



CC/90/19

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE**Ninetieth Session
Geneva, October 28, 2015**

REPORT ON THE CONCLUSIONS

*adopted by the Consultative Committee**Disclaimer: this document does not represent UPOV policies or guidance*Opening of the session

1. The Consultative Committee held its ninetieth session in Geneva on October 28, 2015 and on the morning of October 29, 2015.
2. The session was opened and chaired by Ms. Kitisri Sukhapinda (United States of America), President of the Council, who welcomed the participants.
3. The list of participants is reproduced in the Annex to this document.
4. The Chair reported that Montenegro had deposited its instrument of accession to the 1991 Act of the UPOV Convention on August 24, 2015, and had become the seventy-third member of the Union on September 24, 2015.
5. The Chair reported that the United Republic of Tanzania had deposited its instrument of accession to the 1991 Act of the UPOV Convention on October 22, 2015, and would become the seventy-fourth member of the Union on November 22, 2015.
6. The Chair reported that Canada, which had been a member of the Union since March 4, 1991, had deposited its instrument of ratification of the 1991 Act of the UPOV Convention on June 19, 2015, and had become bound by the 1991 Act on July 19, 2015.
7. The Chair confirmed that the report of the eighty-ninth session of the Consultative Committee, held in Geneva on March 27, 2015 (document CC/89/12), had been adopted by correspondence and was available on the UPOV website.

Adoption of the agenda

8. The Consultative Committee adopted the revised draft agenda, as presented in document CC/90/1 Rev2.

Preliminary examination of the conformity of the “Act of Plant Varieties Registration, Control and Certification of Seeds and Plant Materials of 2003” of the Islamic Republic of Iran with the 1991 Act of the UPOV Convention

9. The Consultative Committee considered document C(Extr.)/32/8.

10. The Consultative Committee recommended to the Council to:

(a) take note of the analysis in document C(Extr.)/32/8;

(b) recommend that the Islamic Republic of Iran incorporate the additional provisions and amendments in the “Act of Plant Varieties Registration, Control And Certification of Seeds And Plant Materials of 2003”, as provided in document C(Extr.)/32/8, and recommend that once the additional provisions and amendments have been incorporated in the Law, the amended Law should be submitted to the Council for examination in conformity with Article 34(3) of the 1991 Act;

(c) request the Office of the Union to offer its assistance, at the earliest opportunity, to the Government of the Islamic Republic of Iran in drafting the necessary additional provisions and amendments to the Law; and

(d) authorize the Secretary-General to inform the Government of the Islamic Republic of Iran of that decision.

Documents proposed for adoption by the Council

11. The Consultative Committee considered document C/49/14.

TGP/5: Experience and Cooperation in DUS Testing (Revision)

12. On the basis of the amendments proposed in document C/49/14, Annex I, the Consultative Committee recommended to the Council to adopt a revision of document TGP/5 “Experience and Cooperation in DUS Testing”, Section 3 “Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights, Section 8 “Cooperation in Examination” and Section 9 “List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established”.

TGP/9: Examining Distinctness (Revision)

13. The Consultative Committee recommended to the Council to adopt a revision of document TGP/9/1 “Examining Distinctness” (document TGP/9/2), on the basis of document TGP/9/2 Draft 1.

TGP/14: Glossary of Terms Used in UPOV Documents (Revision of Section 2.4)

14. The Consultative Committee recommended to the Council to adopt a revision of document TGP/14/2 “Glossary of Terms Used in UPOV Documents”, Section 2.4 “Apex/tip shape characteristics”, on the basis of the amendments proposed in document C/49/14, Annex II.

TGP/0/8: List of TGP documents and latest issue dates (Revision)

15. The Consultative Committee recommended to the Council to adopt a revision of document TGP/0/7 “List of TGP documents and latest issue dates” (document TGP/0/8), on the basis of document TGP/0/8 Draft 1.

UPOV/EXN/CAN: Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention (Revision)

16. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/CAN/1 “Explanatory Notes on Cancellation of the Breeder's Right under the UPOV Convention” (document UPOV/EXN/CAN/2), on the basis of document UPOV/EXN/CAN/2 Draft 4.

