

Administrative and Legal Committee

CAJ/78/6

**Seventy-Eighth Session
Geneva, October 27, 2021**

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NOVELTY OF PARENT LINES WITH REGARD TO THE EXPLOITATION OF THE HYBRID VARIETY

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 proposal concerning a new timetable for the next steps of the development of possible guidance on the novelty of parent lines with regard to the exploitation of the hybrid variety.

2. The CAJ is invited to:

(a) invite members of the Union, ISF, AFSTA, APSA and SAA to make presentations on the novelty of parent lines with regard to the exploitation of the hybrid variety at the seventy-ninth session of the CAJ; and

(b) on the basis of the presentations and discussions at the seventy-ninth session of the CAJ, to consider inviting the Office of the Union to seek to prepare common guidance on that matter for consideration by the CAJ at its eightieth session.

Table of contents

EXECUTIVE SUMMARY1
 BACKGROUND1
 PROPOSAL FOR A REVISED TIMETABLE2

BACKGROUND

3. The CAJ, at its seventy-sixth session¹, agreed that the Office of the Union should send a survey to explore the status on the novelty of parent lines with regard to the exploitation of the hybrid variety in members of the Union. Based on the replies to the survey, the Office of the Union would prepare a document providing information from the survey and, if appropriate, proposals to explore the development of guidance on that topic (see document CAJ/76/9 “Report”, paragraph 55).

4. On December 23, 2019, the Office of the Union issued Circular E-19/232 with an invitation to the members of the Union to complete a survey on the status of the novelty of parent lines in relation to exploitation of the hybrid. Fifty-six members of the Union replied to the survey. Thirty members of the Union replied that the novelty of the parent lines was not lost by the exploitation of the hybrid variety. Twelve members of the Union replied that the novelty of the parent lines was lost by the exploitation of the hybrid variety. Fourteen members of the Union replied under “others” with an indication that they had limited experience on this topic; their policy was being reviewed; or their policy contained specific exceptions. The replies to the survey are available in document CAJ/77/6 “The novelty of parent lines in relation to exploitation of the hybrid variety” at https://www.upov.int/meetings/en/doc_details.jsp?meeting_id=55678&doc_id=511632.

¹ Held in Geneva on October 30, 2019.

5. Circular E-20/120 of August 21, 2020, invited the CAJ to approve the proposed decision(s) contained in document CAJ/77/6 within 30 days (i.e. September 21, 2020).

6. In reply to Circular E-20/120 of August 21, 2020, comments on document CAJ/77/6 were received from the European Union, Euroseeds and joint comments from the International Seed Federation (ISF), the African Seed Trade Association (AFSTA), the Asia and Pacific Seed Association (APSA) and the Seed Association of the Americas (SAA), that were not of a straightforward nature and, therefore, document CAJ/77/6 was not included in Circular E-20/160 of September 25, 2020, for approval by correspondence and was presented for consideration by the CAJ at its virtual session on October 28, 2020, in conjunction with the comments received, which are reproduced in Annex II to document CAJ/77/9 "Outcome of the consideration of documents by correspondence" (see document CAJ/77/9, paragraph 49).

7. The CAJ, at its seventy-seventh session, held on October 28, 2020, via electronic means, agreed the matters in the following paragraphs (see below extracts from document CAJ/77/10 "Report", paragraphs 31 to 33):

"31. The CAJ considered documents CAJ/77/6 and CAJ/77/9.

"32. The CAJ noted the replies to the survey to explore the status of the novelty of parent lines in relation to exploitation of the hybrid in members of the Union, as presented in document CAJ/77/6 and its Annexes.

"33. The CAJ invited members of the Union, Euroseeds, ISF, AFSTA, APSA and SAA to make presentations on the novelty of parent lines with regard to the exploitation of the hybrid variety at the seventy-eighth session of the CAJ, with a view to inviting the Office of the Union to seek to prepare common guidance on that matter for consideration by the CAJ at its seventy-ninth session, on the basis of the presentations and discussions at the seventy-eighth session of the CAJ."

PROPOSAL FOR A REVISED TIMETABLE

8. The seventy-eighth session of the CAJ will be held on October 27, 2021, by electronic means (see invitation Circular E-21/071 of May 31, 2021), from 12:00 to 16:30 (Geneva time) with a break between 14:30 and 16:00 to prepare the report of the session. Given the limited duration of the seventy-eighth session, after consultation with the Chair of the CAJ, it is proposed that CAJ postpones the invitation to members of the Union, Euroseeds, ISF, AFSTA, APSA and SAA to make presentations on the novelty of parent lines with regard to the exploitation of the hybrid variety at its seventy-ninth session. It is further proposed that, on the basis of the presentations and discussions at its seventy-ninth session, the CAJ considers inviting the Office of the Union to seek to prepare common guidance on that matter for consideration by the CAJ at its eightieth session.

9. *The CAJ is invited to:*

(a) invite members of the Union, ISF, AFSTA, APSA and SAA to make presentations on the novelty of parent lines with regard to the exploitation of the hybrid variety at the seventy-ninth session of the CAJ; and

(b) on the basis of the presentations and discussions at the seventy-ninth session of the CAJ, to consider inviting the Office of the Union to seek to prepare common guidance on that matter for consideration by the CAJ at its eightieth session.

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