

**Administrative and Legal Committee**

**CAJ/75/3**

**Seventy-Fifth Session  
Geneva, October 31, 2018**

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**PRESENTATIONS ON ESSENTIALLY DERIVED VARIETIES**

*Document prepared by the Office of the Union*

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**EXECUTIVE SUMMARY**

1. The purpose of this document is to invite the CAJ to consider:
  - (a) the presentations from the United States of America, the European Seed Association (ESA), the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIOFORA) and the International Seed Federation (ISF) concerning essentially derived varieties, as set out in paragraph 5; and
  - (b) whether there is a need for a revision of the current guidance on essentially derived varieties.

**BACKGROUND**

2. At its seventy-fourth session, held in Geneva October 23 and 24, 2017, the Administrative and Legal Committee (CAJ), after discussion of the comments in document CAJ/74/2 “Development of information materials concerning the UPOV Convention”, agreed to include in the program for its seventy-fifth session the following three items and to invite presentations by members and observers to share their perspectives on the indicated substantive matters:

- “(a) Essentially Derived Varieties
  - (i) essential characteristics
  - (ii) predominantly derived
  - (iii) indirect derivation, including in relation to parent lines and hybrids
  - (iv) assessment of essentially derived varieties
- (b) Conditions and Limitations Concerning the Breeder’s Authorization in Respect of Propagating Material
  - suitable examples of conditions and limitations
- (c) Scope of Provisional Protection”<sup>1</sup>

3. On the above basis, the CAJ would consider the need for a revision of the current guidance.

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<sup>1</sup> see document [CAJ/74/10](#) “Report”, paragraphs 10 and 11.

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4. On April 30, 2018, UPOV Circular E-18/045 invited members and observers to present their perspectives on the matters identified in paragraph 2, above.

5. In reply to UPOV Circular E-18/045, the United States of America, the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CLOPORA), the European Seed Association (ESA) and the International Seed Federation (ISF) confirmed their intention to make presentations on essentially derived varieties. The presentations will be published on the CAJ/75 section of the UPOV website.

6. *The CAJ is invited to consider:*

*(a) the presentations from the United States of America, the European Seed Association (ESA), the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CLOPORA) and the International Seed Federation (ISF) concerning essentially derived varieties, as set out in paragraph 5; and*

*(b) whether there is a need for a revision of the current guidance on essentially derived varieties.*

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