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UPOV

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Fourteenth Session

Geneva, November 8 and 9, 1984

SUBGROUP OF THE ADMINISTRATIVE AND LEGAL COMMITTEE
ON BIOTECHNOLOGY AND PLANT VARIETY PROTECTIONDocument prepared by the Office of the Union

1. At its eighteenth ordinary session, held from October 17 to 19, 1984, the Council decided that a small working group, consisting of experts from member States and the Vice Secretary-General, should be established to examine the implications of the development of plant biotechnology on the protection of new plant varieties. It further decided that the actual composition, the terms of reference and the working procedures of the group should be settled by the Administrative and Legal Committee at its present session (see paragraph 14 of document C/XVIII/13).

2. Concerning the terms of reference of the subgroup, Mr. M. Heuver (Netherlands), Chairman of the Administrative and Legal Committee, made the proposals reproduced in the Annex.

3. The Administrative and Legal Committee is invited to:

(a) establish a Sub-group on the implications of the development of plant biotechnology on the protection of new plant varieties (Biotechnology Sub-group);

(b) decide on the terms of reference of the Sub-group;

(c) appoint the Chairman and one Vice-Chairman of the Sub-group;

(d) determine the frequency of meetings of the Sub-group or fix the dates of meetings;

(e) determine the place of the meetings of the Sub-group.

[Annex follows]

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Dr. H. Mast,
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uw kenmerk

uw brief van

ons kenmerk

datum

1984-10-24

~~Handwritten text~~ from ir M.Heuver

bijlage(n)

onderwerp

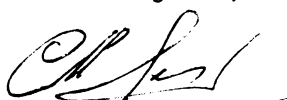
Proposal terms of reference of Committee of Experts on
Genetic engineering

Dear dr Mast,

Terms of reference of a committee of experts, established by the
CAJ of UPOV in order to perform a preparatory study on the scope
of protection in the field of plantbreeding and plantproduction
as a result of genetic engineering

- 1 To examine the implications of existing industrial patent legislation
(worldwide, regional or, in the absence of supra- or international
provisions, national) on plantbreeding and plantproduction in parti-
cular as a result of genetic engineering which includes answering the
following questions:
 - a) can plants or plantvarieties as such be the subject of an industri-
al patent?
 - b) if a plant variety as such can be the subject of an industrial pa-
tent and of a title conform the UPOV-convention, are those forms
of protection optional or can they be commulative?
 - c) is it possible to extend the scope of protection to the use of the
variety for further plant breeding or for crop production through
an industrial patent on a substance, incorporated in the plants of
the variety, or on a process with respect to the development of the
variety?
- 2 To prepare for the CAJ a document presenting the findings of the com-
mittees analysis on 1.

Kind regards,


ir M. Heuver

[End of document]