UPOV/EXN/NUL: Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention (Revision)

17. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/NUL/1 "Explanatory Notes on the Nullity of the Breeder's Right under the UPOV Convention" (document UPOV/EXN/NUL/2), on the basis of document UPOV/EXN/NUL/2 Draft 4.

UPOV/EXN/PRP: Explanatory Notes on Provisional Protection under the UPOV Convention (Revision)

18. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/EXN/PRP/1 "Explanatory Notes on Provisional Protection under the UPOV Convention" (document UPOV/EXN/PRP/2), on the basis of document UPOV/EXN/PRP/2 Draft 4.

UPOV/INF/6: Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention (Revision)

19. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/6 "Guidance for the preparation of laws based on the 1991 Act of the UPOV Convention" (document UPOV/INF/6/4), on the basis of the proposed amendments to document UPOV/INF/6/3, as presented in document C/49/14, Annex IV.

UPOV/INF/12: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision)

20. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/12/4 "Explanatory Notes on Variety Denominations under the UPOV Convention" (document UPOV/INF/12/5), on the basis of the amendments proposed in document C/49/14, Annex III.

UPOV/INF/16: Exchangeable Software (Revision)

21. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/16/4 "Exchangeable Software" (document UPOV/INF/16/5), on the basis of document UPOV/INF/16/5 Draft 1.

UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision)

22. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF/22/1 "Software and equipment used by members of the Union" (document UPOV/INF/22/2), on the basis of document UPOV/INF/22/2 Draft 1.

UPOV/INF-EXN: List of UPOV/INF-EXN Documents and Latest Issue Dates (Revision)

23. The Consultative Committee recommended to the Council to adopt a revision of document UPOV/INF-EXN/7 "List of INF-EXN Documents and Latest Issue Dates" (document UPOV/INF-EXN/8) on the basis of document UPOV/INF-EXN/8 Draft 1.

Preliminary examination of the Draft Program and Budget of the Union for the 2016-2017 Biennium

24. The Consultative Committee considered document C/49/4.

25. The Consultative Committee recommended to the Council to approve:

(a) the proposals contained in the Draft Program and Budget for the 2016-2017 Biennium, as presented in the Annex to document C/49/4, including the amount of contributions from members of the Union;

(b) the proposed maximum ceiling of expenditure in the regular budget; and

(c) the total number of posts for the Office of the Union.

Financial Statements for 2014

26. The Consultative Committee considered document C/49/12.

27. In response to a question from the Delegation of the European Union with regard to the bank account of UPOV held with the *Administration Fédérale des Finances* (AFF), the Controller reported that, following discussions with the Swiss authorities concerned, the World Intellectual Property Organization (WIPO) had received a formal communication from the AFF that the WIPO and UPOV accounts could be maintained, with certain restrictions, for a transition period of two years until 2017. The Controller added that the WIPO Assemblies in 2015 had adopted a revised investment policy and that work would be undertaken to implement that policy during the transition period.

28. The Consultative Committee recommended to the Council to approve the Financial Statements for 2014.

Report of the External Auditor

29. The Consultative Committee considered document C/49/13 and noted the information contained in the Report of the External Auditor.

Procedure for the appointment of the External Auditor of UPOV

30. The Consultative Committee considered document CC/90/18.

31. The following approach was agreed by the Consultative Committee concerning the procedure to appoint the External Auditor of UPOV for the financial periods between 2018 and 2023 (see document CC/90/18, paragraphs 9 to 11):

(a) to use, as far as possible, the procedure for the appointment of the External Auditor of WIPO;

(b) to specify the following in the WIPO invitations to be sent to all member States seeking nominations for the appointment of the External Auditor (please note that all UPOV member States are also WIPO member States):

In addition to conducting the external audit of WIPO, the External Auditor may be expected to audit the accounts of the International Union for the Protection of New Varieties of Plants (UPOV). If, however, the successful candidate selected by WIPO is not from a member State of UPOV, the selected candidate will only provide its services to WIPO and UPOV will pursue its own selection procedure.

