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UPOV

CAJ/XI/4

ORIGINAL: French

DATE: February 23, 1983

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Eleventh Session

Geneva, April 26 and 27, 1983

UPOV RECOMMENDATIONS ON VARIETY DENOMINATIONS

RECOMMENDATIONS TO THE CONSULTATIVE COMMITTEE
CONCERNING THE HEARING OF THE PROFESSIONAL ORGANIZATIONS,
ON NOVEMBER 9 AND 10, 1983

Document prepared by the Office of the Union

1. At its sixteenth ordinary session, the Council decided that the Consultative Committee should decide at its twenty-seventh session, to be held on April 28, 1983, whether the UPOV Recommendations on Variety Denominations should constitute the second subject to be dealt with at the hearing of professional organizations to be held on November 9 and 10, 1983 (see paragraph 14(ii) of the C/XVI/20).

2. At its tenth session, the Administrative and Legal Committee (hereinafter referred to as "the Committee") adopted the wording of the Recommendations as given in document CAJ/X/9--subject to reexamination at its eleventh session of the questions raised by Recommendation 6--and decided to submit it to the Consultative Committee for its decision in accordance with the Council decision referred to above, and subsequently to the Council for approval.

3. The recommendations which the Committee is to make to the Consultative Committee will depend, as far as the organization of the hearing is concerned, on the progress achieved in the examination of Recommendation 6 and of the list of classes for variety denomination purposes. As regards the procedure for adopting the UPOV Recommendations for Variety Denominations, this will also depend on the progress achieved and, in addition, on the results of the hearing. In view of these uncertainties, the Consultative Committee's recommendations should concern the following matters and proposals.

A. Organization of the Hearing

(i) Should the hearing also concern matters of denomination? (If no, the remaining questions under this heading become pointless).

(ii) Should the hearing concern solely the wording of the UPOV Recommendations on Variety Denominations or also the list of classes for variety denomination purposes?

(iii) What will be the detailed procedure for consulting the international professional organizations? The Office of the Union proposes a procedure similar to that put forward in respect of minimum distances between varieties, that is to say:

(a) Immediately after the session of the Consultative Committee, the Office of the Union would inform the international professional organizations of the new item entered on the agenda for the hearing;

(b) At the same time, or in the course of May, the Office of the Union would send to the organizations a basic document for the hearing (the wording of the Recommendations and possibly a new list of classes for variety denomination purposes);

(c) The organizations would be invited to make their comments before the end of July and the Office of the Union would prepare a summary of those comments during August and send it to the representatives of the member States and of the organizations, enabling the representatives of the member States to examine them at the autumn session of the Technical Committee or at that of the Consultative Committee;

(d) The hearing would be based on the document referred to in subparagraph (b) above and on the summary referred to in subparagraph (c) above.

(e) The matter of denominations would be discussed on the second day of the hearing, i.e. November 10, 1983.

B. Procedure for Adopting the UPOV Recommendations on Variety Denominations

To enable the Recommendations to be implemented without delay, the Office of the Union proposes that the wording of the Recommendations resulting from the discussions at the eleventh session of the Committee be submitted to the Council at its seventeenth ordinary session (October 1983) and that the Council be requested to delegate powers to adopt the Recommendations to the Consultative Committee at its 1984 Spring session (on the understanding that if the wording resulting from the hearing and from the Committee's twelfth session were to be substantially amended, the Consultative Committee would not make use of those powers).

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