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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
 Geneva

**CONSULTATIVE COMMITTEE**

**Eighty-Eighth Session  
 Geneva, October 15, 2014**

**INTERRELATION WITH THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES  
 FOR FOOD AND AGRICULTURE (ITPGRFA)**

*Document prepared by the Office of the Union*

*Disclaimer: this document does not represent UPOV policies or guidance*

1. This document presents 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 with a view to a possible joint publication on interrelated issues regarding innovation and plant genetic resources, and other possible initiatives.

**Background**

2. The fifth session of the Governing Body of the ITPGRFA (GB) was held in Muscat, Oman, from September 24 to 28, 2013 (see <http://www.planttreaty.org/content/gb5>). The final report of the fifth session of the GB and the resolutions adopted at the session are available at <http://www.planttreaty.org/content/report-fifth-session-governing-body>.
3. Resolution 8/2013 “Implementation of Article 9, Farmers’ Rights” stated as follows:

“THE GOVERNING BODY,

*“Recalling* the recognition in the International Treaty of the enormous contribution that the local and indigenous communities and farmers of all regions of the world have made, and will continue to make, for the conservation, and development use of plant genetic resources as the basis of food and agriculture production throughout the world;

*“Welcoming* the submissions of views and experiences from Contracting Parties and other stakeholders, as compiled in document IT/GB-5/13/Inf.8;

*“Recognizing* also the submissions of views and experiences that have been compiled prior to previous sessions of the Governing Body;

*“Also recalling* resolutions 2/2007, 6/2009 and 6/2011;

[...]

*“3. Requests* the Secretary to invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments;

[...]"

4. In relation to Resolution 8/2013, the Office of the Union received a letter of January 27, 2014, from Mr. Shakeel Bhatti, Secretary, ITPGRFA, inviting UPOV and WIPO to jointly identify possible areas of interrelations among the respective international instruments of UPOV, WIPO and the ITPGRFA, a copy of which is attached as Annex I to this document (in English only).

5. The Consultative Committee, at its eighty-seventh session, held in Geneva on April 11, 2014, requested the Office of the Union to identify with the Secretary of the ITPGRFA and the Secretariat of WIPO possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV with a view to a possible joint publication on interrelated issues regarding innovation and plant genetic resources, and other possible initiatives, and to present proposals for consideration by the Consultative Committee at its eighty-eighth session (see document CC/87/10 "Report on the Conclusions", paragraph 37).

6. The Council, at its thirty-first extraordinary session, held in Geneva, on April 11, 2014, expressed its appreciation to the Governing Body of the ITPGRFA for the thanks the Governing Body had offered to UPOV for the practical support UPOV had provided to the ITPGRFA and the Council confirmed its continuing commitment to mutual supportiveness. In response to an invitation by the Governing Body to identify with the Secretary of the ITPGRFA and the Secretariat of the World Intellectual Property Organization (WIPO) possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV, the Council decided to explore the idea of a joint publication on interrelated issues regarding innovation and plant genetic resources and other suitable initiatives (see document C(Extr.)/31/6 "Report", paragraph 19).

#### Meetings held

7. A meeting with Mr. Shakeel Bhatti, Secretary of the ITPGRFA, was held on July 3, 2014. On June 18, 2014, the Office of the Union issued Circular E-14/172 to the Consultative Committee, inviting members of the Union to make suggestions regarding relevant initiatives that might be considered at the meeting with the Secretary of the ITPGRFA. In relation to the meeting with the Secretary of the ITPGRFA, the Office of the Union received suggestions from Norway and the European Union, copies of which are provided in Annexes II and III to this document, respectively (in English only). A further meeting was also held on July 3, 2014, with the Secretary of the ITPGRFA and Mr. Francis Gurry in his joint capacity as Director General of WIPO and Secretary-General of UPOV.

