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| International Union for the Protection of New Varieties of Plants |  |

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| Administrative and Legal Committee  Seventy-Sixth Session Geneva, October 30, 2019 | CAJ/76/4  Original: English  Date: July 23, 2019 |

Development of information materials concerning the UPOV Convention

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

# EXECUTIVE SUMMARY

The purpose of this document is to provide background information to assist the Administrative and Legal Committee (CAJ) in its consideration of relevant matters concerning the development of information materials.

The CAJ is invited to:

(a) note that matters concerning essentially derived varieties are considered in document CAJ/76/3;

(b) note that matters concerning variety denominations are considered in document CAJ/76/6 “Variety denominations”; and

(c) consider the program for the development of information materials.

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# INTRODUCTION

The CAJ, at its fifty-second session[[1]](#footnote-2), agreed an approach for the preparation of information materials concerning the UPOV Convention[[2]](#footnote-3). It also agreed to the establishment of an advisory group to the CAJ (CAJ‑AG) to assist in the preparation of documents concerning such materials[[3]](#footnote-4). The agreed approach is summarized as follows: the Office of the Union will develop certain draft materials which it considers covers aspects of a straightforward nature and will circulate these to the CAJ for comments within a specified time. In other cases, where it is considered that there are difficult issues, where discussions at a CAJ session would be important for the development of suitable information materials, and also in cases where the drafts on seemingly straightforward materials provoke unexpected concerns when circulated for comments, it was agreed that the assistance of the CAJ-AG would be sought prior to the CAJ being invited to discuss those matters at its sessions.

The CAJ, at its seventieth session[[4]](#footnote-5), agreed that all matters under consideration by the CAJ-AG at its ninth session[[5]](#footnote-6) should, following the ninth session of the CAJ-AG, be considered by the CAJ and that the CAJ-AG should only be convened, on an *ad hoc* basis, as considered appropriate by the CAJ.[[6]](#footnote-7)

# OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

An overview of the development of information materials is provided in the Annex to this document.

# INFORMATION MATERIALS

## Essentially Derived Varieties

The CAJ is invited to note that matters concerning essentially derived varieties are considered in document CAJ/76/3 “Essentially Derived Varieties”.

The CAJ, at its seventy-fifth session[[7]](#footnote-8), agreed that the consideration of the revision of the Explanatory Notes on EDVs would be included in the agenda for the seventy-sixth session[[8]](#footnote-9) of the CAJ, and the outcome of the seminar would be a basis to that consideration (see document [CAJ/75/14](https://www.upov.int/edocs/mdocs/upov/en/caj_75/caj_75_14.pdf) “Report”, paragraph 17).

The CAJ is invited to note that matters concerning essentially derived varieties are considered in document CAJ/76/3.

## Variety Denominations

Matters concerning variety denominations are considered in document CAJ/76/6 “Variety denominations”.

The CAJ is invited to note that matters concerning variety denominations are considered in document CAJ/76/6 “Variety denominations”.

# TENTATIVE PROGRAM FOR THE DEVELOPMENT OF INFORMATION MATERIALS

The CAJ is invited to consider the program for the development of information materials, as proposed in the Annex to this document, subject to its conclusions at its seventy-sixth session8 on the matters above.

The CAJ is invited to consider the program for the development of information materials.

[Annex follows]

CAJ/76/4

ANNEX

OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

EXPLANATORY NOTES

|  |  |  |
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| Reference | Explanatory Notes on: | Status |
| UPOV/EXN/BRD | Definition of Breeder under the 1991 Act of the UPOV Convention | UPOV/EXN/BRD/1 adopted in October 2013 |
| UPOV/EXN/CAL | Conditions and Limitations Concerning the Breeder’s Authorization in Respect of Propagating Material under the UPOV Convention | UPOV/EXN/CAL/1 adopted in October 2010 |
| UPOV/EXN/CAN | Cancellation of the Breeder’s Right under the UPOV Convention | UPOV/EXN/CAN/2 adopted in October 2015 |
| UPOV/EXN/EDV | Essentially Derived Varieties under the 1991 Act of the UPOV Convention | UPOV/EXN/EDV/2 adopted in April 2017  *The need for a revision will be considered by the CAJ in October 2019* |
| UPOV/EXN/ENF | Enforcement of Breeders’ Rights under the UPOV Convention | UPOV/EXN/ENF/1 adopted in October 2009 |
| UPOV/EXN/EXC | Exceptions to the Breeder’s Right under the 1991 Act of the UPOV Convention | UPOV/EXN/EXC/1 adopted in October 2009 |
| UPOV/EXN/GEN | Genera and Species to be Protected under the 1991 Act of the UPOV Convention | UPOV/EXN/GEN/1 adopted in October 2009 |
| UPOV/EXN/HRV | Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention | UPOV/EXN/HRV/1 adopted in October 2013 |
| UPOV/EXN/NAT | National Treatment under the 1991 Act of the UPOV Convention | UPOV/EXN/NAT/1 adopted in October 2009 |
| UPOV/EXN/NOV | Novelty under the UPOV Convention | UPOV/EXN/NOV/1 adopted in October 2009 |
| UPOV/EXN/NUL | Nullity of the Breeder’s Right under the UPOV Convention | UPOV/EXN/NUL/2 adopted in October 2015 |
| UPOV/EXN/PPM | Propagating Material under the 1991 Act of the UPOV Convention | UPOV/EXN/PPM/1 adopted in April 2017 |
| UPOV/EXN/PRI | Right of Priority under the UPOV Convention | UPOV/EXN/PRI/1 adopted in October 2009 |
| UPOV/EXN/PRP | Provisional Protection under the UPOV Convention | UPOV/EXN/PRP/2 adopted in October 2015 |
| UPOV/EXN/VAR | Definition of Variety under the 1991 Act of the UPOV Convention | UPOV/EXN/VAR/1 adopted in October 2010 |

