



CAJ-AG/13/8/10

ORIGINAL: English

DATE: December 17, 2013

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE ADVISORY GROUP**Eighth Session
Geneva, October 25, 2013**

REPORT

*adopted by the Administrative and Legal Committee Advisory Group**Disclaimer: this document does not represent UPOV policies or guidance*Opening of the session

1. The Administrative and Legal Committee Advisory Group (CAJ-AG) held its eighth session in Geneva on October 21, 2013, starting at 3.00 p.m. and on October 25, 2013, under the Chairmanship of the Vice Secretary-General of UPOV.
2. The list of participants is reproduced in the Annex to this document.
3. The Chair recalled that the CAJ-AG had agreed, by correspondence, to issue *ad hoc* invitations to the organizations that the CAJ-AG had previously agreed to invite in order to enable them to continue to present their views on relevant matters (see document CAJ-AG/12/7/7 "Report", paragraph 2). On that basis, the following organizations had been invited to participate in the relevant part of the eighth session of the CAJ-AG: the Association for Plant Breeding for the Benefit of Society (APBREBES), the European Coordination Via Campesina (ECVC), the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOFORA) and the International Seed Federation (ISF).

Adoption of the agenda

4. The CAJ-AG adopted the draft agenda as presented in document CAJ-AG/13/8/1.

DISCUSSIONS IN THE PRESENCE OF OBSERVERS

Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)*Introduction by the Office of the Union*

5. The Office of the Union presented document CAJ-AG/13/8/2.

Presentation of views by APBREBES

6. The representative of APBREBES considered that the conclusions from the Seminar on Essentially Derived Varieties, held in Geneva on October 22, 2013, were the moderators' summaries and they did not reflect all the discussions that took place during the Seminar. In relation to the possible impact of EDV on breeding and agriculture, he noted that concern was expressed over the restriction on farmers in using protected varieties to adapt to local conditions, leading to increased farmers' vulnerability and threatening of

food security. He also highlighted that breeding material was derived to some extent from farmers' varieties with little or no restriction. The representative of APBREBES considered that the current approach to essentially derived varieties (EDV) gave breeders a market monopoly and reduced competition among breeders. He was of the opinion that the development of guidance based on dispute settlement cases within the breeding industry would not address those questions. The representative of APBREBES noted that on Session II of the EDV Seminar, the experiences from Netherlands, Japan, Australia and Israel were presented, but there were no experiences reflecting the challenges that developing countries would face with the EDV implementation, for instance, the challenge for a small-scale breeder in proving that their variety was not an EDV. He considered that every country could implement the EDV concept as it considered best and workable in the context of its country. The representative of APBREBES questioned whether private settlements should be used to influence public court decisions. He noted that the situations in the domain name dispute mechanism provided by the World Intellectual Property Organization (WIPO) were not comparable to the ones in crop-related disputes. He was of the view that courts dealing with cases in developing countries should not be influenced by such soft law, which was based on privately and anonymously settled disputes among mainly Northern breeding companies.

Discussion

7. In relation to the points raised by APBREBES, the Office of the Union clarified that, in respect of the CAJ-AG work on future guidance concerning essentially derived varieties, at its sixty-eighth session, held in Geneva on October 21, 2013, the CAJ had requested the CAJ-AG to consider the discussions at the EDV Seminar and had not referred specifically to the concluding remarks of the President of the UPOV Council (see document CAJ/68/10 "Report on the Conclusions", paragraph 11).

Presentation of views by CIOPORA

8. The representative of CIOPORA noted that the proposed language in document IOM/IV/2, presented in paragraph 11 of document CAJ-AG/13/8/2, provided a limited concept of EDV:

"The derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)."

9. The representative of CIOPORA recalled that Article 14(5)(b)(i) of the 1991 Act read "retaining the expression of the essential characteristics". He was of the view that the word "essential" was disregarded due to the reference to a limited number of characteristics, making the EDV concept smaller. The representative of CIOPORA noted that an EDV must be clearly distinguishable from the initial variety; therefore, it must have at least one difference in one characteristic. He was of the view that one difference was the minimum for a variety to be considered to be an EDV, but could not be the maximum. According to the representative, the proposal was silent on how to evaluate the differences which result from the act of derivation. The representative of CIOPORA was of the opinion that the UPOV system was an open access system, allowing the use of protected material for further breeding and the commercialization of the breeding results. In his view, that unique feature of the UPOV system, in relation to other IP protection systems, limited the exclusive right of the title holder significantly, and the balance was inclined to the side of the open access rather than to the side of the exclusive right. In his opinion, it was the purpose of the 1991 Act to repair that situation, by introducing in the scope of the right the "varieties which are not clearly distinguishable" and the "essentially derived varieties". The representative of CIOPORA reported that CIOPORA was opposed to any attempt to limit the EDV concept beyond the language of the 1991 Act, but supported a balanced interpretation of the concept, which took into consideration the exclusive right of the breeder of the initial variety. He asked for information on the conclusions of the CAJ-AG with regard to the development of guidance on matters concerning EDV which were not granted protection in their own right.

Discussion

10. In relation to the comments of CIOPORA on the proposal contained in paragraph 11 of document CAJ-AG/13/8/2, the Office of the Union recalled that the proposal had been introduced at the request of the CAJ-AG as a starting point for discussion and that the views of stakeholders on that approach were sought.

11. The Office of the Union explained that the conclusions of the CAJ-AG with regard to matters concerning EDV which were not granted protection in their own right would be available in the "Report" of the CAJ-AG (document CAJ-AG/13/8/10) and would be reported to the CAJ.

Explanatory Notes on Propagation and Propagating Material*Introduction by the Office of the Union*

12. The Office of the Union presented document UPOV/EXN/PPM Draft 1.

Presentation of views by APBREBES

13. The representative of APBREBES was of the view that there was no need for the development of explanatory notes on propagation and propagating material. He said that an explanatory note was not a standard definition and referred to the Preamble of the UPOV Explanatory Notes: "The only binding obligations on members of the Union are those contained in the text of the UPOV Convention itself, and these Explanatory Notes must not be interpreted in a way that is inconsistent with the relevant Act for the member of the Union concerned." The representative of APBREBES considered that, as members of the Union had different definitions of propagating material, the development of a definition of propagation and propagating material was problematic. He considered that not even a non-exhaustive list of factors should be developed as such a list already provided factors which might be considered as a basis for a decision. In order to obtain a complete basis of information for the discussion, the representative of APBREBES suggested conducting a survey in order to obtain the current definitions used by members of the Union.

Discussion

14. In relation to the point raised by APBREBES, the Office of the Union recalled that document CAJ-AG/11/6/6 contained a review of the references to propagation and propagating material in the laws notified by the members of the Union which contained the definition of those terms.

15. The representative of APBREBES explained that he was aware of this first review but noted that only half of the laws of the members of the Union were included.

Presentation of views by CIOFORA

16. The representative of CIOFORA noted that the first draft of the explanatory notes on propagation and propagating material perpetuated a situation where the use of entirely different definitions would result in lack of harmonization and in an ineffective protection for plant varieties in the territories of some members of the Union. The representative of CIOFORA proposed that the draft explanatory notes should aim at clarifying the minimum requirements for an effective protection of plant varieties and at requesting members of the Union to fulfill those minimum requirements. He noted that, in the first instance, the protection of the UPOV Convention applied in respect of propagating material. The representative of CIOFORA was of the opinion that a PBR law, which covered as propagating material only very few parts of plant material or which deprived the title-holder from making full use of his rights, was not effective. The representative of CIOFORA was of the view that the factor "whether the material has been used to propagate the variety", which was an activity in the past, and the factor "intention on the part of those concerned" took away from the title-holder the possibility to give an authorization and to make his "prior" authorization subject to conditions and limitations as provided in Article 14(1)(a) and (b) of the 1991 Act.

