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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

TECHNICAL WORKING PARTY FOR ORNAMENTAL PLANTS AND FOREST TREES

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USE OF PROPRIETARY TEXT, PHOTOGRAPHS AND ILLUSTRATIONS IN UPOV DOCUMENTS

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. 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".

2. 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."

3. The structure of this document is as follows:

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4. 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

5. 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.

6. 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

7. 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."

8. 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.

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