8. A copy of the notes of the above meetings is attached as Annex IV to this document.

#### Other developments

9. In his joint capacity as Secretary-General of UPOV and Director General of WIPO, Mr. Francis Gurry recorded a video message for the Fourth High-Level Ministerial Roundtable: The International Treaty [on Plant Genetic Resources for Food and Agriculture], Climate Change and Food Security, which took place on September 24, 2014, on the occasion of the Sixty-Ninth Session of the United Nations General Assembly, in New York (see <http://www.planttreaty.org/content/fourth-high-level-round-table-international-treaty>). A copy of the video will be made available on the UPOV website.

10. *The Consultative Committee is invited to:*

(a) note 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 with a view to a possible joint publication on interrelated issues regarding innovation and plant genetic resources, and other possible initiatives; and

(b) consider the possible initiatives in Annex IV to this document as a basis for future joint work of UPOV with the ITPGRFA and WIPO.

## ANNEX I / ANNEXE I / ANLAGE I / ANEXO I

[In English only / En anglais seulement /  
Nur auf Englisch / En Inglés solamente]



# The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Our Ref.: ITPGRFA/UPOV

Your Ref.:

Rome, 27 January 2014

Dear Dr Gurry,

Please allow me to extend to you my best wishes for 2014. May it bring with it good health and success.

Following the successful conclusion of the Fifth Session of the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (“the International Treaty”) last year, I would like to bring to your attention some of the major outcomes that are of relevance to the International Union for the Protection of New Varieties of Plants (UPOV).

At first I would like to thank you for sending a representative of the Office of UPOV to attend this latest Session of the Governing Body. Also, let me recall the close linkages that exist between the UPOV Convention and the International Treaty in several areas that are of core importance to our respective agreements and emphasize that there has already been a close and fruitful cooperation between our respective bodies in the past.

The Fifth Session of the Governing Body convened from 24 to 28 September 2013 in Muscat, Oman. As in the past Sessions, the UPOV Convention was again a topic of discussions and deliberations and, consequently, also in certain Resolutions of this Session of the Governing Body.

In Resolution 1/2013 on the implementation of the International Treaty’s Multilateral System of Access and Benefit-Sharing, the Governing Body, *inter alia*, thanks the Council of UPOV for the practical support that has been provided to the International Treaty in the context of non-monetary benefit-sharing initiatives by the Office of UPOV. As you are certainly aware, the Office of UPOV agreed to participate in the efforts of stakeholders and Contracting Parties under the International Treaty to establish a Platform for the Co-Development and Transfer of Technologies. They intend this platform to provide a way to realize technology transfer as a form of non-monetary benefit-sharing, as provided for in the International Treaty.

.../..

Dr Francis Gurry  
Secretary-General  
International Union for the Protection  
of New Plant Varieties (UPOV)  
Geneva

<http://www.planttreaty.org>

In relation to farmers' rights and the implementation of Art 9 of the International Treaty, the Governing Body requested me, by Resolution 8/2013, "to invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments" as relates to the concept of farmers' rights of the International Treaty. Without intending to prejudge its outcome, this consultation process could for example lead to a joint publication by UPOV, WIPO and the International Treaty on interrelated issues regarding innovation and plant genetic resources among our respective international instruments.

As requested by our membership, I look forward to discussing this issue with you at your earliest convenience in order to begin work on this new joint activity and continue our ongoing collaboration. It would be a pleasure for me to have an initial meeting on this and perhaps other related issues in the coming weeks and we will coordinate with your office to arrange a convenient time for our meeting.

I look forward to receiving your reply and to continuing our cooperation on all matters of mutual interest to the UPOV Convention and the International Treaty.

