

BACKGROUND

The Administrative and Legal Committee (CAJ), at its seventy-sixth session, held in Geneva on October 30, 2019, agreed the matters in the following paragraphs (see below extracts from document CAJ/76/9 "Report", paragraphs 9 to 13).

ESSENTIALLY DERIVED VARIETIES

"9. The CAJ considered document CAJ/76/3.

"10. The CAJ noted the background information and developments concerning EDVs, including relevant matters on the 'Seminar on the impact of policy on essentially derived varieties (EDVs) on breeding strategy', as set out in paragraphs 4 to 15 of document CAJ/76/3.

"11. The CAJ noted the information on the presentations and noted the following oral summary by the Chair of the CAJ concerning the outcome of the 'Seminar on the impact of policy on essentially derived varieties (EDVs) on breeding strategy', held on the morning of October 30, 2019:

- "Evidence that the current UPOV guidance does not reflect the practice amongst breeders in the understanding of essentially derived varieties
- "Evolution of breeding technologies has created new opportunities/incentives for predominantly deriving varieties from initial varieties, more rapidly and at a lower cost
- "Clear indication from presentations and discussions that the understanding and implementation of the EDV concept influences breeding strategy – therefore, it is important that UPOV guidance is tuned to maximize benefits to society in terms of maximizing progress in breeding.'

"12. On the basis of the outcome of the EDV Seminar, the CAJ agreed to open up the 'Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention' (document UPOV/EXN/EDV/2) for revision. As a first step, the Office of the Union would:

"(a) invite members and observers to make contributions by correspondence on policy issues;

"(b) invite breeders to provide information on customs and practices on EDV; and

"(c) based on the replies to (a) and (b), prepare a preliminary analysis on the EDVs issues and practices and draft terms of references for a working group on EDV, for comments by the CAJ by correspondence.

"13. On the basis above, the Office of the Union would prepare a document for the consideration at the seventy-seventh session of the CAJ, to be held on October 28, 2020."

[Annex II follows]