Discussion

17. The Office of the Union clarified that the list of factors in paragraph 3 of document UPOV/EXN/PPM Draft 1 related to "propagating material" and not to "authorization".

18. The Delegation of the European Union requested the views of the representative of CIOFORA on the factor concerning the intention in paragraph 3(iv) of document UPOV/EXN/PPM Draft 1. The Delegation was of the view that the subject matter of protection had to be defined in the legislation and the intention came in at a later stage.

19. The representative of CIOFORA confirmed that, in his view, the law should have a clear definition of the subject matter and propagating material was the subject matter for a PBR system. He said that the subject matter of protection should not be linked to any subjective factors and only objective factors should be taken into consideration. In his view, the intention was not enough to make a clear definition of propagating material.

20. The Delegation of the United States of America asked the representative of CIOPORA whether it would be enough if the definition included the term “used” in order to have objective evidence that material had been used as propagating material.

21. The representative of CIOPORA explained that, in his opinion, the notion of “used” or “has been used” was not sufficient, as the action had already taken place. He considered that such a definition did not cover the right of the title holder to give “prior” authorization and covered only one part of the scope of the breeder’s right.

Presentation of views by ISF

22. The representative of ISF stated that it was important for policy-makers to set up a legislative framework which could encourage and protect innovators. He was of the opinion that the list in paragraph 3 of document UPOV/EXN/PPM Draft 1 should be reconsidered in light of the techniques currently used for propagation. In paragraph 3(ii) of document UPOV/EXN/PPM Draft 1, the representative of ISF proposed to replace “capable of” by “can be used for”.

Discussion

23. The Delegation of the United States of America requested the representative of ISF to provide clarification on the parts of plants that could be used as propagating material.

24. The representative of ISF explained that already in the 1980’s it was possible to generate new plants through tissue culture. He explained that the current generation of new plants through tissue culture was still not interesting from a commercial point of view, but it could become the case in the future.

25. The Delegation of Argentina noted that the intention was an important factor in order to identify whether a particular act was authorized or not by the breeder.

26. The representative of ISF explained that in some cases material of varieties was misused. He was of the view that it was necessary to create a stronger legal framework to deal with those situations.

27. The representative of CIOPORA was of the view that the definition of propagating material should not be limited to the intention of the users to use the material as propagating material.

28. The representative of CIOPORA asked if the legislation of a possible future member containing a definition of propagating material as “material that has been used to propagate the variety”, which was based on the factor in paragraph 3(i) of document UPOV/EXN/PPM Draft 1, would be in line with the 1991 Act of the UPOV Convention.

29. The Office of the Union recalled that it was a matter for the Council to decide whether a law was in conformity with the 1991 Act of the UPOV Convention.

Explanatory Notes on Acts in Respect of Harvested Material

Introduction by the Office of the Union

30. The Office of the Union presented document CAJ-AG/13/8/3.

Presentation of views by APBREBES

31. The representative of APBREBES commented that it was not clear if the examples 1 to 8 in document CAJ-AG/13/8/3 and their alternatives referred only to cases of unauthorized exports. The representative of APBREBES reported that new forms of direct contracts with farmers, not with propagators, were proliferating. He reported that those contracts included “licenses for producers or traders for harvested material” under which royalties were established on harvested material. He shared the opinion of Via Campesina, which questioned the legal basis on those contracts in relation to the principle of the exhaustion of the breeder’s right. He was of the view that once the material was marketed by the breeder, or with their consent, no further remuneration should be required. He noted that contracts allowing for globalized vertical integration into the supply chain, for example “Closed loop marketing”, contained various

commitments with regard to breeders' rights licenses. The representative argued that those types of contracts were not in line with the UPOV Convention and prevented the exercise of the optional exception in Article 15(2) of the 1991 Act of the Convention. He reported that Article 8 of the Swiss Federal Plant Variety Protection Law provided as follows: "Any agreement which restricts or annuls the exceptions to the right to protection for the varieties referred to in art. 6 and 7 shall be deemed to be null and void". With regard to the guidance on the term "reasonable opportunity", the representative of APBREBES considered that the text presented at a previous session of the CAJ-AG was still valid: "It is a matter for each member of the Union to determine what constitutes 'reasonable opportunity' to exercise his right." The representative was not in favor of developing guidance on the term "reasonable opportunity".

Discussion

32. The Office of the Union recalled that the contents of document CAJ-AG/13/8/3 provided a starting point for discussion on further guidance concerning harvested material.

33. In relation to the comments made by APBREBES on contracts, the Office of the Union referred to the information provided at the Symposium on Contracts in relation to Plant Breeder's Rights, held in 2008, the proceedings of which were published on the UPOV website (http://www.upov.int/meetings/en/topic.jsp?group_id=73).

Presentation of views by CIOPORA

34. The representative of CIOPORA suggested the deletion of example 8 of document CAJ-AG/13/8/3, because it could be misleading and did not appear to correspond to the legislation of some members of the Union.

Discussion

35. In relation to the point raised by CIOPORA, the Office of the Union noted the request for clarification and mentioned that the basis for example 8 had been provided by CIOPORA.

Presentation of views by ISF

36. The representative of ISF was of the opinion that the examples in document CAJ-AG/13/8/3 provided clarifications on situations in the real life. He suggested clarifying the two alternatives proposed for each example. He asked if the explanations provided in each of the two alternatives could be used separately or both explanations needed to be fulfilled. The representative suggested that Alternative (a) of Example 9 could benefit from clarification.

Discussion

37. In relation to the point raised by the representative of ISF, the Office of the Union recalled that the two alternatives were provided in order to have a clearer understanding of members' and observers' views.

DISCUSSIONS WITHOUT THE PRESENCE OF OBSERVERS

Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)

38. The CAJ-AG considered documents CAJ-AG/13/8/2 and UPOV/EXN/EDV/2 Draft 3, and the views expressed by the representatives from APBREBES and CIOPORA, as set out in paragraphs 6 to 11 of this report and, as requested by the CAJ at its sixty-eighth session, the discussions at the EDV Seminar.

UPOV/EXN/EDV/2 Draft 3 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention"

39. The CAJ-AG noted that the CAJ, at its sixty-seventh session, held in Geneva on March 21, 2013, had agreed that consideration of document UPOV/EXN/EDV/2 Draft 3 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention" should be postponed until after the Seminar on

Essentially Derived Varieties (EDVs), and the consideration of that seminar by the CAJ-AG at its eighth session (see document CAJ/67/14 "Report on the Conclusions", paragraph 15).

40. The CAJ-AG also noted that the CAJ, at its sixty-seventh session, had agreed that consideration should be given to moving paragraph 8 of document UPOV/EXN/EDV/2 Draft 3 after paragraph 4. The CAJ-AG agreed that paragraph 8 of document UPOV/EXN/EDV/2 Draft 3 should be moved after paragraph 4 for the next draft of the document.

The use of information of the initial variety to obtain essentially derived varieties

41. The CAJ-AG recalled that it had agreed that consideration should be given to the following text as a starting point of a possible example on the use of information of the initial variety to obtain essentially derived varieties (see document CAJ-AG/13/8/2, paragraphs 6 and 7):

The use of molecular data from an initial variety, for the purpose of selection of genotypes from a population that is mostly related to the initial variety, to produce a variety with a similar genotype may provide evidence of predominant derivation.

42. The CAJ-AG noted that the above example would be circulated with the Draft Report (document CAJ-AG/13/8/10 Prov.), with three months to be provided for comments (see paragraph 44(h), below).