Yours sincerely,



Dr Shakeel Bhatti  
Secretary  
International Treaty on Plant Genetic Resources  
for Food and Agriculture

ANNEX II / ANNEXE II / ANLAGE II / ANEXO II

[In English only / En anglais seulement /  
Nur auf Englisch / En Inglés solamente]

SUGGESTIONS FROM NORWAY

**From:** Smith Marianne [mailto:[Marianne.Smith@lmd.dep.no](mailto:Marianne.Smith@lmd.dep.no)]

**Sent:** Monday, May 26, 2014 10:31 AM

**To:** Button, Peter

**Cc:** Torheim Svanhild-Isabelle Batta; Tor Erik Jørgensen; Dalholt Geir

**Subject:** Possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV

Dear Peter

I refer to our conversation at the UPOV-meeting regarding the invitation from Mr. Shakeel Bhatti, Secretary, ITPGRFA, inviting UPOV and WIPO to jointly identify possible areas of interrelations among the respective international instruments of UPOV, WIPO and the ITPGRFA. In his letter, Mr. Bhatti suggested that the outcome of the consultation process could be, for example, a joint publication on interrelated issues regarding innovation and plant genetic resources.

As you know, Norway is eager to participate in this process. At the CC-meeting on April 11 we recommend that the Consultative Committee should give the following mandate to the office of the Union:

- Be willing to explore possible interrelations – and in this process also ensure possibilities for UPOV member states at an early stage to give inputs on the content of such exploration
- A result of the consultations could be a joint publication by the two secretariats and its members, but also eg. Symposium/side events/seminar prior to meetings in their respective bodies.
- A focus should not only be in "innovation and PGRFA" as suggested by the IT sec, but should focus on the interrelationship between Farmers' Rights and exceptions to Plant Breeders' Rights as well as other topics.

Attached is the chairman's paper from the informal Oslo-meeting on Treaty-UPOV related issues. It's a non-paper (not necessarily consensus on every argument), but the group has accepted that we might share it with those who are interested. You might find this useful for the further work on this matter.

We look forward to your draft answer, and will be happy to contribute further.

Best regards

**Marianne Smith**

Seniørrådgiver

Landbruks- og matdepartementet

Avdeling for skog og ressurspolitikk

Tlf: 22249264

**CHAIRMAN'S paper**

Oslo, 27th - 28th March 2014

**Outcome of informal consultations on possible interrelations between UPOV and the ITPGRFA**

A few European delegates to the International Union for the Protection of New Varieties of Plants (UPOV) and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) met in Oslo for informal consultations. The meeting was inspired by the decision of the Fifth session of the Governing Body of the ITPGRFA, which requested the Secretary of the Treaty to invite UPOV and WIPO to jointly identify possible areas of interrelations between their respective instruments.

**Major Outcome**

The group considered UPOV and the ITPGRFA to be complementary systems that do not exclude each other. To the contrary, the group felt it would be fruitful for both instruments to identify issues of mutual supportiveness and complementarity. Furthermore, the benefit of increased awareness of the different instruments was stressed. In order to identify how the international instruments could be implemented in support to each other, one starting point could be to point out some relevant challenges for parties of each agreement and then identify how the implementation of the other could contribute to meet those challenges.

**Identified challenges of relevance**

*To achieve the objectives of the Treaty*

- There is need for more funding to meet the objectives of the Treaty, particularly there is a need for more predictable and sustainable user-based benefit sharing.
- The objectives of the Treaty will benefit from more active use of the Multilateral system (MLS) of the Treaty by breeders and the terms of the MLS therefore needs to be attractive and well known by breeders.
- There is a need for further discussion about the elements of Farmers' Rights in the Treaty, the actual status of implementation in different regions and options for better guidance for national implementation where required by Contracting Parties.

*To achieve the objectives of UPOV*

- Plant breeding is crucial to meet the future challenges for sustainable agriculture.
- Still, there seems to be a lack of sufficient recognition of the importance of plant breeding and the crucial role of breeders.
- Breeder's exception and non-commercial use are important parts of UPOV. They need to be better known at the international level, for example through wide dissemination of the revised FAQ document prepared by UPOV.
- There is also a need for more awareness on farmers as breeders and how they are recognised by UPOV.
- In the near future, there will be a stronger challenge for users of biological material to meet national and international requirements for disclosure of origin.

