

Administrative and Legal Committee

CAJ/75/5

**Seventy-Fifth Session
Geneva, October 31, 2018****Original:** English
Date: October 11, 2018

PRESENTATIONS ON PROVISIONAL PROTECTION*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to invite the CAJ to consider:
 - (a) the presentations from the European Seed Association (ESA) and the International Seed Federation (ISF) on provisional protection, as set out in paragraph 5; and
 - (b) whether there is a need for a revision of the current guidance on provisional protection.

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"¹

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

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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 presented in paragraph 2, above.

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

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 provisional protection. 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 provisional protection, as set out in paragraph 5; and

(b) whether there is a need for a revision of the current guidance on provisional protection.

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