

Working group on harvested material and unauthorized use of propagating material (WG-HRV)

WG-HRV/3/3 Add.

**Third Meeting
Geneva, March 21, 2023****Original:** English
Date: March 17, 2023**ADDENDUM TO
PERSPECTIVES ON “UNAUTHORIZED USE” UNDER ARTICLE 14(2) OF THE 1991 ACT OF THE
UPOV CONVENTION***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 addendum is to provide information on the replies to Circular E-23/022, of February 17, 2023, concerning the examples on the understanding of the notion “unauthorized use” under Article 14(2) of the 1991 Act and how that understanding would impact the ability of breeders to exercise their rights in the territory.

BACKGROUND

2. The Working Group on Harvested Material and Unauthorized use of Propagating Material (WG-HRV), agreed, at its second meeting, held on September 6, 2022, that the members of the WG-HRV would provide examples of their understanding of the notion “unauthorized use” under Article 14(2) of the 1991 Act and how their understanding would impact the ability of breeders to exercise their rights in the territory (see document WG-HRV/2/6 “Report”, paragraph 33).

3. Paragraph 9 of document WG-HRV/3/3 “Perspectives on ‘unauthorized use’ under Article 14(2) of the 1991 Act of the UPOV Convention” provided that the circular posting document WG-HRV/3/3 would include an invitation to provide the above examples.

4. In reply to Circular E-23/022 of February 17, 2023, the Office of the Union received contributions concerning documents for WG-HRV/3 from [Australia](#), [European Union](#), [Japan](#), [Republic of Korea](#), [New Zealand](#), International Association of Horticultural Producers ([AIPH](#)) and [joint comments](#) from the African Seed Trade Association (AFSTA), Asia and Pacific Seed Association (APSA), Croplife International, Euroseeds, International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), International Seed Federation (ISF), and Seed Association of the Americas (SAA) (joint contribution) which have been posted on the WG-HRV/3 webpage https://www.upov.int/meetings/en/details.jsp?meeting_id=74773.

5. The WG-HRV is invited to consider the information on examples concerning the understanding of the notion “unauthorized use” under Article 14(2) of the 1991 Act and how that understanding would impact the ability of breeders to exercise their rights in the territory that were provided in the replies to Circular E-23/022, in conjunction with document WG-HRV/3/3.

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