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| International Union for the Protection of New Varieties of Plants |  |

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| Technical Working Party for Agricultural CropsForty-Sixth SessionHanover, Germany, June 19 to 23, 2017Technical Working Party for VegetablesFifty-First SessionRoelofarendsveen, Netherlands, July 3 to 7, 2017 Technical Working Party for Ornamental Plants and Forest TreesFiftieth SessionVictoria, Canada, September 11 to 15, 2017Technical Working Party for Fruit CropsForty-Eighth SessionKelowna, Canada, September 18 to 22, 2017Technical Working Party on Automation and Computer ProgramsThirty-Fifth SessionBuenos Aires, Argentina, November 14 to 17, 2017 | TWP/1/9Original: EnglishDate: June 9, 2017 |

Confidentiality of molecular information

Document prepared by the Office of the Union

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# EXECUTIVE SUMMARY

 The purpose of this document is to propose guidance on confidentiality of molecular information for inclusion in document TGP/5: “Experience and cooperation in DUS testing”, Section 1 “Model administrative agreement for international cooperation in the testing of varieties”.

 The TWPs are invited to consider the proposed guidance on confidentiality of molecular information for inclusion in document TGP/5, Section 1, as set out in paragraph 4 of this document.

# Background

 The TC agreed that the guidance on plant material provided in document TGP/5: “Experience and cooperation in DUS testing”, Section 1: “Model administrative agreement for international cooperation in the testing of varieties” would be a suitable basis also for molecular data and requested the Office of the Union to propose guidance on confidentiality of molecular information for inclusion in document TGP/5, Section 1, on that basis (see document TC/53/31 “Report”, paragraph 182).

# PROPOSAL

 It is proposed that Articles 4 and 6 of document TGP/5, Section 1 be revised to read as follows (proposed insertion of text indicated by highlighting and underlining):

“Article 4

“(1) The Authorities shall take all necessary steps to safeguard the rights of the applicant.

“(2) Except with the specific authorization of the Receiving Authority and the applicant, the Executing Authority shall refrain from passing on to a third person any material or molecular information of the varieties for which testing has been requested.”

[…]

“Article 6

 “Practical details arising out of this Agreement –regarding in particular the provisions relating to the considerations, application forms, technical questionnaires and requirements as to propagating material, testing methods, exchange of reference samples, exchange of molecular information, maintenance of reference collections and the presentation of the results– shall be specified in this Agreement or settled between the Authorities by correspondence.”

 *The TWPs are invited to consider the proposed guidance on confidentiality of molecular information for inclusion in document TGP/5, Section 1, as set out in paragraph 4 of this document.*

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