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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

**SECOND MEETING
WITH INTERNATIONAL ORGANIZATIONS****Geneva, October 15 and 16, 1985****APPROPRIATE PROTECTION OF THE RESULTS OF BIOTECHNOLOGICAL DEVELOPMENTS
BY INDUSTRIAL PATENTS AND/OR PLANT BREEDERS' RIGHTS**Memorandum prepared by the Office of the Union

1. The question of appropriate legal protection of the results of work in the field of biotechnology has occupied UPOV for some time. Already, two UPOV symposia have been concerned with this subject, namely, for the first time on October 13, 1982 (subject: "Genetic Engineering and Plant Breeding"), and for the second time on October 17, 1984 (subject: "Industrial Patents and Plant Breeders' Rights - Their Proper Fields and Possibilities for Their Demarcation"). Reference is made to the Records of both symposia (UPOV Publication No. 340 for the event of 1982; UPOV Publication No. 342 for the event of 1984). The Records of the Symposium which took place in 1984 include document SYMP/1984/4, in which the basic aspects of the legal protection of biotechnological inventions are set out.
2. A further important discussion took place in November 1984, in the World Intellectual Property Organization (WIPO). Representatives of UPOV and of the international non-governmental organizations in the field of plant breeding and trade in seed and other propagating material participated in that discussion. As to the outcome, reference is made to WIPO document Biot/CE/I/3.
3. A subgroup established within UPOV is in the process of summarizing the legal situation, but its work has not yet been concluded.
4. UPOV has included this item in the agenda for IOM/II because it is believed that an open discussion on this subject between representatives of the member States and representatives of the international non-governmental organizations would be of great value. UPOV would appreciate receiving written observations on the questions discussed at the 1982 and 1984 symposia and on the results of those symposia. Observations, in the three working languages of UPOV (English, French and German) should reach the Office of the Union not later than August 9, 1985, to enable them to be distributed in good time to the expected participants.

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