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NEWSLETTER

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW VARIETIES OF PLANTS

No. 26

May 1981

Geneva

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UPOV

Recommendation on Fees in Relation to Cooperation in Examination: Explanations

The Recommendation on Fees in Relation to Cooperation in Examination adopted by the Council of UPOV at its fourteenth ordinary session in October 1980 (for the text, see UPOV Newsletter No. 24, pages 24 to 26) replaces the Resolution on Fee Questions adopted by the Council at its seventh ordinary session in October 1973. The latter has in effect proved to be out of date and could not be applied fully in a number of countries.

In essence, the effect of the Recommendation is that an applicant seeking protection in more than one State would pay for the examination of his variety, in the case of cooperation:

- a single examination fee (corresponding to the total examination fees for the various growing cycles);
- a number of administrative fees (each one being equivalent to at least 350 Swiss francs) depending on the number of States in which protection is being sought.

In this respect, the first question to arise is that of determining the application in connection with which the applicant would pay the examination fee ("basic application"). The basic application will be determined according

to the chronological order of applications (thus it will normally be the first application filed), provided that a determination which has already been made and notified is not changed as a result of a request, received after the date of the determination, for transmission of examination results. If need be, the basic application will be determined on the latest date for the submission of material.

There may be some changes in the payments described above if an application is rejected or withdrawn. There are three typical cases:

(i) first case: the examination is made at the request of one State only, and the application in that State is rejected or withdrawn;

(ii) second case: the rejected or withdrawn application is not the basic application;

(iii) third case: the rejected or withdrawn application is the basic application.

In the first case, the applicant will have to pay an examination fee in respect of any growing cycle of examination begun or concluded. In practice:

(i) if the application is rejected or withdrawn before the beginning of the examination, no examination fee will have to be paid;

(ii) if the application is rejected or withdrawn during the first growing cycle, or after that cycle but before the beginning of the second cycle, the examination fee corresponding to the first cycle will have to be paid;

(iii) if the application is rejected or withdrawn during the second growing cycle, or after that cycle but before the beginning of the third cycle--if any-- the examination fee corresponding to the first two cycles will have to be paid.

For the second case, the principle is that the administrative fee is due in respect of each final report received by the State which has requested its transmission. Consequently:

(i) if the application is rejected or withdrawn before the final report has been transmitted, no administrative fee will have to be paid;

(ii) if the application is rejected or withdrawn after the final report has been transmitted, the administrative fee will have to be paid.

In the third case, depending on the stage reached in the procedure, the applicant may already have paid one or more examination fees in connection with the basic application, in the "originating State." These fees will form the basis of the payment by the originating State to the examining State of the considerations due for the examination. In other words, the principles applicable in the above-mentioned first case also apply.

The examination has, however, to continue for the benefit of the other States that have requested examination results and, depending on the fees already paid or owed by the applicant in the originating State, it can happen that the examining State has not been fully rewarded for its work. For instance, if the basic application has been withdrawn in the course of the first growing cycle, the examining State will only have been paid a consideration equal to the examination fee corresponding to that cycle. In that case, a new basic application will be determined according to the above-mentioned principle, whereupon the new originating State will be responsible for completing the consideration payable to the examining State, and for charging the applicant the corresponding examination fees in lieu of an administrative fee.

Finally, it may happen that an application is rejected or withdrawn and is followed by a new application. In that case the new application will be handled without any account being taken of the old one.

It is expected that the Recommendation will be implemented progressively as the member States introduce the necessary administrative and (where necessary) legal provisions.

STATISTICS ON THE PROTECTION OF PLANT VARIETIES IN 1979*

Chart I

Applications Filed and Titles of Protection (Special Titles,
Patents, Inventors' Certificates) issued in 1979;
Titles Having Ceased to be in Force in 1979;
Titles in Force on December 31, 1979

