

**PROPOSAL OF THE REPUBLIC OF ARGENTINA ON THE
“EXPLANATORY NOTES ON PROPAGATION AND PROPAGATING MATERIAL”
(DOCUMENT UPOV/EXN/PPM DRAFT 1)**

May 5, 2014

The Delegation of Argentina makes the following proposals regarding the document:

1.- The following lines in paragraph 1 should be deleted: “In particular , the explanation in Article 14(2) and Article 16(2) of the 1991 Act of the UPOV Convention means that harvested material includes entire plants and parts of plants.”

There are two reasons for this proposal.

- 1.- The explanatory note focuses exclusively on the analysis of the concept of propagating material and is not to be confused with the product of the harvest, so it makes no sense to include a paragraph referring to the product of the harvest.
- 2.- Accordingly, references to Articles 14(2) and 16(2) of the 1991 Act should be deleted given that they refer clearly to the extension of the breeder’s right to the product of the harvest and its provenance, both of which are unrelated to the explanatory note on propagating material which is under consideration.

2.- Regarding paragraph 52 of document CAJ-AG/13/8/10 “Report”, paragraph 3:

- The example given under (v) should be deleted since it is implicit and has the same scope as the example mentioned at point (ii).
- To “the combination of factors” should be added **“AND/OR” and not just “OR”**, since, depending on its legislation, each country may take as parameters one or several concepts listed in examples (i) to (iv) jointly to consider material as propagating material, and so the choice should not be limited to only one of them.
- The following should be included as a criterion for considering material as propagating material: **“if, based on the nature and condition of the material and/or the form of its use, it can be determined that such material is “exclusively propagating material” (for example: if the material is classified according to variety and purity; price and terms of sale; quality of the material, including conditioning, treatment and germination; markets or place of storage and/or destination, etc.).**