43. The CAJ-AG noted that the concept of indirect derivation was already introduced in document UPOV/EXN/EDV/1 as follows:

"5. Essentially derived varieties are obtained, either directly or indirectly, from a variety which is called the "initial variety". In the example in Figure 1, variety B is an essentially derived variety from variety A and is predominantly derived from variety A. Essentially derived varieties can also be indirectly obtained from an initial variety. In the example in Figure 2, Variety C is essentially derived from Initial Variety 'A', but is predominantly derived from variety B.

"6. Irrespective of whether variety C has been obtained directly from the initial variety A or not, it is an essentially derived variety from variety A if it fulfills the definition stated in Article 14 (5) (b).

"7. Another example of an indirect way in which it might be possible to obtain an essentially derived variety from an initial variety could be the use of a hybrid variety to obtain a variety which is essentially derived from one of the parent lines of the hybrid."

The relationship between Article 14(5)(b)(i) and (iii) of the 1991 Act of the UPOV Convention

44. The CAJ-AG requested the Office of the Union to prepare a text for inclusion in a new draft of document UPOV/EXN/EDV/2 on the following basis:

(a) to include a Preamble with a reference to the mandate of the 1991 Diplomatic Conference:

"The Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants, held in Geneva from March 4 to 19, 1991, adopted the following resolution (see document DC/91/140):

'Resolution on Article 14(5)

'The Diplomatic Conference for the Revision of the International Convention for the Protection of New Varieties of Plants held from March 4 to 19, 1991, requests the Secretary-General of UPOV to start work immediately after the Conference on the establishment of draft standard guidelines, for adoption by the Council of UPOV, on essentially derived varieties.'"

(b) to clarify in the Preamble the purpose of the guidance in relation to members of the Union and stakeholders;

(c) to include the text of document UPOV/EXN/EDV/1 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention", which was adopted by the Council, at its forty-third ordinary session, held in Geneva on October 22, 2009 (see document C/43/17 "Report", paragraph 23);

(d) to include the text of draft UPOV/EXN/EDV/2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” (revision) that had already been agreed by the CAJ-AG;

(e) to consider the inclusion of relevant part of the draft guidance presented in document IOM/6/2 “Essentially Derived Varieties” at the Sixth Meeting with International Organizations (IOM/6), taking into consideration the discussions at the IOM/6 on the above proposals contained in document IOM/6/5 “Report” (copies of documents IOM/6/2 “Essentially Derived Varieties” and IOM/6/5 “Report” in the four languages of the Office of the Union are posted, as reference documents, on the CAJ-AG/13/8 section of the UPOV website);

(f) to include the following elements from the EDV Seminar:

(i) the need to consider the situation in different crops/species and methods of breeding, e.g. mutants;

(ii) to explain the need to consider both predominant derivation (genetic conformity) and essential characteristics (phenotype) and for both those aspects to be considered as possible starting points, noting that the result would be the same;

(g) to include, as a possible starting point, the text of the explanatory note 6(ii) on Article 5 “Effects of the Right Granted to the Breeder” presented in document IOM/IV/2 (see document IOM/6/2 “Essentially Derived Varieties”, paragraph 12, and document CAJ-AG/12/7/3, paragraph 11, reproduced below):

“[...]”

“(ii) the derived variety must retain almost the totality of the genotype of the mother variety and be distinguishable from that variety by a very limited number of characteristics (typically by one)

“[...]”;

The CAJ-AG noted that the above text would be circulated with the Draft Report (document CAJ-AG/13/8/10 Prov.), with three months to be provided for comments (see paragraph 44(h), below); and

(h) the Office of the Union to provide possible EDV examples based on: the examples provided in document IOM/6/2 “Essentially Derived Varieties”; the examples provided by Australia and Japan in the EDV Seminar; the example provided on the use of information of the initial variety to obtain EDVs; and the explanatory note 6(ii) on Article 5 “Effects of the Right Granted to the Breeder” presented in document IOM/IV/2 (see paragraphs 41, 44(g), above); the CAJ-AG would have three months to provide comments on the EDV examples. The Delegation of Australia offered to provide additional information on the context of the examples provided by Australia at the ninth session of the CAJ-AG.

Matters concerning essentially derived varieties that are not granted protection in their own right

45. The CAJ-AG agreed to consider the development of guidance on the matters raised in paragraphs 15 to 18 of document CAJ-AG/13/8/2, concerning the status of essentially derived varieties that were not granted protection in their own right, after the adoption of the revised document UPOV/EXN/EDV/2.

46. The CAJ-AG noted that the matters raised in paragraphs 15 to 18 of document CAJ-AG/13/8/2 would not arise if breeders protected EDVs in their own right.

Presentations on systems in the members of the Union concerning essentially derived varieties

47. The CAJ-AG noted that, at an appropriate future session of the CAJ-AG, the Delegations of Australia, Brazil and the European Union and other members of the Union would be invited to make presentations on their systems concerning essentially derived varieties.

Session III of the EDV Seminar “Possible role of future UPOV guidance on essentially derived varieties”

48. The CAJ-AG noted the closing remarks of the President of the Council in Session III of the EDV Seminar “Possible role of future UPOV guidance on essentially derived varieties” in relation to the following topics:

(i) experiences on the role of “soft law”/guidance in different jurisdictions and in relation to other subject matters; and

(ii) the potential of alternative dispute settlement mechanisms as a tool for building guidance resulting from award/expert determination EDV cases.

49. The CAJ-AG agreed to consider the inclusion of information on alternative dispute settlement mechanisms for EDV matters in document UPOV/EXN/EDV/2, including a reference to document UPOV/INF/21 “Alternative Dispute Settlement Mechanisms”. As a first step, the CAJ-AG agreed that the Office of the Union should prepare an information document for the CAJ-AG on developments on alternative dispute settlement mechanisms at CIOPORA, ISF and WIPO. In that regard, the CAJ-AG noted that one aspect for consideration would be the possible role of UPOV in the provision of experts on EDV matters.

Explanatory Notes on Propagation and Propagating Material (document UPOV/EXN/PPM Draft 1) (CAJ-AG agenda item 4)

50. The CAJ-AG considered document UPOV/EXN/PPM Draft 1 and the views expressed by APBREBES, CIOPORA and ISF, as set out in paragraphs 13 to 29 of this report.

51. The CAJ-AG agreed to amend paragraph 1 of document UPOV/EXN/PPM Draft 1 to read:

“1. Whether material is propagating material is a matter of fact but ~~also of~~ [may also] include the intention on the part of those concerned (producer, seller, supplier, buyer, recipient, user). For example, the intention of the producer, seller or supplier is not the only relevant aspect, but also the intention of the buyer, recipient or user of material. Thus, even though one party might have not anticipated that material would be used for propagation, another concerned party might have the intention to use the material for propagation. In particular, the explanation in Article 14(2) and in Article 16(2)(ii) of the 1991 Act of the UPOV Convention means that harvested material includes entire plants and parts of plants, ~~which is material that can potentially be used for propagating purposes, means that at least some forms of harvested material have the potential to be used as propagating material.~~”

52. The CAJ-AG agreed to amend paragraph 3 of document UPOV/EXN/PPM Draft 1 to read:

“3. The following, non-exhaustive, list of factors, or combination of factors, might be considered in deciding whether material is propagating material:

- (i) whether the material has been used to propagate the variety;
- (ii) whether the material is capable of producing entire plants of the variety;
- (iii) whether there has been a custom/practice of using the material for that purpose;
- (iv) the intention on the part of those concerned (producer, seller, supplier, buyer, recipient, user); ~~and or~~
- (v) whether the plant material is suitable for reproducing the variety unchanged.”