	Applications filed by			Titles issued to			Titles having ceased to be in force in 1979	Titles in force on December 31, 1979
	Resi- dents	Non- resi- dents	Total	Resi- dents	Non- resi- dents	Total		
Belgium	17	74	91	19	70	89	6	192
Bulgaria	52	-	52	37	-	37		
Denmark	33	94	127	16	52	68	43	361
Germany (Fed. Rep. of)	454	167	621	197	127	324	210	2008
Hungary	-	1	1	-	8	8	-	27
Israel	25	16	41	14	3	17	3	124
Japan	76	-	76	19	-	19	18	105
Netherlands	487	145	632	213	81	294	254	1772
New Zealand	33	4	37	41	2	43	-	64
South Africa	21	21	42	1	8	9	-	59
Soviet Union	556	-	556	173	-	173		
Spain	85	255	340	-	-	-	-	-
Sweden	28	19	47	9	13	22	12	147
Switzerland	2	5	7	2	14	16	-	17
United States of America ¹	117	8	125	79	8	87	-	661
	151	45	196	98	33	131	91	2282

* Established on the basis of information supplied by the competent authorities of the various States. For the statistics of preceding years, see UPOV Newsletter Nos. 6, 12 and 21.

¹ The figures above the dotted line refer to sexually reproduced varieties, protected under the Plant Variety Protection Act. The figures below the dotted line refer to asexually reproduced varieties, protected under the Patent Act.

Chart II
Applications Filed and Titles of Protection Issued
to Non-Residents in 1979, Broken Down
by Country of Origin

Country of origin	Belgium	Canada	Denmark	France	German Democratic Republic	Germany (Federal Republic of)	Italy	Japan	Netherlands	New Zealand	Sweden	Switzerland	United Kingdom	United States of America	Others*	Total
Belgium	-	-	-	23	-	13	-	-	27	-	-	1	10	-	-	74
	-	-	-	-	-	11	-	-	27	-	-	1	10	21	-	70
Denmark	2	-	-	11	2	37	-	-	21	1	9	-	9	2	2	94
	1	-	-	6	1	19	-	-	11	-	3	-	11	-	-	52
Germany (Fed. Rep. of)	-	-	11	45	13	-	1	-	73	-	7	-	15	-	-	167
	-	-	13	16	20	-	-	-	67	-	2	-	9	-	-	127
Hungary	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	1
	-	-	-	8	-	-	-	-	-	-	-	-	-	-	-	8
Israel	-	-	-	5	-	5	-	-	5	-	-	-	1	-	-	16
	-	-	-	-	-	3	-	-	-	-	-	-	-	-	-	3
Netherlands	-	3	3	36	1	65	-	1	-	-	4	2	14	9	7	145
	-	-	3	17	1	43	-	-	-	-	1	-	5	9	2	81
New Zealand	-	-	-	-	-	-	-	-	1	-	-	-	3	-	-	4
	-	-	-	-	-	-	-	-	-	-	-	-	2	-	-	2
South Africa	-	-	1	8	-	5	-	-	1	-	-	-	-	6	-	21
	-	-	-	2	-	3	-	-	1	-	-	-	-	2	-	8
Spain	4	-	-	157	-	-	27	-	43	-	5	-	12	-	18	255
	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sweden	-	-	-	1	-	18	-	-	-	-	-	-	-	-	-	19
	-	-	-	4	-	6	-	-	-	-	-	-	3	-	-	3
Switzerland	-	-	-	5	-	-	-	-	-	-	-	-	-	-	-	5
	-	-	-	11	-	-	-	-	2	-	-	-	1	-	-	14
United States of America ¹	-	-	-	-	-	1	-	-	6	-	-	-	1	-	-	8
	-	-	-	-	-	1	-	-	6	-	-	-	1	-	-	8
	-	2	-	5	-	20	-	1	7	1	-	-	3	-	6	45
	-	4	2	5	-	10	-	1	2	1	1	-	6	-	1	33

General remark: For each reporting country, the first line of figures refers to applications and the second line to the titles of protection issued.

¹ See footnote 1 to Chart I.