**In which ways could the ITPGRFA support UPOV?**

- Increased recognition of plant breeding and breeders?
  - In the Governing Body resolutions and documents
  - By continuing to strengthen the differentiation between plant breeders' rights and patents
  - By increased valuation of the non-monetary benefits of new varieties

- Establish the use of the standard material transfer agreement (SMTA) as a certificate of origin?
- The use of the SMTA will create more certainty for sending material to countries with no protection of plant varieties?
- Sharing examples on best practices of implementing Farmers' Rights in the ITPGRFA?

#### **How could UPOV support the ITPGRFA?**

- Share information and facilitate discussions on how to improve the participation by breeders in the MLS?
  - by including protected varieties into the MLS
  - by including expired varieties into the MLS
- Contribute to user-based benefit-sharing
- Clarify the legal space for farm-saved seeds (exceptions to Plant Breeders' Rights)?
- Clarify the possible consequences of the UPOV regulations on farmers' practices?
- If the 1991 Act of the UPOV Convention is too restrictive for potential new UPOV members, it could be considered to create a less comprehensive system for Plant Breeders' Rights ("UPOV light") as an option to those countries. This will reflect the fact that the different acts of UPOV were developed in parallel with the development of the agricultural sector of OECD countries, while the agricultural sector of many new countries might not be as mature yet.

#### **Other issues raised**

- Farmers' access to appropriate varieties is an important farmers' right?
- Plant Breeders' Rights are not sufficient to ensure plant breeding for small markets (e.g. organic production) or for markets with low purchasing power, or to create propagating material that give higher priority to secure harvest rather than highest possible harvest?
- Seed regulations can sometimes be seen to pose strict standards and challenges to local farming practices. However, seed regulations can also support farmers by establishing testing requirements appropriate to areas where varieties are suitable for cultivation?
- Seed regulations should allow for the use of heterogeneous material by farmers?

#### **Possible next steps**

- Participants could share the outcome of this consultation.
- Both secretariats should be encouraged to involve their members to contribute to identify and discuss the possible interrelations between the two instruments, in particular Farmers' Rights and exceptions to Plant Breeders' Rights. The outcome of the above discussions could e.g. be included in a joint publication from the two secretariats and their members.
- Create increased awareness of the respective instruments in each fora e.g. by the organisation of (joint) symposiums/work shops/special events prior to their respective meetings.
- There should also be a similar process of identifying possible interrelations between the ITPGRFA and WIPO focusing on patents and their impact on plant breeding and Farmers' Rights.

**From:** Smith Marianne [mailto:[Marianne.Smith@lmd.dep.no](mailto:Marianne.Smith@lmd.dep.no)]  
**Sent:** Wednesday, June 25, 2014 2:43 PM  
**To:** mail, Upov  
**Cc:** Dalholt Geir; Torheim Svanhild-Isabelle Batta; Tor Erik Jørgensen  
**Subject:** SV: Circular E-14/172 (EN): ITPGRFA/FAQs

Peter Button  
Vice Secretary-General

We refer to Circular E-14/172 regarding possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV.

The Office of the Union is planning to meet with Mr. Shakeel Bhatti, Secretary of the ITPGRFA, on July 3, 2014. We appreciate this opportunity to give suggestions for possible initiatives that might be considered at this meeting.

We believe there are a range of topics of mutual interest among the treaty and the UPOV-communities. And there might also be issues of more sensitive character where differences rather than similarities might be more visible at first glance. We hope that the process of identifying possible interrelations could contribute to tapping more of the potential synergies between these two international instruments both at the international level as well as at national and local levels where the implementation is taking place.