53. The CAJ-AG noted that the Delegation of Argentina would make a proposal in relation to paragraph 3 and, if appropriate, any corresponding adjustment to paragraph 1 of document UPOV/EXN/PPM Draft 1.

54. The CAJ-AG requested the Office of the Union to prepare a new draft of document UPOV/EXN/PPM on the above basis.

Explanatory Notes on Acts in Respect of Harvested Material

55. The CAJ-AG considered document CAJ-AG/13/8/3, the comments of the Russian Federation of October 21, and of October 25, 2013, which were circulated to the participants and posted on the CAJ-AG website, and the comments as set out in paragraphs 31 to 37 of this document and the views expressed by APBREBES, CIOPORA and ISF.

56. The CAJ-AG noted that the Delegation of the Russian Federation would provide additional comments on “reasonable opportunity”.

57. With regard to Examples 1 to 11, the CAJ-AG agreed:

General	To provide an indication of the unauthorized use and lack of reasonable opportunity to exercise the right in the illustrations
	To clarify whether the explanations in Alternative (a) and Alternative (b) were, or were not, mutually exclusive in each of the examples.
Example 2	To clarify if the material is grain or seed
Example 7	Alternative (b) To read "The breeder of Variety 2 can exercise the right on the imported harvested material if there was unauthorized export (use) of propagating material and the breeder did not have a reasonable opportunity in Country <u>A E</u> to exercise the right in relation to the export of propagating material."
Example 9	Alternative (b) To read "The breeder of Variety <u>3 1</u> cannot exercise the right on the imported harvested material because there was no unauthorized use of propagating material."

58. The CAJ-AG requested the Office of the Union to prepare a new draft of document CAJ-AG/13/8/3 (document UPOV/EXN/HRV/2 Draft 1) on the above basis.

Matters concerning cancellation of the breeder's right

59. The CAJ-AG considered document CAJ-AG/13/8/4.

60. The CAJ-AG agreed to the development of guidance on reasons for possibly not cancelling a breeder's right, on the basis of document CAJ-AG/13/8/4, paragraph 9.

61. The CAJ-AG agreed to the development of guidance to explain that it was a matter for the member of the Union concerned to decide which authority was competent to decide on cancellation.

62. The CAJ-AG agreed to the development of guidance to explain that cancellation proceedings might result from a request from a third party or *ex officio* by the competent authority of the member of the Union concerned.

63. The CAJ-AG agreed to provide an explanation that the surrender or the renunciation of the breeder's rights was different from the cancellation of the breeder's right.

64. The CAJ-AG agreed to consider the development of guidance on the use of information, documents or material provided by the breeder for verifying the maintenance of the variety, as set out in paragraph 15 of document CAJ-AG/13/8/4, and guidance on the use of Test Guidelines for verifying the maintenance of the variety that were different from the Test Guidelines used for the examination of Distinctness, Uniformity and Stability ("DUS"), in conjunction with document CAJ-AG/13/8/7 "Matters concerning Variety Descriptions".

Matters concerning nullity of the breeder's right

65. The CAJ-AG considered document CAJ-AG/13/8/5.

66. The CAJ-AG agreed to the development of guidance to explain that it was a matter for the member of the Union concerned to decide which authority was competent to decide on nullity of breeders' rights.

67. The CAJ-AG agreed to the development of guidance to explain that nullity proceedings might result from a request from a third party or *ex officio* by the competent authority of the member of the Union concerned.

68. The CAJ-AG agreed to the development of guidance to explain measures that might result from a decision on nullity, as set out in paragraph 15 of document CAJ-AG/13/8/5.

Matters concerning variety denominations

69. The CAJ-AG considered document CAJ-AG/13/8/6.

70. The CAJ-AG agreed to the development of guidance in relation to a request from a breeder to change a registered variety denomination in cases other than where the denomination of the variety was cancelled after the grant of the right, on the basis that such a request should be refused. However, the CAJ-AG agreed that changes would be appropriate in the following situations:

(a) if it was discovered that there was a prior right concerning the denomination which would have resulted in the rejection of the denomination (see Article 20(4) and (7) of the 1991 Act, Article 13(4) and (7) of the 1978 Act and document UPOV/INF/12/4, Note 7);

(b) if the denomination was unsuitable because it was contrary to the provisions of Article 20(2) of the 1991 Act and Article 13(2) of the 1978 Act; and

(c) if the denomination was subsequently refused in another member of the Union and, at the request of the breeder, the authority agreed to change the denomination to the one registered in the said other member of the Union.

71. It was agreed that the additional guidance should be considered as part of a possible revision of the "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/INF/12/4).

Matters concerning variety descriptions

72. The CAJ-AG agreed that the following matters in document CAJ-AG/13/8/7, paragraph 4, should be considered by the CAJ-AG in the first instance:

(a) the purpose(s) of the variety description developed at the time of grant of the right (original variety description);

(b) the status of the original variety description in relation to the verification of the conformity of plant material to a protected variety for the purposes of:

[...]

(iii) the enforcement of the right.

73. The CAJ-AG agreed to the development of guidance on the following, which it proposed that the CAJ should invite the Technical Committee (TC) to consider in the first instance:

(a) use of information, documents or material provided by the breeder for verifying the maintenance of the variety, as set out in paragraph 15 of document CAJ-AG/13/8/4, with an explanation that the information, documents or material could be maintained in a different country; and

(b) use of Test Guidelines for verifying the maintenance of the variety that were different from the Test Guidelines used for the examination of Distinctness, Uniformity and Stability ("DUS").

74. The CAJ-AG agreed to propose to the CAJ that the following matters in document CAJ-AG/13/8/7, paragraph 4, should be considered by the TC in the first instance:

[...]

(b) the status of the original variety description in relation to the verification of the conformity of plant material to a protected variety for the purposes of:

(i) verifying the maintenance of the variety (Article 22 of the 1991 Act, Article 10 of the 1978 Act);

(ii) the examination of distinctness, uniformity and stability ("DUS") of candidate varieties; and

[...]

(c) the status of a modified variety description in relation to (a) and (b) above produced, for example, as a result of:

- (i) a recalibration of the scale in the Test Guidelines (particularly for non-asterisked characteristics¹);
- (ii) variation due to the environmental conditions of the years of testing for characteristics that are influenced by the environment;
- (iii) variation due to observation by different experts; or
- (iv) the use of different versions of scales (e.g. different versions of the RHS Colour Chart).

(d) situations where an error is subsequently discovered in the initial variety description.

75. In relation to matters concerning nullity of the breeder's right (see document CAJ-AG/13/8/5), the CAJ-AG agreed to the development of guidance to explain the importance of the authority maintaining information on all varieties considered in the examination of distinctness of a candidate variety and proposed to the CAJ to invite the TC to pursue that matter in the first instance.

Matters arising after the grant of a breeder's right on: provisional protection, filing of applications and enforcement of breeders' rights

76. The CAJ-AG considered document CAJ-AG/13/8/8.

77. The CAJ-AG agreed not to consider the development of guidance on matters arising after the grant of a breeder's right in relation to the filing of applications, nor enforcement of breeders' rights.

78. The CAJ-AG agreed to consider the possible development of guidance on provisional protection in relation to the possibility to initiate legal proceedings before the grant of a breeder's right and to enter into license agreements before the grant.

Matters concerning observers in the CAJ-AG

79. The CAJ-AG noted that the conclusions of the Consultative Committee, at its eighty-sixth session held in Geneva on October 23 and on the morning of October 24, 2013, concerning the participation of observers in the CAJ-AG, would be reported to the CAJ.

