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INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

Council
Fourth Session
Geneva, October 28 and 29

DRAFT REPORT ON THE ACTIVITIES OF THE
WORKING PARTY ON VARIETY DENOMINATIONS

The Working Party, which was set up by the Council at its first session on November 26/27, 1968, at five meetings predominantly dealt with the preparation of Guidelines for Variety Denominations. Representatives of the member States of the Union and of the Signatory States and observers from Sweden and Hungary participated in this work. On February 24, 1970, representatives of the international breeders' organizations ASSINSEL and CIOPORA were heard on the draft guidelines.

The result of the Working Party's deliberations is hereby submitted to the Council in Document UPOV/VD/V/9 as Provisional Guidelines.

The Working Party is of the opinion that the Guidelines should be provisional in order to make it clear that these Guidelines, after a certain period of time, can be adjusted in accordance with practical experience obtained in the course of their application.

Further, it is the view of the Working Party that these Guidelines in their present form do not call for an amendment of Article 13 of the Convention.

The Working Party reached agreement on all articles of the Guidelines. Agreement with respect to Article 4 was reached only after thorough deliberations, especially with regard to the code system for the naming of roses set up by

CIOPORA. The Working Party unanimously agreed not to accept this code system for naming purposes, and the representatives of the member States expressed the opinion that it is established custom in their countries to commercialize rose varieties under fancy names; however, the delegation of one State in particular expressed some doubts as to the wording of Article 4(2)c) of the Guidelines.

The Working Party also decided to recommend to the Council that it be authorized to study the naming customs regarding species other than roses and to report to the Council later on that matter.

At its fifth meeting, the Working Party also took up the question of relationship between variety denominations and trademarks, especially with respect to Article 13(9) of the Convention. The delegations of all States were given the opportunity to present their views on the subject.

The Working Party has not yet come to a conclusion on these matters since it is of the opinion that first of all practical experience with the Provisional Guidelines for Variety Denominations must be made before discussing the subject again at a later date.

The Working Party, at its fifth meeting, also discussed, in connection with Article 13(6) of the Convention, the exchange of variety denominations between the competent authorities of member States and via the Office of the Union.

In this connection it was found that with only four member States several thousands of transactions would have to be registered and notified. Because of the high expenditure in personnel and office supplies involved, the Working Party decided to recommend to the Council not to have the exchange of variety denominations through the Office of the Union until further notice. Instead a procedure was discussed which would allow a direct exchange of variety denominations among the competent national authorities. This procedure is to be based on an exchange of the national Bulletins and the opportunity to file objections against variety denominations submitted in another member State, by means of a special form. The Office of the Union was requested to work out a detailed proposal on the procedure of exchange.

In view of the high costs involved, the Working Party thought that the notification of variety denominations to the member States of the Paris Union for the Protection of Industrial Property, as provided in Article 13(6) of the Convention, should also be suspended for the time being.

The Working Party asks the Council

- (1) to recommend to the member States the application of the Provisional Guidelines;
- (2) to accept the proposal of the Working Party with respect to direct exchange of the variety denominations among the competent national authorities and to agree that this exchange may start as soon as possible;
- (3) to agree that the Office of the Union, until further notice, not be involved in the exchange of variety denominations and also refrain from notifying variety denominations to the member States of the Paris Union for the Protection of Industrial Property.

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