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ADMINISTRATIVE AND LEGAL COMMITTEE

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

Document prepared by the Office of the Union

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1. The purpose of this document is to consider relevant developments for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" and to consider a proposal concerning the program for the updating of document UPOV/INF/5.

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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).

5. The CAJ, at its sixty-seventh session, agreed 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), in order to assess any possible impact on the revision of document UPOV/INF/5 (see document CAJ/67/10 “UPOV Model Plant Breeders’ Rights Gazette (Revision)”, paragraphs 6 to 9). The CAJ agreed to include an item on the program for the updating of document UPOV/INF/5 “UPOV Model Plant Breeders’ Rights Gazette”, as set out in paragraphs 9 and 10 of document CAJ/67/10 (see document CAJ/67/15 “Report”, paragraph 23).

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

6. The CAJ may wish to note the following developments concerning relevant matters for the updating of document UPOV/INF/5.

Development of a prototype electronic form

7. 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.” The latest developments concerning the prototype electronic form are presented in document CAJ/68/8 “Electronic application systems”.

Matters concerning essentially derived varieties

8. Matters under consideration by the Administrative and Legal Committee Advisory Group (CAJ-AG) for the revision of the “Explanatory Notes on Essentially Derived Varieties Under the 1991 Act of the UPOV Convention” that might be relevant for the updating of document UPOV/INF/5 are provided in document CAJ-AG/13/8/2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)” (see Section II (d) “Matters concerning essentially derived varieties that are not granted protection in their own right” and (e) “Presentations on systems in the members of the Union concerning essentially derived varieties” of document CAJ-AG/13/8/2). A report on the work of the CAJ-AG, at its eighth session, to be held on October 25, 2013, will be presented to the sixty-ninth session of the CAJ, to be held in April 2014.

Distance learning course “Examination of Applications for Plant Breeders’ Rights” (DL-305)

9. 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”. A report on the progress concerning the development of DL-305 will be made to the Consultative Committee, at its eighty-sixth session, to be held in Geneva on October 25, 2013.

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

10. It is proposed to monitor the progress in relation to the development of a prototype electronic form, matters concerning essentially derived varieties; and the distance learning course "Examination of Applications for Plant Breeders' Rights" (DL-305), as set out in paragraphs 8 to 12, above, in order to assess any possible impact on the revision of document UPOV/INF/5.

11. 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 seventieth session of the CAJ to be held in October 2014.

12. *The CAJ is invited to:*

(a) note the developments relevant for the updating of document UPOV/INF/5 concerning the development a prototype electronic form, matters concerning essentially derived varieties, and the distance learning course "Examination of Applications for Plant Breeders' Rights" (DL-305), reported in this document; and

(b) include an item on the program for the updating of document UPOV/INF/5 "UPOV Model Plant Breeders' Rights Gazette" at the seventieth session of the CAJ to be held in October 2014.

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