



CAJ/67/10

ORIGINAL: English

DATE: February 21, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Seventh Session Geneva, March 21, 2013

PROGRAM FOR THE UPDATING OF DOCUMENT UPOV/INF/5 "UPOV MODEL PLANT BREEDERS' RIGHTS GAZETTE"

Document prepared by the Office of the Union

1. The purpose of this document is to invite the Administrative and Legal Committee (CAJ), at its sixty-seventh session, to consider a proposal concerning the program for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette".

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I. INTRODUCTION

2. 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/67 section of the UPOV website for information.

3. The CAJ at its sixty-fourth session, held in Geneva on October 17, 2011, agreed that document UPOV/INF/5 should be updated 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 (see document CAJ/64/11 "Report on the Conclusions", paragraph 8).

4. The CAJ, at its sixty-fifth session, agreed the program for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette", as set out above and noted that a document providing background information on the proposed changes and a first draft of the revision of document UPOV/INF/5 would be presented to the CAJ at its sixty-seventh session, to be held in March 2013 (see document CAJ/65/12 "Report on the Conclusions", paragraph 19).

II. RELEVANT MATTERS FOR THE UPDATING OF DOCUMENT UPOV/INF/5

5. The CAJ may wish to note the following matters which might be of relevance for the updating of document UPOV/INF/5.

Development of a prototype electronic form

6. The CAJ, at its sixty-sixth session, held in Geneva on October 29, 2012, endorsed the development of a prototype electronic form for interested members of the Union and agreed that the key aspects of the prototype from the perspective of members of the Union would be as set out in document CAJ/66/8 "Report on the Conclusions", paragraphs 22 and 23. In particular, in relation to form content "[t]he UPOV electronic form would contain all items required by the participating members of the Union, i.e. it would contain all items in the UPOV Model Application Form and, in addition, items required for an application in the participating member of the Union concerned. Applicants would select the members of the Union in which they wish to make an application and all relevant items for the selected members of the Union would be presented for completion." See also item 8 (c) of the draft agenda "Electronic application systems (document CAJ/67/8)".

Matters concerning essentially derived varieties arising after the grant of a breeder's right

7. The advisory group to the CAJ (CAJ-AG), at its seventh session, held in Geneva on October 29 and 30, 2012, agreed that, at an appropriate future meeting of the CAJ-AG, the Delegations of Australia, Brazil and the European Union and other members of the Union would be invited to make presentations on their systems concerning essentially derived varieties (see document CAJ-AG/12/7/6 "Report on the conclusions", paragraph 24). See also document CAJ/67/2 "Development of information materials concerning the UPOV Convention", paragraphs 21 to 23.

Distance learning course "Examination of Applications for Plant Breeders' Rights" (DL-305)

8. The Consultative Committee, its eighty-fourth session, held in Geneva on October 31, 2012, approved the plans for the launch of the advanced distance learning course "Examination of Applications for Plant Breeders' Rights" and entrusted the Office of the Union to take the necessary actions to develop and implement that course (DL-305) (see document C/46/16 "Report by the President on the work of the eighty-fourth session of the Consultative Committee; adoption of recommendations, if any, prepared by that Committee", paragraph 33). The program of the DL-305, currently under preparation, contains a Module 13 "Information to be published".

III. PROPOSAL CONCERNING THE PROGRAM FOR THE UPDATING OF DOCUMENT UPOV/INF/5

9. It is proposed to await progress in relation to the development of a prototype electronic form, matters concerning essentially derived varieties arising after the grant of a breeder's right; and the distance learning course "Examination of Applications for Plant Breeders' Rights" (DL-305), as set out in paragraphs 6 to 8, above, in order to assess any possible impact on the revision of document UPOV/INF/5.

10. On the above basis, it is proposed to include an item on the program for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" at the sixty-eighth session of the CAJ, to be held in Geneva in October 2013.

11. The CAJ is invited to consider the proposal to include an item on the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette", as set out in paragraphs 9 and 10, above.