Date and program for the ninth session

80. Subject to approval by the Administrative and Legal Committee (CAJ) at its sixty-ninth session, to be held on April 10, 2014, the CAJ-AG agreed the following program for its ninth session, to be held in October 2014:

1. Opening of the session
2. Adoption of the agenda
3. Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention
4. Explanatory Notes on Propagation and Propagating Material
5. Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention

¹ "[I]f a characteristic is important for the international harmonization of variety descriptions (asterisked characteristics) and is influenced by the environment (most quantitative and pseudo-qualitative characteristics) [...] it is necessary to provide example varieties" in the Test Guidelines (see document TGP/7, Annex 3, Guidance Note GN 28 "Example varieties", section 3.3 (iii)).
"1.2.3 Example varieties are important to adjust the description of the characteristics for the year and location effects, as far as possible. [...]" (see document TGP/7, Annex 3, Guidance Note GN 28 "Example varieties", section 1.2.3)

6. Matters concerning cancellation of the breeder's right
7. Matters concerning nullity of the breeder's right
8. Matters concerning variety denominations
9. Matters concerning variety descriptions
10. Matters concerning provisional protection
11. Matters concerning observers in the CAJ-AG
12. Possible alternative dispute settlement mechanisms for EDVs
13. Matters referred by the CAJ to the CAJ-AG for consideration since the eighth session of the CAJ-AG
14. Date and program for the tenth session

81. The CAJ-AG agreed the following approach in order to advance on relevant matters between the eighth and the ninth sessions of the CAJ-AG:

- Circulation of the "Draft Report" (document CAJ-AG/13/8/10 Prov.) by November 15, 2013, with EDV examples
- Comments on the "Draft Report" (document CAJ-AG/13/8/10 Prov.) by December 13, 2013
- Comments on EDV examples by February 21, 2014
- Circulation of new drafts of relevant explanatory notes by May 9, 2014
- Comments on new drafts of relevant explanatory notes by June 21, 2014
- Revised new drafts of relevant explanatory notes to be posted by August 29, 2014

82. The CAJ-AG noted that, subject to any changes that the CAJ might agree at its sixty-ninth session, to be held on April 10, 2014, the seventieth session of the CAJ would be held on October 13 ~~and 14~~, 2014, and that the ninth session of the CAJ-AG would be held on October [14 and] 17, 2014.

Ad hoc invitations to the relevant part of the ninth session of the CAJ-AG

83. The CAJ-AG recalled that observers to the CAJ could send comments on relevant matters of the program of the CAJ-AG. The CAJ-AG agreed that, in cases where written comments were received from observers to the CAJ, the CAJ-AG would invite those observers to the relevant part of the ninth session of the CAJ-AG and the Office of the Union would issue the corresponding *ad hoc* invitations.

84. *This report was adopted by correspondence.*

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres/
in the alphabetical order of the names in French of the members/
in alphabetischer Reihenfolge der französischen Namen der Mitglieder/
por orden alfabético de los nombres en francés de los miembros)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

AFRIQUE DU SUD / SOUTH AFRICA / SÜDAFRIKA / SUDÁFRICA



Lentheng TSWAI, Minister, Permanent Mission, 65, rue du Rhone, 1204 Geneva, Switzerland
(tel.: + 41 22 5895407 e-mail: tsweni.agriculture@gmail.com)

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA



Barbara SOHNEMANN (Frau), Justiziarin, Leiterin, Rechtsangelegenheiten, Sortenverwaltung, Gebühren, Bundessortenamt, Postfach 610440, D-30604 Hannover
(tel.: +49 511 95665624 fax: +49 511 95669600
e-mail: barbara.sohnemann@bundessortenamt.de)

ARGENTINE / ARGENTINA / ARGENTINIEN / ARGENTINA



Raimundo LAVIGNOLLE, Presidente, Instituto Nacional de Semillas (INASE), Venezuela 162, Ciudad Autónoma de Buenos Aires C1095AAD
(tel.: + 54 11 3220 5424 e-mail: rlavignolle@inase.gov.ar)



Carmen Amelia M. GIANNI (Sra.), Coordinadora de Propiedad Intelectual / Recursos Fitogenéticos, Instituto Nacional de Semillas (INASE), Venezuela 162, 1063 Buenos Aires (tel.: +54 11 32205414 e-mail: cgianni@inase.gov.ar)

AUSTRALIE / AUSTRALIA / AUSTRALIEN / AUSTRALIA



Doug WATERHOUSE, Chief, Plant Breeder's Rights, IP Australia, P.O. Box 200, Woden ACT 2606
(tel.: +61 2 6283 7981 fax: +61 2 6283 7999 e-mail:
doug.waterhouse@ipaaustralia.gov.au)

BELGIQUE / BELGIUM / BELGIEN / BÉLGICA



Françoise DE SCHUTTER (Mme), Attachée, Office belge de la Propriété intellectuelle (OPRI), 16, bvd Roi Albert II, B-1000 Bruxelles
(tel.: 32 2 277 9555 e-mail: francoise.deschutter@economie.fgov.be)

BOLIVIE (ÉTAT PLURINATIONAL DE) / BOLIVIA (PLURINATIONAL STATE OF) /
BOLIVIEN (PLURINATIONALER STAAT) / BOLIVIA (ESTADO PLURINACIONAL DE)



Sergio Rider ANDRADE CÁCERES, Director Nacional de Semillas del INIAF, Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF), Avenida 6 de agosto, Nro. 2170, Edificio Hoy, Mezanine, 4793 La Paz
(tel.: +591 2 2441153 fax: +591 2 2441153 e-mail: rideran@yahoo.es)



Freddy CABALLERO LEDEZMA, Jefe de la Unidad de Fiscalización y Registros de Semillas, Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF), Capitán Ravelo No. 2329, Belisario Salinas, No. 490, 4793 La Paz
(tel.: +591 2 2441153 fax: +591 2 2441153 e-mail: calefred@yahoo.es)

BRÉSIL / BRAZIL / BRASILIEN / BRASIL



Fabrício SANTANA SANTOS, Coordinator, National Plant Variety Protection Office (SNPC), Ministry of Agriculture, Livestock and Food Supply, Esplanada dos Ministerios, Bloco 'D', Anexo A, Sala 250, CEP 70043-900 Brasilia , D.F.
(tel.:+55 61 3218 2549 fax: +55 61 3224 2842 e-mail: fabricio.santos@agricultura.gov.br)

CANADA / CANADA / KANADA / CANADÁ



Anthony PARKER, Commissioner, Canadian Food Inspection Agency (CFIA), 59, Camelot Drive, Ottawa, Ontario K1A 0Y9
(tel.: +1 613 7737188 fax: +1 613 7737261 e-mail: anthony.parker@inspection.gc.ca)

CHILI / CHILE / CHILE / CHILE



Jaime IBIETA S., Director, División Semillas, Servicio Agrícola y Ganadero (SAG), Ministerio de Agricultura, Avda. Presidente Bulnes 140, piso 2, Santiago de Chile
(tel.: +56 2 345 1561 fax: +56 2 697 2179 e-mail: jaime.ibieta@sag.gob.cl)

CHINE / CHINA / CHINA / CHINA



LV Bo, Director, Division of Variety Management, Bureau of Seed Management, Ministry of Agriculture, No. 11 Nongzhanguannanli, Beijing
(tel.: +86 10 59193150 fax: +86 10 59193142 e-mail: lvbo@agri.gov.cn)



QI Wang, Director, Division of Protection of New Varieties of Plants, State Forestry Administration, No. 18, Hepingli East Street, Beijing 100714
(tel.:+86 10 84239104 fax: +86 10 84238883 e-mail: wangqihq@sina.com)



