

[EN]

UPOV Circular E-20/093

July 9, 2020

ANNEX II

DRAFT TERMS OF REFERENCE OF THE WORKING GROUP ON ESSENTIALLY DERIVED VARIETIES
(WG-EDV)

PURPOSE:

The purpose of the WG-EDV is to draft a revision of the “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention” (document UPOV/EXN/EDV/2) for consideration by the Administrative and Legal Committee (CAJ).

COMPOSITION:

- (a) to be composed of the members of the Union and the observers agreed by the CAJ;
- (b) other members of the Union would be free to participate at any meeting of the WG-EDV and make comments, where so desired;
- (c) the WG-EDV would revert back to the CAJ if the WG-EDV recommended to invite other observers or experts to any of its meetings; and
- (d) meetings to be chaired by the Vice Secretary-General.

MODUS OPERANDI:

- (a) in drafting the revision of document UPOV/EXN/EDV/2, the WG-EDV to consider:
 - (i) the outcome of the 2019 Seminar on the Impact of Policy on Essentially Derived Varieties (EDVs) on Breeding Strategy:
 - “- 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.”; and
 - (ii) the policy issues in conjunction with the breeders’ customs and practices, as set out in Annex III of this Circular;
- (b) the WG-EDV to meet at a time and frequency to address its mandate, by physical and/or virtual means, as agreed by the WG-EDV;
- (c) the WG-EDV to report to the CAJ on progress of its work and to seek further guidance from the CAJ, as appropriate;
- (d) WG-EDV documents to be made available to the CAJ.

[Annex III follows]