

**Administrative and Legal Committee**

**CAJ/75/4**

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

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**PRESENTATIONS ON CONDITIONS AND LIMITATIONS CONCERNING THE BREEDER'S AUTHORIZATION IN RESPECT OF PROPAGATING MATERIAL**

*Document prepared by the Office of the Union*

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**EXECUTIVE SUMMARY**

1. The purpose of this document is to invite the Administrative and Legal Committee (CAJ) to consider:
  - (a) the presentations from the European Seed Association (ESA) and the International Seed Federation (ISF) on the conditions and limitations concerning the breeder's authorization in respect of propagating material, as set out in paragraph 5; and
  - (b) whether there is a need for a revision of the current guidance on the conditions and limitations concerning the breeder's authorization in respect of propagating material.

**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.

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

PRESENTATIONS ON THE CONDITIONS AND LIMITATIONS CONCERNING THE BREEDER'S AUTHORIZATION IN RESPECT OF PROPAGATING MATERIAL

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 European Seed Association (ESA) and the International Seed Federation (ISF) confirmed their intention to make presentations on the conditions and limitations concerning the breeder's authorization in respect of propagating material. 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 European Seed Association (ESA) and the International Seed Federation (ISF) on the conditions and limitations concerning the breeder's authorization in respect of propagating material, as set out in paragraph 5; and*

*(b) whether there is a need for a revision of the current guidance on the conditions and limitations concerning the breeder's authorization in respect of propagating material.*

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