

Technical Working Party for Agricultural Crops

Forty-Sixth Session

Hanover, Germany, June 19 to 23, 2017

TWP/1/9**Original:** English**Date:** June 9, 2017**Technical Working Party for Vegetables**

Fifty-First Session

Roelofarendsveen, Netherlands, July 3 to 7, 2017

Technical Working Party for Ornamental Plants and Forest Trees

Fiftieth Session

Victoria, Canada, September 11 to 15, 2017

Technical Working Party for Fruit Crops

Forty-Eighth Session

Kelowna, Canada, September 18 to 22, 2017

Technical Working Party on Automation and Computer Programs

Thirty-Fifth Session

Buenos Aires, Argentina, November 14 to 17, 2017

CONFIDENTIALITY OF MOLECULAR INFORMATION*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. 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".
2. 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

3. 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

4. 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.”

5. 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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