Liying CHEN (Mrs.), Project Administrator, State Intellectual Property Office P.R. China, Division 2, International Cooperation Department, No. 6 Xitucheng Road, Beijing (tel.: 0086 10 62083837 fax: 0086 10 62019615 e-mail: chenliying@sipo.gov.cn)

COLOMBIE / COLOMBIA / KOLUMBIEN / COLOMBIA



Ana Luisa DÍAZ JIMÉNEZ (Sra.), Directora Técnica de Semillas, Dirección Técnica de Semillas, Instituto Colombiano Agropecuario (ICA), Carrera 41 No. 17-81, Piso 4°, Zona Industrial de Puente Aranda, Bogotá D.C. (tel.: +57 1 3323700 fax: +57 1 3323700 e-mail: ana.diaz@ica.gov.co)

CROATIE / CROATIA / KROATIEN / CROACIA



Ivana BULAJIĆ (Ms.), Head, Plant Health Service, Vukovarska 78, HR-Zagreb (tel.: +385 161 09390 e-mail: ivana.bulajic@mps.hr)

ESPAGNE / SPAIN / SPANIEN / ESPAÑA



Luis SALAIRES, Jefe del Área del Registro de Variedades, Subdirección general de Medios de Producción Agrícolas y Oficina Española de Variedades Vegetales (MPA y OEVV), Ministerio de Agricultura, Alimentación y Medio Ambiente (MAGRAMA), C/ Almagro No. 33, planta 7a, E-28010 Madrid (tel.: +34 91 347 6712 fax: +34 91 347 6703 e-mail: luis.salaices@magrama.es)

ESTONIE / ESTONIA / ESTLAND / ESTONIA



Renata TSATURJAN (Ms.), Chief Specialist, Plant Production Bureau, Ministry of Agriculture, 39/41 Lai Street, EE-15056 Tallinn (tel.: +372 625 6507 fax: +372 625 6200 e-mail: renata.tsaturjan@agri.ee)

ÉQUATEUR / ECUADOR / ECUADOR / ECUADOR



Susanne GURA (Ms.), Coordinator, Association for Plant Breeding for the Benefit of Society (APBREBES), Burghofstr. 166, 53229 Bonn, Germany (tel.: +49 228 9480670 e-mail: gura@dinse.net)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA /
VEREINIGTE STAATEN VON AMERIKA / ESTADOS UNIDOS DE AMÉRICA



Kitisri SUKHAPINDA (Ms.), Patent Attorney, Office of Policy and External Affairs, United States Patent and Trademark Office (USPTO), Madison Building, West Wing, 600 Dulany Street, MDW 10A30, Alexandria VA 22313
(tel.: +1 571 272 9300 fax: + 1 571 273 0085 e-mail: kitisri.sukhapinda@uspto.gov)



Paul M. ZANKOWSKI, Commissioner, Plant Variety Protection Office, USDA, AMS, S&T, Plant Variety Protection Office, USDA, AMS, S&T, Plant Variety Protection Office, 1400 Independence Ave., S.W., Room 4512 - South Building, Mail Stop 0273, Washington D.C. 20250
(tel.: +1 202 720-1128 fax: +1 202 260-8976 e-mail: paul.zankowski@ams.usda.gov)



Karin L. FERRITER (Ms.), Intellectual Property Attaché, United States Mission to the WTO, 11, route de Pregny, 1292 Chambesy, Switzerland
(tel.: +41 22 749 5281 e-mail: karin_ferriter@ustr.eop.gov)

FÉDÉRATION DE RUSSIE / RUSSIAN FEDERATION / RUSSISCHE FÖDERATION /
FEDERACIÓN DE RUSIA



Vitaly S. VOLOSCHCHENKO, Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlicov per. 1/11, 107139 Moscow
(tel.: +70 495 6076827 fax: +70 495 411 8366 e-mail: gossort@gossort.com)



Yuri A. ROGOVSKIY, Chief of Method Department, Deputy Chairman, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlikov per., 1/11, 107139 Moscow
(tel.: +7 499 9751082 fax: +7 495 411 83 66 e-mail: yrogovskij@yandex.ru)



Antonina TRETINIKOVA (Ms.), Leading Agronomist, Methodology Department, State Commission of the Russian Federation for Selection Achievements Test and Protection, Orlikov per., 1/11, 107139 Moscow
(tel.: +7 495 607 6827 fax: +7 495 411 8366 e-mail: tretinnikova@mail.ru)

FINLANDE / FINLAND / FINNLAND / FINLANDIA



Tarja Päivikki HIETARANTA (Ms.), Senior Officer, Finnish Food and Safety Authority (EVIRA), Seed Certification, Tampereentie 51, P.O. Box 111, FIN-32201 Loimaa
(tel.: +358 50 3443748 e-mail: tarja.hietaranta@evira.fi)

FRANCE / FRANCE / FRANKREICH / FRANCIA



Virginie BERTOUX (Mme), Chef, Instance nationale des obtentions végétales (INOV), INOV-GEVES, 25 Rue Georges Morel, CS 90024, F-49071 Beaucouzé
(tel.: +33 2 41 22 86 49 fax: +33 2 41 22 86 01 e-mail: Virginie.bertoux@geves.fr)

HONGRIE / HUNGARY / UNGARN / HUNGRÍA



Ágnes Gyözöné SZENCI (Mrs.), Senior Chief Advisor, Agricultural Department, Ministry of Agriculture and Rural Development, Kossuth Tér. 11, 1055 Budapest
(tel.: +36 1 7953826 fax: +36 1 7950498 e-mail: gyozone.szenci@vm.gov.hu)



Katalin MIKLÓ (Ms.), Head, Agriculture and Plant Variety Protection Section, Hungarian Intellectual Property Office, Budapest
(tel.: 36 1 474 5898 fax: 36 1 474 5850 e-mail: katalin.miklo@hipo.gov.hu)

IRLANDE / IRELAND / IRLAND / IRLANDA



Donal COLEMAN, Controller of Plant Breeders' Rights, National Crop Evaluation Centre, Department of Agriculture, National Crops Centre, Backweston Farm, Leixlip, Co. Kildare (tel.: +353 1 630 2902 fax: +353 1 628 0634 e-mail: donal.coleman@agriculture.gov.ie)

JAPON / JAPAN / JAPAN / JAPÓN



Katsuhiko SAKA, Director, New Business and Intellectual Property Division, Food and Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku, Tokyo 100-8950
(tel.: +81 3 6738 6168 fax: +81 3 3502 5301
e-mail: katsuhiko_saka@nm.maff.go.jp)



Yoshihiko AGA, Associate Director for International Affairs, New Business and Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1 Kasumigaseki, Chiyoda-ku, 100-8950 Tokyo
(tel.: +81 3 6738 6444 fax: +81 3 3502 5301 e-mail: yoshihiko_aga@nm.maff.go.jp)



Mitsutaro FUJISADA, Senior Policy Advisor: Intellectual Property, New Business and Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), 1-2-1, Kasumigaseki, Chiyoda-ku, 100-8950 Tokyo
(tel.: +81 3 6738 6445 fax: +81 3 3502 5301 e-mail: mitutarou_fujisada@nm.maff.go.jp)

KENYA / KENYA / KENIA / KENYA



Simon KIBET, General Manager, Kenya Plant Health Inspectorate Service (KEPHIS),
P.O. Box 49592, 00100 Nairobi
(tel.: +254 718 616 942 e-mail: smaina@kephis.org)

LETTONIE / LATVIA / LETTLAND / LETONIA

Daiga BAJALE (Miss), Senior Officer, Seed Control Department, Division of Seed
Certification and Plant Variety Protection, State Plant Protection Service, Lielvārdes
36/38, LV-1006 Riga
(tel.: +371 67550938 fax: +371 67365571 e-mail: daiga.bajale@vaad.gov.lv)



