

**Working Group on Guidance Concerning Smallholder Farmers in  
Relation to Private and Non-Commercial Use**      **WG-SHF/6/3****Sixth Meeting  
Geneva, October 23, 2024****Original:** English  
**Date:** August 6, 2024

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**SUMMARY OF THE INTERVENTIONS BY MEMBERS OF THE WG-SHF DURING THE FIFTH MEETING  
ON THE POSSIBLE ORGANISATION OF A SEMINAR***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 document is to provide a summary of the interventions by members of the Working Group on Guidance concerning Smallholder Farmers in relation to private and non-commercial use (WG-SHF) made at the fifth meeting, on March 23, 2024, on the possible organisation of a seminar, in order for the WG-SHF to decide if any recommendations on a seminar should be made to the Consultative Committee.
2. The WG-SHF is invited to:
  - (a) note the information provided in this document; and
  - (b) consider any recommendations for the Consultative Committee on the possible organization of a seminar.

**BACKGROUND**

3. The WG-SHF, at its fifth meeting, held in Geneva on March 23, 2024, considered document WG-SHF/5/2 Rev. "Proposals by members of the WG-SHF on questions to collect information for the WG-SHF".
4. During the discussion, the idea of organizing a seminar was raised to address relevant matters on the work of the WG-SHF.
5. The following views were expressed in relation to the organization of a seminar (see document WG-SHF/5/3, "Report"):
  1. European Union:
    - Highlighted that the time might now be ripe to organize a seminar to address relevant matters, and to involve those parties that were really concerned with those matters.
    - Expressed its appreciation for the support with regards to the seminar and agreed that such an event would need detailed preparation. It was of the view that the proposal for a seminar could be discussed in the Consultative Committee as proposed by other delegates.
  2. Canada:
    - Supported the view that it might be time to plan a seminar. In a seminar, the right question to be addressed would be how the UPOV system could assist small holder farmers through their financial challenges.
    - Recalled that there was a lot of misinformation on intellectual property rights, not only plant variety rights, which was not always factually based. The question on what the true

concerns were for small holder farmers in terms of accessing best varieties should be addressed.

- Mentioned that if the Consultative Committee would agree on a seminar, it would be important to hear the views of new members and members from developing countries.

3. Switzerland:

- Found the idea of a seminar interesting, but mentioned that even for a seminar, questions need to be identified. In addition, it would probably be necessary to go back to the Consultative Committee since the organization of a seminar would be broader than the mandate of the working group.

4. Norway:

- Noted that the organization of a possible seminar would go beyond the mandate of the working group but the idea could be presented to the Consultative Committee. Such a seminar could then be broader and comprise elements concerning Article 15.1 and 15.2 of the 1991 Act.

5. Kingdom of the Netherlands:

- Agreed that a seminar could be an interesting way to move forward. Such a seminar could focus on how the UPOV system assisted farmers and on UPOV members' initiatives and existing projects.
- It was of the view that other factors, such as seed laws, financial challenges and governance might play an important role. It noted that the organization of a seminar did not appear to be within the present mandate of the working group.

6. Japan:

- In favor of the organization of a seminar highlighting the benefits of the UPOV system, including examples of tangible cases.

7. Argentina:

- Supported the proposal to organize a seminar during which benefits of UPOV in relation to small holder farmers would be highlighted.
- Agreed that the idea of the seminar could be presented to the Consultative Committee in October with an invitation to explore if the mandate of the working group should be revised.

8. United States of America:

- Was open to the idea of a seminar. However, a seminar would still require questions to be addressed. Such questions could relate to the implementation and experiences of the exception in question.

6. In summary, members of the WG-SHF raised the possibility to organize a seminar and the need to consult the Consultative Committee on the matter. It was also highlighted that questions to be addressed in a seminar must be identified and that such event would need careful planning. These interventions reflect the need for factual data collection and a cautious approach to defining the scope and focus of a possible seminar.

7. *The WG-SHF is invited to:*

- (a) note the information provided in this document; and*
- (b) consider any recommendations for the Consultative Committee on the possible organization of a seminar.*