	For the CAJ-AG session in October 2011
UPOV/EXN/BRD Draft 4	Definition of Breeder under the 1991 Act of the UPOV Convention	For the CAJ-AG session in October 2011
CAJ-AG/11/6/3 and UPOV/EXN/EDV/2 Draft 1	Essentially Derived Varieties under the 1991 Act of the UPOV Convention (revision)	For the CAJ-AG session in October 2011
CAJ-AG/11/6/6	Propagation and Propagating Material	For the CAJ-AG session in October 2011
CAJ-AG/11/6/5 (and CAJ-AG/10/5/4)	Objectives of the possible development of a document on the exhaustion of the breeder's right under the 1991 Act of the UPOV Convention	For the CAJ-AG session in October 2011

Latest reference	INF documents	Status
UPOV/INF/6/1	Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/INF/13/1	Guidance on How to Become a Member of UPOV	Adopted by the Council in October 2009
UPOV/INF/14/1	Guidance for Members of UPOV on How to Ratify, or Accede to, the 1991 Act of the UPOV Convention	Adopted by the Council in October 2009
UPOV/INF/15/1	Guidance for Members of UPOV on Ongoing Obligations and Related Notifications	Adopted by the Council in October 2010
UPOV/INF/16/1	Exchangeable Software	Adopted by the Council in October 2010
UPOV/INF/17/1	Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")	Adopted by the Council in October 2010