Sofija KALININA (Mrs.), Senior Officer, Seed Control Department, Division of Seed
Certification and Plant Variety Protection, State Plant Protection Service, Lielvārdes iela
36/38, LV-1006 Riga
(tel.: +371 673 65568 fax: +371 673 65571 e-mail: sofija.kalinina@vaad.gov.lv)

LITUANIE / LITHUANIA / LITAUEN / LITUANIA



Arvydas BASIULIS, Deputy Director, State Plant Service under the Ministry of
Agriculture of the Republic of Lithuania, Ozo 4A, LT-08200 Vilnius
(tel.: +370 5 237 5611 fax: +370 5 273 0233 e-mail: arvydas.basiulis@vatzum.lt)



Sigita JUCIUVIENE (Mrs.), Head, Division of Plant Variety, Registration and Legal
Protection, State Plant Service under the Ministry of Agriculture of the Republic of
Lithuania, Ozo St. 4a, LT-08200 Vilnius
(tel.: +370 5 234 3647 fax: +370 5 237 0233 e-mail: sigita.juciuviene@vatzum.lt)



Antonio ATAZ, Adviser to the Presidency of the European Union, Council of the
European Union, Brussels
(tel.: +32 2 281 4964 fax: +32 2 281 6198 e-mail: antonio.ataz@consilium.europa.eu)

MAROC / MOROCCO / MAROKKO / MARRUECOS



Amar TAHIRI, Chef de la Division du contrôle des semences et plants, Office National de
Sécurité sanitaire des Produits alimentaires (ONSSA), Ministère de l'Agriculture et de la
Pêche Maritime, Rue Hafiane Cherkaoui, B.P. 1308, Rabat-Instituts
(fax: +212 537 779852 e-mail: amar.tahiri@gmail.com)

Salah Eddine TAOUIS, Counsellor, Mission permanente, Case postale 244,
1218 Grand-Saconnex, Genève, Suisse
(tel.: +41 22 791 8181 fax: +41 22 791 8180 e-mail: taouis@mission-maroc.ch)

MEXIQUE / MEXICO / MEXIKO / MÉXICO



Enriqueta MOLINA MACÍAS (Srta.), Directora General, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura, Ganadería, Desarrollo Rural, Pesca y Alimentación (SAGARPA), Av. Presidente Juárez, 13, Col. El Cortijo, Tlalnepantla, Estado de México 54000
(tel.: +52 (55) 3622-0667 al 70 fax: +52 55 3622 0670
e-mail: enriqueta.molina@snics.gob.mx)



Eduardo PADILLA VACA, Director de Variedades Vegetales, Registro y Control de Variedades Vegetales, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Av. Presidente Juárez 13, Col. El Cortijo, 54000 Tlalnepantla, Estado de México
(tel.: +52 55 3622 0667 fax: +52 55 3622 0670 e-mail: eduardo.padilla@snics.gob.mx)



Alejandro F. BARRIENTOS-PRIEGO, Subdirector General de Investigación, Universidad Autónoma Chapingo (UACH), Km. 38.5 Carretera México-Texcoco, CP 56230, Chapingo, Estado de México
(tel.: +52 59 59 52 1559 fax: +52 595 9521642 e-mail: abarrien@gmail.com)



Ivan POLANCO, Asistente del Ministro de Agricultura en Ginebra, Misión Permanente de México ante la Oficina de las Naciones Unidas en Ginebra, Case postale 433 CH-1211 Geneva 19

NORVÈGE / NORWAY / NORWEGEN / NORUEGA



Marianne SMITH (Ms.), Senior Executive Officer, Royal Ministry of Agriculture, P.O. Box 8007, Dep., N-0030 Oslo
(tel.: +47 22 24 9264 fax: +47 22 24 9559 e-mail: marianne.smith@lmd.dep.no)



Tor Erik JØRGENSEN, Head of Section, Norwegian Food Safety Authority, Felles postmottak, P.O. Box 383, N-2381 Brumunddal
(tel.: +47 6494 4393 fax: +47 6494 4411 e-mail: tor.erik.jorgensen@mattilsynet.no)



Teshome Hunduma MULESA, The Development Fund, Mariboegs gate 8, N-0183 Oslo
(tel.: +47 23 109600 fax: +47 23 109601 e-mail: teshome@utviklingsfondet.no)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NEUSEELAND / NUEVA ZELANDIA



Christopher J. BARNABY, Assistant Commissioner / Principal Examiner, Plant Variety Rights Office, Intellectual Property Office of New Zealand, Private Bag 4714, Christchurch 8140
(tel.: +64 3 9626206 fax: +64 3 9626202 e-mail: Chris.Barnaby@pvr.govt.nz)

PARAGUAY / PARAGUAY / PARAGUAY



Regis MERELES, Presidente, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Humaitá No. 145 entre Nuestra Señora de la, Asunción e Independencia Nacional, Asunción
(tel.: +595 21 490703 fax: +595 21 441491 e-mail: regis.mereles@senave.gov.py)



Blanca Julia NUÑEZ TEIXIDO (Sra.), Técnico de la Dirección de Semillas, Jefa del Departamento de Protección y Uso de Variedades, Dirección General de Semillas, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), Gaspar Rodríguez de Francia, No. 685, Ruta Mariscal Estigarribia, San Lorenzo
(tel.: +595 21 584645 fax: +595 21 584645 email: blanca.nunez@senave.gov.py)

PAYS-BAS / NETHERLANDS / NIEDERLANDE / PAÍSES BAJOS



Kees Jan GROENEWOUD, Secretary to the Plant Variety Board (Raad voor Plantenrassen), Postbus 40, NL-2370 AA Roelofarendsveen
(tel.: +31713326310 fax: +31713326363)

POLOGNE / POLAND / POLEN / POLONIA



Edward S. GACEK, Director, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka
(tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: e.gacek@coboru.pl)



Marcin BEHNKE, Deputy Director General for Experimental Affairs, Research Centre for Cultivar Testing (COBORU), PL-63-022 Slupia Wielka
(tel.: +48 61 285 2341 fax: +48 61 285 3558 e-mail: m.behnke@coboru.pl)

RÉPUBLIQUE DE CORÉE / REPUBLIC OF KOREA / REPUBLIK KOREA / REPÚBLICA DE COREA



Sanghyug LEE, Director, Plant Variety Protection Division, Korea Seed & Variety Service (KSVS), Ministry of Agriculture, Food and Rural Affairs (MAFRA), 184, Anyang-ro, Manan-Gu, Anyang City, Gyeonggi-do 430-016
(tel.: +82 31 467 0150 fax: +82 31 467 0160 e-mail: lsh68@korea.kr)



Jino YOO, Deputy Director, Korean Intellectual Property Office (KIPO), 189, Cheongsa-Ro, Seo-Gu, Daejeon Metropolitan City 302-701
(tel.: +82 42 481 8387 fax: +82 42 472 3514 e-mail: jino0524@kipo.go.kr)



Seung-In YI, Examiner, Plant Variety Protection Division, Korea Seed & Variety Service (KSVS), Anyang-ro 184, Anyang City , Kyunggi-do 430-016
(tel.: +82 31 467 0112 fax: +82 31 467 0160 e-mail: seedin@korea.kr)



Oksun KIM (Ms.), Plant Variety Protection Division, Korea Seed & Variety Service (KSVS) / MAFRA, Anyang-ro 184, Anyang City , Kyunggi-do 430-016
(tel.: +82 31 467 0191 fax: +82 31 467 0160 e-mail: oksunkim@korea.kr)

