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CAJ/XXI/ 2

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Twenty-first Session
Geneva, October 8 and 9, 1987

IMPORTANT CHARACTERISTICS

Document prepared by the Office of the Union

1. At its twentieth session, the Administrative and Legal Committee discussed various questions relating to "important characteristics" which arise from Article 6 of the UPOV Convention.

2. The Committee decided that these questions should be discussed further at the national level and the outcome of such discussions should be reported orally to the twenty-first session of the Committee. The Committee asked the Office of the Union to prepare and send a letter to delegates setting out exactly the issues for discussion at the national level, in order that all such national discussions would relate to the same issues. The letter which the Office of the Union sent is reproduced in the annex to this document.

3. Delegates are invited to report the results of the discussions at the national level.

[Annex follows]

ANNEX

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

GENÈVE, SCHWEIZ

☎ (022) 99 91 11

☒ 2.23.76



UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

GENÈVE, SUISSE

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW VARIETIES OF PLANTS

GENÈVE, SWITZERLAND

34, chemin des Colombettes
1211 Genève 20

C. U 1224
-08.4

July 22, 1987

Sir,
Madam,

Questions relating to "important characteristics," which arise from Article 6 of the UPOV Convention, have been discussed before in both the Administrative and Legal Committee and in the Technical Committee. A recent development has been to discuss those questions in the context of hybrid varieties.

At its twentieth session (June 17 and 18, 1987), the Administrative and Legal Committee discussed a document prepared by the Delegation of France entitled "Definition and Examination of Hybrid Varieties" (CAJ/XX/7). Although this had been prompted by a motion of ASSINSEL on the definition of maize hybrids, discussion was not limited to maize but dealt with hybrid varieties in general. In the course of that discussion, the Committee considered certain questions relating to characteristics used for distinguishing purposes and the concept of "minimum distances." The Committee decided that it would be helpful if these questions could be discussed further at the national level before its next session (October 15 and 16, 1987), and it therefore asked the Office of the Union to prepare and send a letter to delegates setting out exactly the issues for discussion at the national level, in order that all such national discussions would relate to the same issues. The Office of the Union suggests that the following issues should be discussed at the national level:

(i) In the light of the issues relating to the definition of maize hybrids (see document CAJ/XIX/5), would it be possible in testing work to differentiate between characteristics used for the distinguishing of varieties and characteristics used for identification of seed and plant material samples?

/...

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(ii) What would be the consequences of dividing the characteristics into those two groups?

(iii) Are the distances between protected varieties (and hence the areas of protection given by plant variety rights) becoming too small, and if so, what changes could be made to the Convention to provide for greater distances and larger areas of protection?

(iv) Possible use of new methods, e.g. electrophoresis, for determining the distinctness of new varieties, taking into account issues (i), (ii) and (iii) above.

At the twentieth session of the Administrative and Legal Committee, some delegations were asked to make a list, for certain species, trying to group the characteristics used into the two categories referred to in (i) above, and to describe the consequences of doing so. The species for which the delegations agreed to carry out this study are set out in the annex to this letter.

It is intended that the outcome of discussions at the national level and the lists prepared should be reported orally in the next session of the Administrative and Legal Committee in preparation for the Third Meeting with International Organizations. However, if the discussions result in proposals for revision of the Convention, these could be transmitted to the Office of the Union for inclusion in an updated version of document CAJ/XX/4 for the next session.

In the present context, it is recalled that the Administrative and Legal Committee will hold a joint session with the Technical Committee on October 15, 1987 at which the subjects "definition and examination of hybrid varieties" and "minimum distances between varieties" should be discussed.

Sincerely yours,



Walter Gfeller
Vice Secretary-General

Distribution: Delegates to the Administrative and Legal Committee

<u>Country</u>	<u>Species</u>
Denmark	Sour Cherry and/or Christmas Cactus
France	Maize Sunflower Lucerne
Germany (Federal Republic of)	Rye Pelargonium or Elatior Begonia
Netherlands	Perennial Ryegrass Gerbera Lettuce
United Kingdom	Chrysanthemum Pea

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