(c) to report to the Consultative Committee, in October 2016, the candidates that have made formal proposals;

(d) the WIPO Selection Panel to consider inviting the President and Vice-President of the UPOV Council to be present during the oral presentations of those short-listed candidates that are member States of UPOV;

(e) to report to the Consultative Committee, no later than April 2017, the progress made in relation to the work by the WIPO Selection Panel. If at any point during the WIPO selection process, it becomes apparent that the selection of an external auditor for WIPO from a UPOV member State would be unlikely, the Consultative Committee would be invited to prepare for the establishment of a sub-committee to consider those candidates shortlisted by the WIPO Selection Panel that are member States of UPOV, or invite new candidates if none of the shortlisted candidates meet such criterion, and to make a recommendation to the Consultative Committee concerning the appointment of the UPOV External Auditor by the Council in October 2017.

Arrears in contributions as of September 30, 2015

32. The Consultative Committee considered document C/49/11.
33. The Consultative Committee noted the status of payment of contributions as of September 30, 2015, and noted that due to a recent payment, Belarus had no arrears.

Financing of long-term employee benefits

34. The Consultative Committee considered document CC/90/2.
35. In response to a request from the Delegation of the European Union for the Office of the Union to make proposals for the financing and containment of After-Service Health Insurance (ASHI) liabilities prior to the conclusion of the Working Group of the UN CEB Finance and Budget Network, the Office of the Union recalled that, in April 2014, an initial proposal had been made to set up a separate bank account for the ASHI funds (see document CC/87/8 "Financing of long-term employee benefits"). However, the Consultative Committee had agreed at that time to postpone discussions until the conclusion of the UN CEB Finance and Budget Network became available.
36. The Consultative Committee agreed to invite the Office of the Union to present proposals for the financing and containment of ASHI liabilities at its ninety-first session, to be held in Geneva in March 2016. . The proposals by the Office of the Union should take into account the work of WIPO and also the results of the Working Group of the UN CEB Finance and Budget Network.
37. The Consultative Committee agreed that any new developments with regard to the Working Group of the United Nations CEB Finance and Budget Network and any measures considered by WIPO in relation to the financing of long-term employee benefits be presented for consideration by the Consultative Committee at its ninety-first session.

Special project fund

38. The Consultative Committee considered document CC/90/3.
39. The Consultative Committee noted the plans for use of the Special Project Fund (SPF) in 2015 and agreed that the balance of the SPF at the end of 2015 be used in 2016 for activities in the context of the UPOV training and assistance strategy (see the Annex of document CC/90/7), according to the following purposes and in the order of priority, as considered appropriate in relation to the availability of funding from other sources:
- Standard training activities organized or co-organized by UPOV
 - Contributing data to the PLUTO database
 - Train the trainer courses
 - Training for tutors in UPOV distance learning programs;
 - Training and assistance resources;
 - Training activities developed in conjunction with UPOV;
 - In situ activities organized by UPOV.

Presentation by the WIPO Internal Oversight Division

40. The Consultative Committee considered document CC/90/4 and received a presentation by Mr. Tuncay Efendioglu, Acting Director, WIPO Internal Oversight Division (IOD).
41. The Consultative Committee agreed to request IOD to conduct an evaluation in 2016-2017 of the program of activities of UPOV.

Observers in UPOV bodies

42. The Consultative Committee considered documents CC/90/5 and CC/90/16.
43. The Consultative Committee noted the granting of observer status to the United Arab Emirates in the Council.
44. The Consultative Committee noted the *ad hoc* invitations issued to experts, as reported in paragraph 6 of document CC/90/5 and the two recent *ad hoc* invitations issued to the United Arab Emirates and to the African Regional Intellectual Property Organization (ARIPO) to attend the seventy-second session of the Administrative and Legal Committee (CAJ).
45. In relation to the request of the International Institute for IP Management (I³PM) for the granting of observer status to the Council, the Consultative Committee agreed to invite I³PM to be present, at the relevant part of the item on observers in the program for its ninety-second session in October 2016, in order to explain how its statutes provided the basis to determine “competence in areas of direct relevance in respect of matters governed by the UPOV Convention”.