RÉPUBLIQUE DE MOLDOVA / REPUBLIC OF MOLDOVA / REPUBLIK MOLDAU /
REPÚBLICA DE MOLDOVA



Mihail MACHIDON, President, State Commission for Crops Variety Testing and Registration (SCCVTR), Bd. Stefan cel Mare, 162, C.P. 1873, MD-2004 Chisinau
(tel.: +373 22 220300 fax: +373 2 211537 e-mail: mihail.machidon@yahoo.com)

RÉPUBLIQUE TCHÈQUE / CZECH REPUBLIC / TSCHECHISCHE REPUBLIK /
REPÚBLICA CHECA



Daniel JUREČKA, Director, Plant Production Section, Central Institute for Supervising and Testing in Agriculture (ÚKZÚZ), Hroznová 2, 656 06 Brno
(tel.: +420 543 548 210 fax: +420 543 217 649 e-mail: daniel.jurecka@ukzuz.cz)

ROUMANIE / ROMANIA / RUMĂNIEN / RUMANIA



Mihaela-Rodica CIORA (Mrs.), DUS Expert, State Institute for Variety Testing and Registration (ISTIS), 61, Marasti, Sector 1, P.O. Box 32-35, 011464 Bucarest
(tel.: +40 213 184380 fax: +40 213 184408 e-mail: mihaela_ciora@istis.ro)

ROYAUME-UNI / UNITED KINGDOM / VEREINIGTES KÖNIGREICH / REINO UNIDO



Elspeth NICOL (Mrs.), Policy Advisor, Varieties and Seeds Policy Team, Department for the Environment, Food and Rural Affairs (DEFRA), First Floor, Eastbrook, Shaftesbury Road, Cambridge CB2 8DR
(tel.: +44 300 060 0762 e-mail: elspeth.nicol@defra.gsi.gov.uk)



Elizabeth M.R. SCOTT (Miss), Head of Crop Characterisation, National Institute of Agricultural Botany (NIAB), Huntingdon Road, Cambridge CB3 0LE
(tel.: +44 1223 342399 fax: +44 1223 277602 e-mail: elizabeth.scott@niab.com)

SLOVAQUIE / SLOVAKIA / SLOWAKEI / ESLOVAQUIA



Bronislava BATOROVÁ (Mrs.), National Coordinator, Senior Officer, Department of Variety Testing, Central Controlling and Testing Institute in Agriculture (UKSÚP), Akademická 4, SK-949 01 Nitra
(tel.: +421 37 655 1080 fax: +421 37 652 3086 e-mail: bronislava.batorova@uksup.sk)

SUISSE / SWITZERLAND / SCHWEIZ / SUIZA



Eva TSCHARLAND (Frau), Juristin, Direktionsbereich Landwirtschaftliche Produktionsmittel, Bundesamt für Landwirtschaft, Mattenhofstrasse 5, CH-3003 Bern
(tel.: +41 31 322 2594 fax: +41 31 323 2634 e-mail: eva.tscharland@blw.admin.ch)

UNION EUROPÉENNE / EUROPEAN UNION / EUROPÄISCHE UNION / UNIÓN EUROPEA



Päivi MANNERKORPI (Mrs.), Chef de section - Unité E2, Direction Générale Santé et Protection des Consommateurs, Commission européenne (DG SANCO), rue Belliard 232, 04/075, 1040 Bruxelles
(tel.: +32 2 299 3724 fax: +32 2 296 0951 e-mail: paivi.mannerkorpi@ec.europa.eu)



Isabelle CLEMENT-NISSOU (Mrs.), Policy Officer – Unité E2, Direction Générale Santé et Protection des Consommateurs, Commission européenne (DG SANCO), rue Belliard 232, 04/025, 1040 Bruxelles
(tel.: +32 229 87834 fax: +32 2 2960951 e-mail: isabelle.clement-nissou@ec.europa.eu)



Martin EKVAD, President, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, CS 10121, 49101 Angers Cedex 02, France
(tel.: +33 2 4125 6415 fax: +33 2 4125 6410 e-mail: ekvad@cpvo.europa.eu)



Carlos GODINHO, Vice-President, Community Plant Variety Office (CPVO), 3, boulevard Maréchal Foch, CS 10121, 49101 Angers Cedex 02, France
(tel.: +33 2 4125 6413 fax: +33 2 4125 6410 e-mail: godinho@cpvo.europa.eu)



Francesco MATTINA, Head of Legal Unit, Community Plant Variety Office (CPVO), 3 Boulevard Maréchal Foch, CS 10121, F-49101 ANGERS, France
(Tel.: +33 241256421 Fax: +33241256410 E-mail: mattina@cpvo.europa.eu)



Muriel LIGHTBOURNE (Mme), Legal Affairs, Community Plant Variety Office (CPVO), 3, Bd. Maréchal Foch, CS 10121, Angers Cedex, France
(tel.: +33 2 41 256414 fax: +33 2 41 256410 e-mail: lightbourne@cpvo.europa.eu)

VIET NAM / VIET NAM / VIETNAM / VIET NAM



Nguyen Quoc MANH, Deputy Chief of PVP Office, Plant Variety Protection Office of Viet Nam, No 2 Ngoc Ha Street, Ba Dinh Dist, (84) 48 Hanoi
(tel.: +84 4 38435182 fax: +84 4 37344967 e-mail: quocmanh.pvp.vn@gmail.com)

II. ORGANISATIONS / ORGANIZATIONS / ORGANISATIONEN / ORGANIZACIONES

ASSOCIATION FOR PLANT BREEDING FOR THE BENEFIT OF SOCIETY (APBREBES)



François MEIENBERG, Board Member, Berne Declaration, P.O. Box 8026, Zürich, Switzerland
(tel.: +41 44 277 7004 fax: +41 44 277 7001 e-mail: food@evb.ch)

COMMUNAUTÉ INTERNATIONALE DES OBTENTEURS DE PLANTES ORNEMENTALES ET FRUITIÈRES À REPRODUCTION ASEXUÉE (CIOPORA) / INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTAL AND FRUIT PLANTS (CIOPORA) / INTERNATIONALE GEMEINSCHAFT DER ZÜCHTER VEGETATIV VERMEHRBARER ZIER- UND OBSTPFLANZEN (CIOPORA) / COMUNIDAD INTERNACIONAL DE OBTENTORES DE VARIEDADES ORNAMENTALES Y FRUTALES DE REPRODUCCIÓN ASEJUADA (CIOPORA)



Edgar KRIEGER, Secretary General, International Community of Breeders of Asexually Reproduced Ornamental and Fruit Plants (CIOPORA), Hamburg, Germany
(tel.: +49 40 555 63702 fax: +49 40 555 63703 e-mail: edgar.krieger@ciopora.org)

INTERNATIONAL SEED FEDERATION (ISF)



Marcel BRUINS, Secretary General, International Seed Federation (ISF), 7, chemin du Reposoir, 1260 Nyon, Switzerland
(tel.: +41 22 365 4420 fax: +41 22 365 4421 e-mail: isf@worldseed.org)

III. BUREAU / OFFICER / VORSITZ / OFICINA



Peter BUTTON, Chair

IV. BUREAU DE L'UPOV / OFFICE OF UPOV / BÜRO DER UPOV / OFICINA DE LA UPOV



Peter BUTTON, Vice Secretary-General



Yolanda HUERTA (Mrs.), Legal Counsel



Fuminori AIHARA, Counsellor



Ben RIVOIRE, Technical/Regional Officer (Africa, Arab countries)



Leontino TAVEIRA, Technical/Regional Officer (Latin America, Caribbean countries)

[Fin de l'annexe et du document /
End of Annex and of document /
Ende der Anlage und des Dokuments /
Fin del Anexo y del documento]