

Administrative and Legal Committee

CAJ/76/4

**Seventy-Sixth Session
Geneva, October 30, 2019**

Original: English
Date: July 23, 2019

DEVELOPMENT OF INFORMATION MATERIALS CONCERNING THE UPOV CONVENTION

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. 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.
2. 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

3. The CAJ, at its fifty-second session¹, agreed an approach for the preparation of information materials concerning the UPOV Convention². It also agreed to the establishment of an advisory group to the CAJ (CAJ-AG) to assist in the preparation of documents concerning such materials³. 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.

¹ Held in Geneva on October 24, 2005.

² See document [CAJ/52/4](#) “Approach for the development of information materials concerning the UPOV Convention”, paragraphs 8 to 10.

³ See document [CAJ/52/4](#), paragraphs 11 to 14 and document [CAJ/52/5](#) “Report”, paragraph 67.

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.

4. The CAJ, at its seventieth session⁴, agreed that all matters under consideration by the CAJ-AG at its ninth session⁵ 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

OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

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

INFORMATION MATERIALS

Essentially Derived Varieties

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

7. The CAJ, at its seventy-fifth session⁷, agreed that the consideration of the revision of the Explanatory Notes on EDVs would be included in the agenda for the seventy-sixth session⁸ of the CAJ, and the outcome of the seminar would be a basis to that consideration (see document [CAJ/75/14](#) “Report”, paragraph 17).

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

Variety Denominations

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

10. 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

11. 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.

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

[Annex follows]

⁴ Held in Geneva on October 13, 2014.

⁵ Held in Geneva on October 14 and 17, 2014.

⁶ See document [CAJ/70/10](#) “Report on the Conclusions”, paragraphs 38 to 41.

⁷ Held in Geneva on October 31, 2018.

⁸ To be held in Geneva on October 30, 2019.

OVERVIEW OF THE DEVELOPMENT OF INFORMATION MATERIALS

EXPLANATORY NOTES

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 <i>The need for a revision will be considered by the CAJ in October 2019</i>
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

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 <i>UPOV/INF-EXN/13 Draft 1 to be considered by the Council in November 2019</i>
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 <i>UPOV/INF/5/2 Draft 2 to be considered by the Council in November 2019</i>
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 <i>UPOV/EXN/DEN/1 Draft 2 to be considered by the CAJ in October 2019</i>
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 <i>UPOV/INF/22/6 Draft 1 to be considered by the CAJ and the Council in November 2019</i>

[End of Annex and of document]