UPOV documents and publication of information

46. The Consultative Committee considered document CC/90/6.
47. The Consultative Committee agreed that there should be no change to the translations of the following categories of documents:
- (a) adopted documents;
 - (b) documents comprising drafts of Explanatory Notes, Information Documents and TGP documents, and any other draft documents for consideration by the Council, Consultative Committee, Administrative and Legal Committee or Technical Committee;
 - (c) reports, including reports of the decisions or conclusions, of the Council, Consultative Committee, Administrative and Legal Committee or Technical Committee;
 - (d) reports on UPOV for consideration by the Council;
 - (e) reports by representatives of members and observers on the legislative, administrative and technical fields;
 - (f) communication strategy; and
 - (g) international system of cooperation.
48. In the case of other documents, the Consultative Committee agreed to propose that the relevant committee be invited to review whether translation of all parts of such documents was essential.
49. The Consultative Committee agreed to the proposal to produce an executive summary of the annual reports and reports on the first nine months and to make a cross-reference in the annual report to the report on the first nine months, in order to reduce the length of the documents.
50. The Consultative Committee endorsed the current practice that statements made by members or observers at sessions of UPOV bodies would not be reproduced in the reports on decisions, reports on conclusions, or reports on UPOV bodies, unless otherwise agreed by the UPOV body concerned, except where a member of the Union requested its statement to be included in the report, and statements made by States and organizations in relation to the examination of laws and on becoming UPOV members.
51. The Consultative Committee agreed that, in general, in cases where the Office of the Union received written comments in relation to a matter to be considered by a UPOV body, those comments would, if so requested, be circulated to the UPOV body concerned; however, for example in the case of documents that were to be considered by correspondence, the Consultative Committee agreed that the UPOV body concerned may, on an *ad hoc* basis, agree to publish written comments on the webpage of the UPOV body concerned.

52. The Consultative Committee noted that, with regard to the remaining work on uploading of historic documents, the uploading of remaining UPOV session documents and documents from UPOV seminars would be done on an *ad hoc* basis, as resources allow.

53. The Consultative Committee noted that the resources of the Office of the Union had not allowed the posting on the UPOV website of the date of granting of observer status in the list of observers in UPOV bodies.

54. The Consultative Committee noted that the summary information concerning consultants that were used by UPOV in 2014 and which had given their authorization to be included, was provided in the Annex to document CC/90/6.

UPOV training and assistance strategy

55. The Consultative Committee considered document CC/90/7 and noted the developments concerning the implementation of the UPOV training and assistance strategy.

Communication strategy

56. The Consultative Committee considered document CC/90/8 and noted:

(a) that the stakeholder-focused features on the UPOV website would be introduced in conjunction with the fiftieth ordinary session of the Council;

(b) that the conclusions of the Technical Committee on the draft FAQ concerning information on the situation in UPOV with regard to the use of molecular techniques for a wider audience, including the public in general, would be reported to the Consultative Committee for consideration at its ninety-first session;

(c) that the Office of the Union would seek to develop a brief, illustrative explanation of the benefits of the UPOV system aimed at an audience with no previous knowledge of plant breeding or plant variety protection and/or illustrative examples of the benefits of plant variety protection, in 2016;

(d) the report on the use of web-conferencing and e-workshops as presented in the Annex to document CC/90/8;

(e) that the introduction of a UPOV channel on YouTube would be arranged after the introduction of a new UPOV logo; and

(f) that the results of the communication strategy would continue to be reported as a part of the annual report of the Secretary-General and performance report for the biennium.

57. The Consultative Committee requested the Office of the Union to present a proposal for developing an updated version of the Impact Study for consideration at its ninety-second session.

