



CAJ-AG/07/2/6

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE
ADVISORY GROUP**

**Second Session
Geneva, October 26, 2007**

ARTICLE 30(1)(I) OF THE 1991 ACT: IMPLEMENTATION OF THE CONVENTION:
PROVIDE FOR APPROPRIATE LEGAL REMEDIES FOR THE EFFECTIVE
ENFORCEMENT OF BREEDERS' RIGHTS (ARTICLE 30(1)(A) OF THE 1978 ACT)

Document prepared by the Office of the Union

1. The Administrative and Legal Committee (CAJ), at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention. It also agreed on the establishment of the Administrative and Legal Committee Advisory Group (CAJ-AG) to assist in the preparation of documents concerning such information materials. The list of provisions agreed by the CAJ, where information materials were most urgently required, included the obligation to "provide for appropriate legal remedies for the effective enforcement of breeders' rights" (Article 30(1)(i) of the 1991 Act and Article 30(1)(a) of the 1978 Act) (paragraph 15 of document CAJ/52/4 and paragraph 67 of document CAJ/52/5, Report).
2. At the first session of the CAJ-AG, held in Geneva on October 20, 2006, the CAJ-AG, agreed that consideration of information materials on Article 30(1)(i) of the 1991 Act should await the deliberations of the Consultative Committee on enforcement of plant breeders' rights (see paragraph 20 of document CAJ-AG/06/1/3).
3. At its seventieth session, held on October 26, 2005, the Consultative Committee received a report on the Meeting on Enforcement of Plant Breeders' Rights of October 25, 2005, at which the International Community of Breeders of Asexually Reproduced

Ornamental and Fruit-Tree Varieties (CIOPORA) and the International Seed Federation (ISF) made presentations concerning the enforcement of plant breeders' rights.

4. At its seventy-third session, on March 30, 2007, the Consultative Committee concluded its deliberations on the enforcement of plant breeders' rights. A report on the conclusions of the Consultative Committee and an overview of the existing activities of UPOV in relation to the enforcement of plant breeders' rights, prepared by the Consultative Committee, can be found in paragraph 4 of document CAJ/56/5 and in the Annex to that document, respectively.

5. The overview of the existing activities of UPOV in relation to the enforcement of plant breeders' rights, as set out in the Annex to document CAJ/56/5, already provides the Office of the Union with valuable information material which it can use on a regular basis. Although matters can arise in relation to the obligation to "provide for appropriate legal remedies for the effective enforcement of breeders' rights" (Article 30(1)(i) of the 1991 Act) in draft laws or laws of future members, in the experience of the Office of the Union, those matters can be dealt with on an *ad hoc* basis. For the time being, the Office of the Union has not identified any particular matter where further guidance in the form of explanatory notes would be necessary.

6. *The CAJ-AG is invited to consider if the conclusions of the Consultative Committee, as reported in document CAJ/56/5 and in its Annex (see paragraph 4 above), provide sufficient information concerning enforcement of plant breeders' rights.*

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