* Detail (the figure before the slash refers to applications and the figures after the slash to the titles of protection issued):

Denmark: Norway 2/-

Netherlands: Czechoslovakia 1/-

Hungary 6/-

Liechtenstein -/2

Spain: Ireland 3/-

Israel 2/-

Yugoslavia 2/-

United States of America: Colombia 1/1

Costa Rica 2/-

Spain 2/-

Taiwan 1/-

MEMBER STATES

Belgium: Modification of Fees

The Royal Decree of July 22, 1977, Fixing the Fees to be Charged in the Matter of Plant Variety Protection (see UPOV Newsletter No. 11, page 30) was amended by the Royal Decree of January 15, 1981 (Moniteur belge - Belgisch Staatsblad of February 13, 1981, page 1635), with effect from November 1, 1980. Article 2 of the Decree now reads as follows (addition underlined):

"(1) Where the Service for the Protection of New Plant Varieties calls upon a foreign service or a foreign expert for the examination of a variety, the applicant shall pay, in respect of that examination, the amount billed by that service or expert."

"(2) Where the Service for the Protection of New Plant Varieties requests of the service of a member State of the Union the results of the examination of a variety undertaken in that State, for which the applicant for a new plant variety certificate has paid the requisite fees, the latter shall pay, in derogation of Article 41 of the Royal Decree of July 22, 1977, on the Protection of New Plant Varieties, in addition to the fee for filing the application, the amount billed by the foreign service for the communication of the results of that examination. The amount of the bill paid to the service of the member State of the Union shall be on account of the annual fees. However, for the applications registered as from November 1, 1980, the amount of the bill paid to the service of the member State of the Union, reduced by 7,000 Francs, shall be on account of the annual fees."

The effect of the amendment is to introduce an administrative fee of 7,000 Belgian Francs for the transmittal of examination results, in accordance with the Recommendation on Fees in Relation to Cooperation in Examination.

Denmark: Amendment of the Law

The Plant Variety Breeders (Protection of Rights) Law, as published in the Official Gazette of May 17, 1968, under No. 172, and as amended by the Acts No. 197 of March 29, 1974, and No. 636 of December 13, 1978, was amended as follows by virtue of an Act of March 25, 1981:

Article 1(4) was completed as follows (addition underlined):

"(4) Protection of breeders' rights under this Law shall not be granted for plant varieties that have been offered for sale or commercialized with the breeder's consent before the date of the application for registration. Where necessary for the fulfilment of international agreements, the Minister may grant protection notwithstanding the fact that the plant variety concerned was offered for sale or commercialized in another country during the four years preceding the application for registration. However, in respect of trees, the Minister of Agriculture may decide that the period shall be extended to six years."

Article 12 was amended to read as follows:

"(1) The protection shall lapse after the expiration of the following periods, calculated from the date of the issue of the certificate of protection:

- | | |
|--|----------|
| 1. Vegetatively propagated plants: | |
| a. potatoes | 25 years |
| b. forest trees, fruit trees and their rootstocks, as well as ornamental trees | 18 years |
| c. other plants | 15 years |
| 2. Sexually propagated plants | 20 years |

"(2) However, in respect of varieties of plants mentioned in 1.b and c in the preceding paragraph which have been protected by a certificate issued before January 1, 1970, the Minister of Agriculture may decide that protection shall not lapse before the expiration of 20 years."

The amended Act entered into force on April 1, 1981.

Denmark: Appointment of a New Alternate Representative to the UPOV Council

Mr. F. Espenhain, Head of Office, Plantenyhedsnaevnet (Plant Variety Board), has been appointed alternate to the representative of Denmark on the UPOV Council, in replacement of Mr. F. Rasmussen, who has retired.

France: Appointment of a New Representative to the UPOV Council

Mr. A. Grammont, Sous-directeur des productions végétales in the Ministry of Agriculture, has been appointed representative of France on the UPOV Council, in replacement of Mr. B. Laclavière.

Federal Republic of Germany: Amendment of the Law

By virtue of the Law of June 13, 1980, on the Grant of Legal Aid (Gesetz über die Prozesskostenhilfe - Bundesgesetzblatt, Part I, of June 21, 1980, page 677), which entered into force on January 1, 1981, Articles 44(5) and 46(3) of the Law on the Protection of Plant Varieties (Consolidated Version of January 4, 1977 - Bundesgesetzblatt, Part I, of January 22, 1977, page 105, page 286) were amended to read as follows (additions underlined):

Article 44(5): "In all other matters, the provisions of the Patent Law, with respect to appeal proceedings before the Patent Court, shall apply mutatis mutandis. For the grant of legal aid, the provisions of Article 46b and of Articles 46e to 46i of the Patent Law shall apply mutatis mutandis."

