

**Administrative and Legal Committee**

CAJ/79/4

**Seventy-Ninth Session  
Geneva, October 26, 2022****Original:** English  
**Date:** September 13, 2022**NOVELTY OF PARENT LINES WITH REGARD TO THE EXPLOITATION OF THE HYBRID VARIETY***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 presentation on the novelty of parent lines with regard to the exploitation of the hybrid variety and next steps on this topic, as appropriate.
2. The CAJ is invited to:
  - (a) consider the joint presentation by ISF, CropLife International, SAA, APSA, AFSTA and Euroseeds 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) consider next steps, as appropriate, of the development of possible guidance on the novelty of parent lines with regard to the exploitation of the hybrid variety.

**BACKGROUND**

3. The background to this matter, prior to the seventy-ninth session of the CAJ, is provided in documents CAJ/77/6 and CAJ/78/6 "Novelty of parent lines with regard to the exploitation of the hybrid variety".
4. The CAJ, at its seventy-eighth session, held on October 27, 2021, via electronic means, invited members of the Union and observers to the CAJ 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 after considering the presentations and discussions, the CAJ would consider next steps, as appropriate.

**REPLY TO CIRCULAR E-22/097 OF JULY 1, 2022**

5. In accordance with the request by the CAJ (see paragraph 4, above), Circular E-22/097 of July 1, 2022, invited members of the Union and observers to the CAJ to make a presentation on the novelty of parent lines with regard to the exploitation of the hybrid variety at the seventy-ninth session of the CAJ, to be held in Geneva, on October 26, 2022.
6. In reply to Circular E-22/097, the following observers to the CAJ offered to make a joint presentation: International Seed Federation (ISF), CropLife International, Seed Association of the Americas (SAA), Asia and Pacific Seed Association (APSA), African Seed Trade Association (AFSTA) and Euroseeds. The reply contained the following abstract for the presentation:

"Our presentation would focus on our interpretation of the UPOV Convention that the commercialization of a hybrid does not affect the novelty of the respective parental inbred lines. In our view, it is not justified for some PBR offices and national laws to state that parental lines are not novel in cases where the hybrids, composed of these parental lines, have already been produced and/or sold. A clear, consistent and coherent interpretation of UPOV Convention amongst its members is critical for the seed sector to be able to conduct its business and deliver locally adapted quality seed all around the world."

NEXT STEPS

7. The CAJ, at its seventy-eighth session, agreed that, after considering the presentation(s) and discussions at its seventy-ninth session, the CAJ would consider next steps, as appropriate, of the development of possible guidance on the novelty of parent lines with regard to the exploitation of the hybrid variety (document CAJ/78/13 "Report", paragraph 30).

8. *The CAJ is invited to:*

*(a) consider the joint presentation by ISF, CropLife International, SAA, APSA, AFSTA and Euroseeds 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) consider next steps, as appropriate, of the development of possible guidance on the novelty of parent lines with regard to the exploitation of the hybrid variety.*

[End of document]