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March 09, 2010.

Subj.: [...] UPOV/EXN/CAN Draft 2

Dear Mr. R. Jördens,

I ask you to note some our remarks below in respect of [...] **UPOV/EXN/CAN Draft 2** “**Explanatory Notes on the Cancellation of the Breeder’s Right under the UPOV Convention**” and use them if applicable.

[...]

UPOV/EXN/CAN Draft 2 “Explanatory Notes on the Cancellation of the Breeder’s Right under the UPOV Convention”

Document UPOV/EXN/CAN Draft 2 does not contain any substantial explanations on the UPOV Convention text.

It should be explained in the Explanatory Notes that the UPOV Convention provision written in Article 22(1)(a) as “...Contracting Party **may** cancel a breeder’s right...” is a facultative (optional) measure and depends on national legislation provision.

Additional time granting for the breeder to implement necessary requirements will be lawful even in the case where reasons for cancellation are not facultative but compulsory.

Thank you for your attention.

Yours sincerely,

Y. Rogovskiy,
Deputy Chairman