Article 46(3): "The provisions of the Patent Law concerning procedures before the Federal Supreme Court on appeals on points of law shall also apply. For the grant of legal aid, the provisions of Article 46k of the Patent Law shall apply mutatis mutandis."

Federal Republic of Germany: Extension of Protection

By virtue of the Second Order, of October 9, 1980 (Bundesgesetzblatt, Part I, of October 15, 1980, page 1941), Amending the Order Concerning the List of Species under the Plant Variety Protection Law (see UPOV Newsletter No. 14, page 2, and No. 18, page 9), protection was extended to the following with effect from October 16, 1980 (the Latin and German names appear in the above-mentioned Order, whereas the English and French common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
Cattleya Lindl.	Cattleya	Cattleya	Cattleya
Cotoneaster Medik.	Cotoneaster	Cotoneaster	Cotoneaster
Dahlia Cav.	Dahlia	Dahlia	Dahlie
X Doritaenopsis hort.	Doritaenopsis	Doritaenopsis	Doritaenopsis
X Laeliocattleya Rolfe	Laeliocattleya	Laeliocattleya	Laeliocattleya
Paphiopedilum Pfitz.	Lady's Slipper	Sabot de Vénus	Venussschuh
Phalaenopsis Bl.	Phalaenopsis	Phalaenopsis	Phalaenopsis
Vaccinium-Corymbosum-Hybrids	Blueberry	Myrtille	Kulturheidelbeere
X Vuylstekeara hort.	Vuylstekeara	Vuylstekeara	Vuylstekeara

Federal Republic of Germany: Change of Address of the Bundessortenamt (Federal Office of Plant Varieties)

The headquarters of the Bundessortenamt (Federal Office of Plant Varieties) has been transferred from Hannover-Bemerode to Hannover-Buchholz. The new address is as follows:

Bundessortenamt
Osterfelddamm 80
D - 3000 Hannover 61
(Tel.: 0511/5704-1)

Israel: Extension of Protection

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule), 5740-1980, of June 18, 1980 (Kovetz Hatakanot 4143, of July 10, 1980), protection has been extended to the following (the Latin names appear in the above-mentioned Order, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
Anemone L.	Anemone	Anémone	Anemone
Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Leucadendron spp.	Leucadendron	Leucadendron	Leucadendron

The list of species to which the Plant Breeders' Rights Law, 5733-1973, was hitherto applicable was published in UPOV Newsletter No. 18, on page 16, and No. 20, on page 31.

Netherlands: Extension of Protection

By virtue of the Order of December 15, 1980 (Staatsblad 773, issued on January 19, 1981), Amending the Plant Breeder's Right Order 1975 (see UPOV Newsletter No. 2, page 8, and No. 21, page 16), protection was extended to the following with effect from January 1, 1981 (the Latin and Dutch names appear in the above-mentioned Order, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latin</u>	<u>Dutch</u>	<u>English</u>	<u>French</u>	<u>German</u>
Anethum graveolens L.	Dille	Dill	Aneth	Dill
Bromeliaceae Juss.: -Aechmea Ruiz et Pav., -Cryptanthus Klotzsch ex O. et D., -Guzmania Ruiz et Pav., -Neoregelia L.B. Sm., -Tillandsia L., -Vriesea Lindl.	Bromelia- achtigen, voor zover behorende tot de genoemde geslachten en hun onderlinge hybriden	Plants of the Bromelia type, provided that they belong to one of the genera mentioned opposite or to a hybrid between them	Plantes du type Bromelia, pour autant qu'elles appartiennent à l'un des genres mentionnés ci- contre ou à un hybride entre ces genres	Bromelia-artige Pflanzen, vorausgesetzt, dass sie einer der nebenstehend angegebenen Gattungen oder einer Hybride zwischen diesen Gattungen gehören
Dahlia Cav.	Dahlia	Dahlia	Dahlia	Dahlie
Foeniculum vulgare Mill.	Venkel	Fennel	Fenouil	Fenchel