Possible subjects to address:

- In addition to the broad issue of "innovation and PGRFA" already identified in the letter to the Office of the Union could be the complementary functions of the treaty and the UPOV Convention, where the treaty focuses on conservation and sustainable use, while the UPOV Convention deals more with the last product of the PGRFA value chain, namely protection of novel plant varieties.
- Furthermore, a key area to explore in more detail would be the possible interrelations between Farmers' Rights and the exemptions to plant breeders' rights, and how this might be different in the various acts of the UPOV Convention.
- Also, we think it might be useful to explore how the international instruments could be implemented in support to each other, in particular to secure access to genetic resources. The crucial importance of access for further breeding is stressed both by the treaty and by UPOV. Due to other international developments, such as the entry into force of the Nagoya protocol and implementation of IPR systems that do not include breeders' exemption, joint initiatives by the Treaty and UPOV in this field would be very valuable. A useful background document in this regard, could be the explanatory note by the Commission on Genetic Resources for Food and Agriculture on the special features of GRFA: [http://www.fao.org/fileadmin/templates/agphome/documents/PGR/ITWG/ITWG7/info\\_docs/CGRFA-WG-PGR-7-14-Inf-8.pdf](http://www.fao.org/fileadmin/templates/agphome/documents/PGR/ITWG/ITWG7/info_docs/CGRFA-WG-PGR-7-14-Inf-8.pdf)

Possible outputs:

- Joint publication with inputs from Contracting parties
- Symposium/side events during meetings in the respective bodies.

We also take this opportunity to refer to our e-mail dated May 26 2014, which repeated our recommendation from the meeting in Consultative Committee in Geneva on April 11, 2014 regarding this issue. Attached again is the chairman's paper from the informal Oslo-meeting on Treaty-UPOV related issues. Norway hopes that the Office of the Union could consider to follow up on the ideas reflected in this paper.

We look forward to hearing from you about the outcome of the meeting on July 3.

Yours sincerely

**Marianne Smith**  
Senior advisor  
Norwegian Ministry of Agriculture and Food  
Department of Forest- and Natural Resource Policy  
Tlf: 22249264

[Annex III follows /  
L'annexe III suit /  
Anlage III folgt /  
Sigue el Anexo III]

ANNEX III / ANNEXE III / ANLAGE III / ANEXO III

[In English only / En anglais seulement /  
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SUGGESTIONS FROM THE EUROPEAN UNION



EUROPEAN COMMISSION  
HEALTH AND CONSUMERS DIRECTORATE-GENERAL

Deputy Director General for the Food Chain

Brussels,  
SANCO.E2/ICN/lav (2014) 2324051

Dear Mr Button,

**Subject:** EU suggestions on interrelation initiatives between the International Treaty on Plant Genetic Resources (ITPGRFA) and UPOV

According to the procedure introduced on the occasion of the 26<sup>th</sup> ordinary session of the UPOV Council, please find, in the annex, the EU suggestions with regard to possible initiatives on interrelations among the international instruments of the International Treaty on Plant Genetic Resources ITPGRFA and UPOV

Yours sincerely,

A handwritten signature in black ink, appearing to read "Ladislav Miko".

Ladislav Miko

Enclosure: Annex-possible interrelation initiatives between UPOV and ITPGRFA

C.c: DDG.2: T. Gumbel  
Dir. E: E. Poudelet, A. Cusimano  
Unit E2: D. I. Simion, P. Mannerkorpi, I. Clément-Nissou  
CPVO: M. Ekvad

**Mr Peter Button**  
Vice Secretary General of UPOV  
34 Chemin des Colombettes  
CH-2111- Genève 20  
Switzerland

#### **Annex: Possible interrelation initiatives between UPOV and ITPGRFA**

During the last Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) (Oman, October 2013), the following Resolution 8/2013 was adopted:

*"3. Requests the Secretary (ITPGRFA) to invite UPOV and WIPO to jointly identify possible areas of interrelations among their respective international instruments."*

Following the Resolution, in January 2014, a letter from the ITPGRFA Secretary was sent to UPOV. At its 87<sup>th</sup> session in April 2014, the UPOV Consultative Committee requested the Office of the Union to identify with the ITPGRFA Secretary and the Secretariat of the World Intellectual Property Organization (WIPO) possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV.