58. The Consultative Committee noted the developments concerning the new UPOV logo provided in paragraph 13 of document CC/90/8 and agreed that the new UPOV logo should be presented to the UPOV Council at its fiftieth ordinary session. The Consultative Committee agreed that the new UPOV logo should be introduced on the UPOV website in conjunction with the fiftieth ordinary session of the Council, and with the introduction of the stakeholder-focused features on the UPOV website, at which time a press release would be issued to publicize the launch.

Electronic application form project

59. The Consultative Committee considered document CC/90/9 and a presentation by the Office of the Union, including a report by the Office of the sixth Meeting on the Development of a Prototype Electronic Form ("EAF/6 meeting"), held on October 26, 2015, and the conclusion of the CAJ, at its the seventy-second session, held on October 26 and 27, 2015.

60. The Consultative Committee noted the developments concerning the prototype electronic form as set out in document CC/90/9.

61. The Consultative Committee received a demonstration of the prototype electronic application form Version 1 (PV1).

62. The Consultative Committee noted that the EAF/6 meeting had agreed that the prototype electronic application form Version 1 (PV1) had demonstrated the feasibility of the project, including the validation on the data transfer from breeders to the participating PVP Offices, in terms of data completeness and in conformity with the agreed data model. The Consultative Committee agreed with the following proposals made by the EAF/6 meeting and endorsed by the CAJ at its seventy-second session:

Prototype Version 2 (PV2)

- (a) The aim of the Prototype Version 2 (PV2) will be to demonstrate the scalability of the system, i.e. addition of further crops, languages and PVP Offices, and also to demonstrate the feasibility of implementation by PVP Offices.
- (b) The following items to be addressed in PV2:
 - (i) Different languages;
 - (ii) Addition of other crops:
 - to add 3 or 4 of: apple; potato; rose; soybean, in an order of priority to be established according to the interest of participating PVP Offices and breeders and the ability of the participating PVP Offices to provide relevant Technical Questionnaire information;
- (c) Addition of other PVP Offices;
- (d) Payment modalities and user authentication;
- (e) Possibility for participating UPOV members to introduce or modify their questions in the form using an online interface;
- (f) Legal aspects;
- (g) Compliance with Web Content Accessibility Guidelines (WCAG);
- (h) Security requirements such as:
 - (i) Data confidentiality;
 - (ii) Access rights management;
- (i) High availability (HA) of the system;
- (j) Communication with existing and external systems such as the GENIE Database, WIPO Users Account and existing systems in PVP Offices;
- (k) Architecture of the system.

63. The Consultative Committee noted that the participating members in the EAF would be invited to test the system in stages, through different interim test releases, in order to obtain regular feedback. Comments would be taken into consideration for the development of subsequent test releases in order to have a fully functioning prototype (PV2) by August 2016 for a final test campaign in September 2016, before presentation at the sessions of the CAJ, the Consultative Committee and the Council in October 2016, as appropriate.

64. The Consultative Committee agreed that all members of the Union should have the opportunity to participate in the development of PV2, whilst noting that in order to be able to participate the following information would need to be provided to the Office of the Union by November 30, 2015:

- (a) Applications forms and other application information requirements for PVP Offices that did not provide their forms for PV1;
- (b) Technical Questionnaire information for apple, potato, rose and soybean;
- (c) Payment procedures;
- (d) Application authorization procedures;
- (e) Security requirements for data transfer and receipt;

- (f) Communication protocols for those PVP Offices that wish:
 - (i) to receive application data from the EAF system;
 - (ii) to enable breeders to retrieve data from their PVP Offices via the EAF system.

65. The Consultative Committee noted that, in the case of PVP Offices using forms in languages other than English, French, German or Spanish, the PVP Offices would need to arrange for translation of the forms of all participating members of the Union in the language concerned.

66. In parallel with the development of PV2, the Consultative Committee agreed that the following items would be addressed prior to the launch of the EAF:

- (a) Operations such as:
 - (i) users support;
 - (ii) routine maintenance provisions;
- (b) Integration with PVP Offices systems;
- (c) Training for PVP Offices and applicants; and
- (d) Publicity of the availability of the system for breeders.