Italy: Extension of Protection

By virtue of the Ministerial Decree of October 8, 1980 (Gazzetta Ufficiale of October 28, 1980, No. 296, page 9191), concerning the Extension of Presidential Decree No. 974 of August 12, 1975 (see UPOV Newsletter No. 3, page 12, and No. 21, page 16), to Further Botanical Genera and Species, protection was extended to 57 further genera or species. The list of crops now covered by plant variety protection legislation is given, in the alphabetical order of the Latin names, overleaf. The Latin and Italian names of the above-mentioned 57 genera or species appear in the Ministerial Decree, whereas the Presidential Decree listed the protected crops only by Italian names. English, French and German common names and--where missing--Latin names have been added, without guarantee of concordance, by the Office of the Union.

South Africa: Amendment of the Law and Promulgation of New Regulations

The Plant Breeders' Rights Act (Act 15 of 1976) was amended by the Plant Breeders' Rights Amendment Act (Act 5 of 1980). The amended Act and new Plant Breeders' Rights Regulations (Government Gazette 7349 (Regulation Gazette No. 3116)) came into operation on January 2, 1981.

The main purpose of the amendment was to enable South Africa to ratify the revised Act of 1978 of the UPOV Convention. To this end, a period of six years ending on the date of application, during which the variety may have been offered for sale or marketed abroad, has been introduced by Regulation 3(1) (a) (ii) in respect of trees, vine and their rootstocks.

For the rest, the following is worth mentioning:

(i) Certain provisions have been clarified and the Act has been simplified by relegating a number of provisions to the Regulations;

(ii) The legal basis for South Africa's cooperation with other UPOV member States in the examination of plant varieties has been strengthened (Section 19(4) to (6) of the Act);

(iii) Protection may be extended to the sale of any product normally not used as propagating material, subject to reciprocity as provided in Article 5(4) of the UPOV Convention (Section 23(1A) and (5) of the Act);

(iv) The Registrar may, within six months from the date of extension of protection to the species concerned, accept applications for protection of varieties not complying with the normal novelty requirements (Regulation 3(2)).

Switzerland: Amendment of the Law and Decree Approving the Revised Convention

By virtue of the Federal Law on the Protection of New Plant Varieties (Amendment of October 10, 1980), Article 5(3) of the Federal Law of March 20, 1975, on the Protection of New Plant Varieties was amended as follows (addition underlined):

"(3) The fact that a variety is itself generally known shall in no way detract from its character of novelty unless, at the time the application was filed, the variety had already been offered for sale or marketed in Switzerland or--for more than four years--abroad, with the consent of the breeder or his successor in title. The Federal Council may, in respect of certain species or genera, extend that period to a maximum of six years."

On the same day, the Federal Assembly adopted the Federal Decree Approving the Revised Convention for the Protection of New Varieties of Plants and thereby authorized the Federal Council to ratify the revised Convention.

Sweden: Appointment of a New Alternate Representative to the UPOV Council

Prof. L. Kåhre, Vice-Chairman of the Statens Växsortsnämnd (National Plant Variety Board), has been appointed alternate to the representative of Sweden on the UPOV Council, in replacement of Prof. E. Åberg.

List of Crops Covered by Plant Variety Protection Legislation
in Italy

Liste des espèces couvertes par la législation sur la protection des
obtentions végétales en Italie

Liste der Arten, die in Italien der Sortenschutzgesetzgebung
unterliegen

<u>Latin*</u>	<u>Italian</u>	<u>English</u>	<u>French</u>	<u>German</u>
Agrostis spec.	Agrostidi	Bentgrass	Agrostis, Agrostide	Straussgras
Allium cepa L.	Cipolla	Onion	Oignon	Zwiebel
Amygdalus communis L.	Mandorlo	Almond	Amandier	Mandel
Apium graveolens L.	Sedano	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Asparagus officinalis L.	Asparagio	Asparagus	Asperge	Spargel
Avena sativa L.	Avena	Oats	Avoine	Hafer
Beta vulgaris L.	Barbabietola da foraggio e da zucchero	Fodder and Sugar Beets	Betteraves fourragère et sucrière	Runkel- und Zuckerrübe
Brassica napus oleifera L.	Colza	Swede Rape, including Oilseed Rape	Colza	Raps
Brassica oleracea L.	Cavolfiore, Broccoli	Cauliflower, Sprouting Broccoli, Calabrese	Chou-fleur, Brocoli	Blumenkohl, Brokkoli, Spargelkohl
Capsicum annuum L.	Peperone	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
Chrysanthemum spec.	Crisantemi, Margherite	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margeriten
Cichorium endivia L.	Indivia, Scarola	Endive	Chicorée frisée, Scarole	Winterendivie
Cichorium intybus L.	Cicoria, Radicchio	Chicory	Chicorée, Endive	Salatzichorie, Wurzelzichorie
Citrus limon L. (Burmans)	Limone	Lemon	Citronnier	Zitrone, Sauerzitrone, Limone

