



CAJ-AG/11/6/5

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE
ADVISORY GROUP**

**Sixth Session
Geneva, October 18, 2011**

UPDATE ON DOCUMENT CAJ-AG/10/5/4 “ OBJECTIVES OF THE POSSIBLE
DEVELOPMENT OF A DOCUMENT ON THE EXHAUSTION OF THE BREEDER’S
RIGHT UNDER THE 1991 ACT OF THE UPOV CONVENTION”

Document prepared by the Office of the Union

1. The Administrative and Legal Committee Advisory Group (CAJ-AG), at its fifth session held in Geneva on October 18, 2010 and on the afternoon of October 19, 2010, agreed that agenda item “Objectives of the possible development of a document on the exhaustion of the breeder’s right under the 1991 Act of the UPOV Convention (document CAJ-AG/10/5/4)” should be considered by the CAJ-AG at its sixth session in October 2011 (see document CAJ-AG/10/5/7 “Report”, paragraph 19).
2. Item 6 “Objectives of the possible development of a document on the exhaustion of the breeder’s right under the 1991 Act of the UPOV Convention” of the revised draft agenda of the sixth session of the CAJ-AG contains two documents: document CAJ-AG/10/5/4 and document CAJ-AG/11/6/5.

3. Document CAJ-AG/10/5/4, which was included in the agenda of the fifth session of the CAJ-AG, provides background information concerning this agenda item and identifies available guidance on Article 16 of the 1991 Act of the UPOV Convention adopted by the Council or under development.

4. At its fifth session, the CAJ-AG agreed to delete Section II “Relationship between the scope of the breeder’s right in respect of harvested material and exhaustion of the breeder’s right” from document UPOV/EXN/HRV Draft 5 Corr. “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention”, without prejudice to future considerations under agenda item “objectives of the possible development of a document on the exhaustion of the breeder’s right under the 1991 Act of the UPOV Convention (document CAJ-AG/10/5/4)” (see document CAJ-AG/10/5/7 “Report”, paragraph 11).

5. The CAJ-AG is invited to note the update on document CAJ-AG/10/5/4 ““Objectives of the possible development of a document on the exhaustion of the breeder’s right under the 1991 Act of the UPOV Convention”.

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