67. The Consultative Committee agreed to consider the possible implementation of an operational system, as set out in document CC/90/9, paragraph 27.

International system of cooperation

68. The Consultative Committee considered document CC/90/10 and a presentation made by the Office of the Union. The Consultative Committee agreed that copies of the presentation made by the Office of the Union should be provided to the Consultative Committee, which would be in the form of an addendum to document CC/90/10.

69. The Consultative Committee agreed that more information, including statistical information, and a legal analysis was needed with regard to a possible ISC and agreed to request the Office of the Union to prepare a document containing a draft mandate and terms of reference for a possible working group (ISC-WG) to explore the issues concerning a possible international system of cooperation (ISC), as presented in document CC/89/6 and additional issues raised by members of the Union, to be considered by the Consultative Committee at its ninety-first session, to be held in Geneva in March 2016. That document would also present the additional issues provided in writing by members of the Union.

Interrelation with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

70. The Consultative Committee considered documents CC/90/11 Corr. and CC/90/11 Add., and noted the developments concerning possible areas of interrelations among the international instruments of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), the World Intellectual Property Organization (WIPO) and UPOV.

71. As a first step, the Consultative Committee agreed to invite the Secretary of the ITPGRFA to make a presentation at its ninety-first session on possible areas of interrelations between the ITPGRFA and the UPOV Convention. The Consultative Committee also agreed that members of the Union should be invited to comment on the areas of interrelations identified by ITPGRFA in document CC/90/11 Corr., Annex I, and suggest any other areas of interrelations. The Consultative Committee agreed that the information should be compiled by the Office of the Union for discussion at the ninety-first session in conjunction with the presentation by the Secretary of the ITPGRFA. The Consultative Committee also discussed the idea of a symposium in which Contracting Parties would present information on their experiences in implementing the UPOV Convention and the ITPGRFA.

Plant variety protection statistics

72. The Consultative Committee noted the statistical analysis reported in document CC/90/12.
73. The Consultative Committee noted that, in cases where there were significant differences between the data in the PLUTO database and in document C/49/7, the Office of the Union would consult the members of the Union concerned.
74. The Consultative Committee noted that the Office of the Union would investigate the reason for the differences between years in relation to the completeness of data in the PLUTO database in terms of members of the Union providing data.
75. The Consultative Committee agreed that an updated statistical analysis of the information provided in document CC/90/12 should be presented to the Consultative Committee at its ninety-second session.

Situation concerning those States and intergovernmental organizations which have initiated the procedure for acceding to the UPOV Convention or which have been in contact with the Office of the Union for assistance in the development of laws based on the UPOV Convention

76. The Consultative Committee noted the information provided in document CC/90/13.

Reports from new members of the Union

77. The Consultative Committee considered document CC/90/14.
78. The Consultative Committee noted that it had not been possible for Oman, Peru and the former Yugoslav Republic of Macedonia to make a presentation in 2015, and agreed to renew the invitation in order to enable Oman, Peru and the former Yugoslav Republic of Macedonia to make presentations at the ninety-second session of the Consultative Committee, to be held in October 2016.

Developments of relevance to UPOV in other international fora

79. The Consultative Committee considered documents CC/90/15 and CC/90/15 Add.
80. The Consultative Committee noted the developments of relevance to UPOV in other international fora reported in documents CC/90/15 and CC/90/15 Add.
81. The Consultative Committee noted the developments concerning the World Seed Project (WSP) and agreed that the new focus of the WSP should be to:
- (a) establish that the unique feature of the WSP is to focus on the development of an effective regulatory framework for the seed sector;
 - (b) provide a single point of reference (“one-stop-shop”) for information on the different systems and schemes, in a coherent manner, which would act as a resource for agencies working in the development of the seed sector;
 - (c) create a website platform where key information would be available on each organization and on activities done separately and together (e.g. training courses, seminars, workshops etc.);
 - (d) develop a mission statement;
 - (e) develop a workshop package for presentations of the different systems and schemes;
 - (f) encourage the WSP members’ organizations to raise awareness, in their respective organizations, of the role of the other organizations for putting in place an effective regulatory framework in the seed sector; and
 - (g) consider changing the name of the “WSP”, to remove reference to “project”.

