|  |  |  |
| --- | --- | --- |
|  |  | ETWO/48/13**ORIGINAL:** EnglishDATE: August 7, 2015  |
| INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  |
| Geneva |

Technical working party for ORNAMENTAL PLANTS AND FOREST TREES

Forty-Eighth Session
Cambridge, United Kingdom, September 14 to 18, 2015

Use of proprietary text, photographs and illustrations in UPOV DOCUMENTS

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

EXECUTIVE SUMMARY

 The purpose of this document is to propose guidance for drafters of UPOV documents, including Test Guidelines, in relation to text, photographs or illustrations that could be subject to third party rights, for inclusion in a future revision of document TGP/7 “Development of Test Guidelines”.

 The TWO is invited to consider the following proposed guidance in relation to text, photographs or illustrations that could be subject to third party rights, for inclusion in a future revision of document TGP/7:

“In the case of text, photographs, illustrations or other material that is subject to third party rights, it is the responsibility of the author of the document, including Test Guidelines, to obtain the necessary permission of the third party. Material must not be included in documents where such permission is required but has not been obtained.”

 The structure of this document is as follows:

[BACKGROUND 2](#_Toc419447189)

[PROPOSAL 2](#_Toc419447190)

 The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee

TC: Technical Committee

TC-EDC: Enlarged Editorial Committee

TWA: Technical Working Party for Agricultural Crops

TWC: Technical Working Party on Automation and Computer Programs

TWF: Technical Working Party for Fruit Crops

TWO: Technical Working Party for Ornamental Plants and Forest Trees

TWV: Technical Working Party for Vegetables

TWPs: Technical Working Parties

# BACKGROUND

 The Enlarged Editorial Committee (TC-EDC), at its meeting in January 2015, considered the use of photographs and illustrations in Test Guidelines and recommended the development of guidance for drafters in relation to text, photographs or illustrations that could be subject to third party rights.

 The Technical Committee, at its fifty-first session, held in Geneva, from March 23 to 25, 2015, agreed that guidance for drafters of Test Guidelines should be developed in relation to text, photographs or illustrations that could be subject to third party rights.

# PROPOSAL

 It is proposed to include guidance in document TGP/7 “Development of Test Guidelines” in relation to text, photographs or illustrations that could be subject to third party rights to read as follows:

“In the case of text, photographs, illustrations or other material that is subject to third party rights, it is the responsibility of the author of the document, including Test Guidelines, to obtain the necessary permission of the third party. Material must not be included in documents where such permission is required but has not been obtained.”

 *The TWO is invited to consider the proposed guidance in relation to text, photographs or illustrations that could be subject to third party rights, as set out in paragraph 7 of this document, for inclusion in a future revision of document TGP/7.*

[End of document]