

**Administrative and Legal Committee**

CAJ/81/4

**Eighty-First Session  
Geneva, October 23, 2024****Original:** English  
**Date:** September 23, 2024**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***BACKGROUND**

1. The background to this matter, prior to the eightieth session of the CAJ, is provided in documents CAJ/77/6, CAJ/78/6 and CAJ/79/4 “Novelty of parent lines with regard to the exploitation of the hybrid variety”.
2. The CAJ, at its seventy-ninth session, held in Geneva on October 26, 2022, considered document CAJ/79/4 and the joint presentation made by ISF, CropLife International, SAA, APSA, AFSTA and Euroseeds on the novelty of parent lines with regard to the exploitation of the hybrid variety.
3. The CAJ, at its eightieth session, considered document CAJ/80/5 and the joint presentation made by the 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 on the results of the survey on commercial practices relating to the impact of commercial exploitation of the hybrid on the novelty of parent lines (see paragraph 6 of document CAJ/80/5).
4. The CAJ, at its eightieth session, recalled the information in document CAJ/77/6 that presented the status of the novelty of parent lines in relation to exploitation of the hybrid variety in members of the Union, based on the replies to a survey issued by Circular E-19/232 of December 23, 2019 (available at [https://www.upov.int/meetings/en/doc\\_details.jsp?meeting\\_id=55678&doc\\_id=511632](https://www.upov.int/meetings/en/doc_details.jsp?meeting_id=55678&doc_id=511632)). The CAJ noted the intervention by the Office of the Union that an important number of members of the Union replied to the survey (56); the majority (30) replied that the novelty of parent lines was not lost by the exploitation of the hybrid variety; a smaller group of members of the Union (12) replied that the novelty of the parent lines was lost by the exploitation of the hybrid variety; and a group of members of the Union (14) replied that they had limited experience on this topic, their policy was being reviewed or contained specific exceptions.
5. The CAJ, at its eightieth session, agreed that the Office of the Union would invite those members of the Union that replied that the novelty of the parent lines was lost by the exploitation of the hybrid variety to make a brief presentation to explain the situation in those members of the Union; the CAJ noted that the Delegation of the European Union volunteered to make a brief presentation to explain its policy that novelty of the parent lines would not be lost by the exploitation of the hybrid variety.

**PRESENTATIONS BY MEMBERS OF THE UNION THAT REPLIED THAT THE NOVELTY OF THE PARENT LINES WAS LOST BY THE EXPLOITATION OF THE HYBRID VARIETY**

6. An email invitation was sent on May 15, 2024 to the following members of the Union that had replied that the novelty of the parent lines was lost by the exploitation of the hybrid variety:

Members of the Union that answered “yes the novelty of parent lines would be lost”:

- Bosnia and Herzegovina
- Canada
- China (MARA)
- Croatia
- Germany
- Kenya

- Lithuania
- Poland
- Republic of Moldova
- Romania
- Russian Federation
- United States of America

7. Germany has expressed its interest to make a presentation on how novelty of the parent lines is affected by the exploitation of a hybrid variety of the relevant parent lines. The European Union has informed the Office of the Union that it will not make a presentation as indicated during the eightieth session of the CAJ.

8. *The CAJ is invited to take note of the information in this document.*

[End of document]