In order to facilitate such a development and in addition to the broad issue of "innovation and Plant Genetic Resources for Food and Agriculture" already identified, the EU and its Member States would like to suggest the following possible interrelations to be explored:

- Complementary functions of the Treaty and the UPOV Convention, where the Treaty focuses on conservation and sustainable use of plant genetic resources, while the UPOV Convention concentrates on one product of the PGRFA value chain, namely the new plant variety. In both cases, the aim is to keep a system of open access to plant diversity: facilitated access in the framework of the Treaty and breeders' exemption in the framework of UPOV. Moreover, another common aim is to stimulate sustainable use of PGRFA, through plant breeding and other means.
- Transfer of technology linked to PGRFA. With two compulsory exceptions (for experimental purpose and for further breeding of other plant varieties), UPOV is active concerning transfer of technology, through the access to new plant varieties.
- Public-private partnerships, including with national agricultural research centres, international research centres, breeders' and farmers' organisations.
- Possible leeway for countries to implement, at national level, Article 9 of the Treaty on farmers' rights, and the plant breeders' rights as set out in the various acts of the UPOV Convention, bearing in mind that marketing rules of plant material are regulated at the national level by a different legal framework.

The letter to UPOV indicated a joint publication as a possible outcome of the process of identifying possible areas of interrelations. Other possible outcomes may be considered, e.g. a joint symposium and side events back to back with meetings of the respective international bodies.

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## ANNEX IV

Notes of Meeting on July 3, 2014

between

Mr. Shakeel Bhatti, Secretary, ITPGRFA

and

Mr. Peter Button, Vice Secretary-General, UPOV

At the beginning of the meeting, Mr. Bhatti outlined the invitation of the Governing Body of the ITPGRFA to jointly identify possible areas of interrelations among the respective international instruments of UPOV, the World Intellectual Property Organization (WIPO) and the ITPGRFA. He shared a copy of an e-mail received from the European region Vice-chair of the Sixth Session of the ITPGRFA Governing Body, indicating that possible topics could be: the complementary functions of the ITPGRFA and the UPOV Convention, where the ITPGRFA focuses on conservation and sustainable use of plant genetic resources, while the UPOV Convention concentrates on one product of the PGRFA value chain, namely new plant varieties; transfer of technology linked to PGRFA; public-private partnerships; or the potential leeway for countries to implement, at national level, Article 9 of the Treaty on farmers' rights and plant breeders' rights.

Mr. Button recalled that the Consultative Committee of UPOV had requested the Office of the Union to identify with the Secretary of the ITPGRFA and the Secretariat of WIPO possible areas of interrelations among the international instruments of the ITPGRFA, WIPO and UPOV with a view to a possible joint publication on interrelated issues regarding innovation and plant genetic resources, and other possible initiatives, and to present proposals for consideration by the Consultative Committee at its eighty-eighth session, to be held in Geneva on October 15, 2014.

It was agreed that these suggestions from the memberships and the guidance of the Governing Body of the ITPGRFA provided a useful starting point for discussions.

*Complementary functions of the ITPGRFA and the UPOV Convention and areas of common interest*

It was agreed that it would be useful to start by summarizing what might be considered as complementary functions of the ITPGRFA and the UPOV Convention and areas of common interest/synergy. The following were developed as a basis for consideration by each organization:

Complementary functions of the ITPGRFA and the UPOV Convention

- Encouraging sustainable use of plant genetic resources through plant breeding
- Common approach that facilitating access to varieties contributes to sustaining greatest progress in plant breeding and, thereby, to maximize the use of genetic resources for the benefit of society

Areas of common interest/synergy

- Raise awareness of importance of plant breeding and role of the UPOV Convention and ITPGRFA to encourage plant breeding
- Promoting transfer of technology (improved varieties) to farmers in an effective way (c.f. UPOV's participation in the Platform for the Co-development and transfer of technologies and the global initiative to promote Public-Private Partnerships for Pre-breeding, under the aegis of the ITPGRFA)
- Encouraging public-private partnerships (institutes, farmers, breeders)
- Encouraging farmers to conserve genetic resources and diversity
- Encouraging farmers to continue to manage PGRFA and continue breeding/become breeders and to contribute to the development of new varieties

