

**Working Group on Harvested Material and Unauthorized Use of Propagating Material**
**WG-HRV/8/3**
**Eighth Meeting  
Geneva, October 22, 2025**
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**POSSIBLE NEXT STEPS OF THE WORK OF THE WG-HRV ON THE “EXPLANATORY NOTES ON ACTS IN RESPECT OF HARVESTED MATERIAL UNDER THE 1991 ACT OF THE UPOV CONVENTION”**
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**BACKGROUND**

1. In paragraph 8 of document HRV/8/2, the Working Group on Harvested Material and Unauthorized Use of Propagating Material (WG-HRV) was invited to note the draft study presented by the authors.
2. The WG-HRV/8 will include the presentation of the draft study of the “Study on the Scope of the Breeder’s Right and the Relationship with the Exhaustion of the Breeder’s Right” in the report.
3. On September 9, 2025, the authors informed the UPOV Office that they will deliver the final study on December 15, 2025. The study will be made available to the WG-HRV in January 2026, giving the WG-HRV sufficient time to consider the study before the ninth meeting of the WG-HRV, foreseen to take place in March 2026 (date to be confirmed).

**POSSIBLE NEXT STEPS**

4. The WG-HRV will be invited, during the WG-HRV/8 meeting, to consider the preliminary findings of the study and to provide comments, based on the draft study from the authors presented in document WG-HRV/8/2, Annex I. The WG-HRV will then be invited to consider and discuss the final study at the WG-HRV/9 meeting.
5. Based on the study and the discussions at the WG-HRV/8 and WG-HRV/9 meetings, the WG-HRV may consider whether the study provides a sufficient basis to initiate a review of the “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention.” Such a review could include clarifications or updates to the understanding of the scope of the breeder’s right with respect to harvested material, particularly in relation to the principle of exhaustion, or could lead to the identification of other possible ways forward for the WG-HRV’s future work in accordance with its ToRs.

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