Preparation of the calendar of meetings

82. The Consultative Committee considered documents C/49/8 and CC/90/17.

83. The Consultative Committee received a report on the conclusions of the CAJ at its seventy-second session, held in Geneva on October 26 and 27, 2015, concerning the calendar of meetings in 2016 (see document CAJ/72/9 "Report on the Conclusions", paragraphs 23, 27, 48 and 49), in which it was reported that the CAJ:

(a) proposed not to hold a CAJ session in March 2016 and to hold a two-day CAJ session in October 2016;

(b) agreed to expand the mandate and the composition of the Working Group for the Development of a UPOV Denomination Similarity Search Tool to prepare recommendations for the CAJ concerning the revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention" (to become the Working Group on Variety Denominations (WG-DEN)) and proposed that the WG-DEN meet during the week of the UPOV sessions in March 2016;

(c) agreed to propose to the Council to organize a one-day seminar on propagating and harvested material, to be held in conjunction with the UPOV sessions in October 2016. The seminar should include speakers to report on cases in which the notions of harvested material and/or propagating material had been considered, and speakers from relevant academic institutions and judicial authorities to provide perspectives on the subject. CAJ members and observers would be invited to propose speakers. The Office of the Union, Chair of the CAJ and President of the Council would prepare a draft program for consideration by the Consultative Committee and approval by the Council in March 2016.

84. The Consultative Committee endorsed the above proposals and recommended to the Council to revise the calendar of meetings in 2016 (see document C/49/8 "Calendar of Meetings in 2016"), as follows:

Council

C(Extr.)/33 March ~~18~~ 17 (afternoon) (extraordinary session)
C/50 October ~~27~~ 28

Consultative Committee

CC/91 March ~~18~~ 17 (morning)
CC/92 October ~~26~~ 27

Administrative and Legal Committee

~~CAJ/73~~ March ~~17~~
(EAF/7: March 16 (evening))
(WG-DEN: March 18)
CAJ/~~74~~73 October 24 ~~25~~ and ~~25~~ 26

Seminar on propagating and harvested material in the context of the UPOV Convention

October 24

85. The Consultative Committee also requested the Office of the Union to prepare a document with options and possible impacts of holding the sessions of the bodies that meet in Geneva consecutively, only once a year.

Draft press release

86. Subject to developments in the Council, the Consultative Committee recommended to the Council to approve the draft press release contained in document C/49/17 Prov.

Program for the ninety-first session

87. The following program was agreed for the ninety-first session of the Consultative Committee:

1. Opening of the session
2. Adoption of the agenda
3. Preliminary examination of the conformity of the legislation or proposed legislation of any State or organization having submitted a request under Article 34(3) of the 1991 Act of the UPOV Convention
4. Documents proposed for adoption by the Council
5. Internal Audit and Reports of the WIPO Independent Advisory Oversight Committee
6. Financing of long-term employee benefits
7. Electronic application form
8. International system of cooperation
9. Interrelations with the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)
10. Developments of relevance to UPOV in other international fora
11. Draft press release
12. Program for the ninety-second session
13. Adoption of the report on the conclusions (if time permits)
14. Closing of the session

88. This report was adopted by the Consultative Committee at the close of its session, on October 29, 2015.

[Annex follows]

ANNEXE / ANNEX / ANLAGE / ANEXO

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS /
TEILNEHMERLISTE / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres /
in the alphabetical order of the French names of the Members /
in alphabetischer Reihenfolge der französischen Namen der Mitglieder /
por orden alfabético de los nombres en francés de los miembros)

I. MEMBRES / MEMBERS / VERBANDSMITGLIEDER / MIEMBROS

ALLEMAGNE / GERMANY / DEUTSCHLAND / ALEMANIA

Udo VON KROECHER, Präsident, Bundessortenamt, Hannover (e-mail: Postfach.Praesident@bundessortenamt.de)

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