### *Farmers' Rights*

With regard to relationship between Farmers' Rights under the ITPGRFA and plant breeders' rights under the UPOV Convention, it was noted that:

- Under the ITPGRFA, the Contracting Parties agree that the responsibility for realizing Farmers' Rights, as they relate to plant genetic resources for food and agriculture, rests with national governments and is subject to its national legislation.
- In relation to plant breeders' rights, the possibilities for farm-saved seed are determined by the individual members of UPOV in accordance with the relevant Act of the UPOV Convention

It was noted that it would be important for any joint initiative to recognize that situation. The ITPGRFA and UPOV might wish to consider possibilities to provide examples of lessons learnt in implementing the ITPGRFA and UPOV Convention and how different objectives and concerns are balanced.

### *Possible initiatives*

The following possible joint initiatives with regard to interrelations among the respective international instruments of the ITPGRFA and UPOV were discussed, noting that interrelations with WIPO would need to be discussed with WIPO:

- Joint publication by ITPGRFA, UPOV and WIPO on interrelated issues regarding innovation and plant genetic resources among their respective international instruments. With regard to interrelated issues regarding innovation and plant genetic resources concerning ITPGRFA and UPOV:
  - Explain the importance of plant breeding
  - Explain the importance of conserving and making available plant genetic resources for breeding
  - Explain the complementarity of UPOV and ITPGRFA
  - Provide examples of how the ITPGRFA and UPOV are complementary in relation to:
    - encouraging breeding of new, improved varieties by a wide range of breeders (private individuals, farmers, private enterprises, public institutes) with a wide range of genetic resources
    - delivering benefits (new varieties) to farmers
    - facilitating public-private partnerships that facilitate technology transfer
    - enabling farmers to add value (commercial opportunities, including cooperatives)
    - delivering benefits to society
    - farmers' rights
    - breeder's exemption.
- Joint symposiums/seminars to explore and/or explain the areas of interrelations among the respective international instruments
- Side events to explore and/or explain the areas of interrelations among the respective international instruments. Side events in association with the following meetings were suggested as possibilities:
  - Ad Hoc Technical Committee on Sustainable Use of Plant Genetic Resources for Food and Agriculture of the ITPGRFA (anticipated to be held in January or February 2015) (UPOV and WIPO presentation)
  - Extraordinary session of the UPOV Council, to be held in Geneva on March 27, 2015 (ITPGRFA presentation)

Mr. Button reported that UPOV had been invited and had accepted to organize a side event on July 10, at the seventh session of the Intergovernmental Technical Working Group on Plant Genetic Resources for Food and Agriculture (WG PGR-7), to be held in Rome, from July 9 to 11, July 2014. It was agreed that it would be a valuable opportunity to invite Mr. Bhatti to explain the initiative that the Governing Body of the ITPGRFA had taken to explore interrelations and that UPOV and the ITPGRFA were actively pursuing the initiative. The side event could then focus on areas of common interest, e.g. the role of the UPOV Convention in encouraging plant breeding, technology transfer and public-private partnerships.

It was agreed that follow-up discussions with WIPO would be necessary to elaborate identify possible areas of interrelations among the respective international instruments.

Notes of Meeting on July 3, 2014

between

Mr. Francis Gurry, Director General of WIPO / Secretary-General of UPOV,

Mr. Shakeel Bhatti, Secretary, ITPGRFA

and

Mr. Peter Button, Vice Secretary-General, UPOV

Mr. Bhatti explained the possible joint initiatives (i.e. joint publication, joint symposiums/seminars and organization of side events) with regard to interrelations among the respective international instruments of the ITPGRFA, UPOV and WIPO that had been discussed with Mr. Button, as above. Mr. Gurry indicated WIPO's support for those initiatives and invited Mr. Bhatti and Mr. Button to explore the ideas with relevant WIPO colleagues.

[End of Annex IV and of document]