INFORMATION DOCUMENTS

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| Latest reference | INF documents | Status |
| UPOV/INF-EXN | List of UPOV/INF-EXN Documents and Latest Issue Dates | UPOV/INF-EXN/12 adopted in November 2018  *UPOV/INF-EXN/13 Draft 1* *to be considered by the Council in November 2019* |
| UPOV/INF/4 | Financial Regulations and Rules of UPOV | UPOV/INF/4/5 adopted in November 2018 |
| UPOV/INF/5 | UPOV model plant breeders' rights gazette | UPOV/INF/5 adopted in October 1979  *UPOV/INF/5/2 Draft 2 to be considered by the Council in November 2019* |
| UPOV/INF/6 | Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention | UPOV/INF/6/5 adopted in April 2017 |
| UPOV/INF/7 | Rules of Procedure of the Council | UPOV/INF/7 adopted in October 1982 |
| UPOV/INF/8 | Agreement between the World Intellectual Property Organization and the International Union for the Protection of New Varieties of Plants | UPOV/INF/8 signed in November 1982 |
| UPOV/INF/9 | Agreement between the International Union for the Protection of New Varieties of Plants and the Swiss Federal Council to Determine the Legal Status in Switzerland of that Union (Headquarters Agreement) | UPOV/INF/9 signed in November 1983 |
| UPOV/INF/10 | Internal Audit | UPOV/INF/10/1 adopted in October 2010 |
| UPOV/INF/12 | Explanatory Notes on Variety Denominations under the UPOV Convention | UPOV/INF/12/5 adopted in October 2015  *UPOV/EXN/DEN/1 Draft 2* *to be considered by the CAJ in October 2019* |
| UPOV/INF/13 | Guidance on how to become a member of UPOV | UPOV/INF/13/2 adopted in October 2017 |
| UPOV/INF/14 | Guidance for members of UPOV on how to ratify, or accede to, the 1991 Act of the UPOV Convention | UPOV/INF/14/1 adopted in October 2009 |
| UPOV/INF/15 | Guidance for Members of UPOV | UPOV/INF/15/3 adopted in March 2015 |
| UPOV/INF/16 | Exchangeable Software | UPOV/INF/16/8 adopted in November 2018 |
| UPOV/INF/17 | Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (“BMT Guidelines”) | UPOV/INF/17/1 adopted in October 2010 |
| UPOV/INF/18 | Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS) | UPOV/INF/18/1 adopted in October 2011 |
| UPOV/INF/19 | Rules governing the granting of observer status to States, intergovernmental organizations and international non-governmental organizations in UPOV bodies | UPOV/INF/19/1 adopted in November 2012 |
| UPOV/INF/20 | Rules governing access to UPOV documents | UPOV/INF/20/1 adopted in November 2012 |
| UPOV/INF/21 | Alternative Dispute Settlement Mechanisms | UPOV/INF/21/1 adopted in November 2012 |
| UPOV/INF/22 | Software and Equipment Used by Members of the Union | UPOV/INF/22/5 adopted in November 2018  *UPOV/INF/22/6 Draft 1 to be considered by the CAJ and the Council in November 2019* |

[End of Annex and of document]

1. Held in Geneva on October 24, 2005. [↑](#footnote-ref-2)
2. See document [CAJ/52/4](https://www.upov.int/edocs/mdocs/upov/en/caj/52/caj_52_04.pdf) “Approach for the development of information materials concerning the UPOV Convention”, paragraphs 8 to 10. [↑](#footnote-ref-3)
3. See document [CAJ/52/4](https://www.upov.int/edocs/mdocs/upov/en/caj/52/caj_52_04.pdf), paragraphs 11 to 14 and document [CAJ/52/5](https://www.upov.int/edocs/mdocs/upov/en/caj/52/caj_52_05.pdf) “Report”, paragraph 67. [↑](#footnote-ref-4)
4. Held in Geneva on October 13, 2014. [↑](#footnote-ref-5)
5. Held in Geneva on October 14 and 17, 2014. [↑](#footnote-ref-6)
6. See document [CAJ/70/10](https://www.upov.int/edocs/mdocs/upov/en/caj_70/caj_70_10.pdf) “Report on the Conclusions”, paragraphs 38 to 41. [↑](#footnote-ref-7)
7. Held in Geneva on October 31, 2018. [↑](#footnote-ref-8)
8. To be held in Geneva on October 30, 2019. [↑](#footnote-ref-9)