* The Latin names preceded by an asterisk have been added by the Office of the Union/
Les noms latins précédés d'un astérisque ont été ajoutés par le Bureau de l'Union/
Die durch ein Sternchen gekennzeichneten lateinischen Namen sind durch das Verbandsbüro
eingetragen worden.

Citrus paradisi (Macfadyen)	Pompelmo	Grapefruit	Pomélo	Grapefruit
Citrus reticulata (Blanco)	Mandarino	Mandarin	Mandarinier	Mandarine
*Citrus reticulata X C. paradisi	Tangelo	Tangelo	Tangelo	Tangelo
*Citrus reticulata X C. sinensis	Tangor	Tangor	Tangor	Tangor
Citrus sinensis (L.) Osbeck	Arancio dolce	Orange	Oranger	Apfelsine, Orange
Codiaeum variegatum L.	Croton	Croton	Croton	Wunderstrauch, Croton
Cucumis sativus L.	Cetriolo	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Cucurbita pepo L.	Zucchini	Pumpkin, Marrow, Courgette	Courge, Citrouille, Pâtisson	Gartenkürbis, Ölkürbis
Cyclamen persicum L.	Ciclamini	Cyclamens	Cyclamens de Perse	Alpenveilchen
Cynara scolymus L.	Carciofo	Globe Artichoke	Artichaut	Artischocke
Daucus carota L.	Carota	Carrot	Carotte	Möhre
*Dianthus spec.	Garofano	Carnation	Oeillet	Nelke
Dieffenbachia spec.	Dieffenbachia	Dieffenbachia	Dieffenbachia	Dieffenbachia
Dracaena spec.	Dracena	Dragon Tree	Dragonnier	Drachenbaum
Euphorbia pulcherrima	Poinsettia	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Gerbera spec.	Gerbera	Gerbera	Gerbera	Gerbera
Gladiolus spec.	Gladiolo	Gladiolus	Glaïeul	Gladiole
Glycine max L.	Soia	Soya Bean	Soja	Sojabohne
Helianthus annuus L.	Girasole	Common Sunflower	Tournesol, Soleil	Sonnenblume
*Hordeum spec.	Orzo	Barley	Orge	Gerste
Iris spec.	Iris	Iris	Iris	Iris
Lilium spec.	Lilium	Lily	Lis	Lilie
Lolium multiflorum Lam.	Loietto comune, Loietto italico	Italian Ryegrass, Westerwold Ryegrass	Ray-grass d'Italie	Welsches Weidelgras, Italienisches Raygras
Malus communis L.	Melo	Apple	Pommier	Apfel
*Medicago spec.	Erba medica	Lucerne	Luzerne	Schneckenklee
Nicotiana tabacum L.	Tabacco	Tobacco	Tabac	Tabak
Olea europaea L.	Olivo	Olive	Olivier	Ölbaum, Olive

* <i>Oryza spec.</i>	Riso	Rice	Riz	Reis
<i>Pelargonium spec.</i>	Gerani, Pelargoni	Geraniums, Pelargoniums	Géraniums, Pelargoniums	Pelargonien
<i>Petunia spec.</i>	Petunia	Petunia	Pétunia	Petunie
<i>Phaseolus vulgaris L.</i>	Fagiolo	French Bean	Haricot	Gartenbohne
<i>Pisum sativum L.</i>	Pisello da orto	Garden Pea	Pois (potager)	Erbse (Gemüse-)
<i>Poa spec.</i>	Poa	Meadow-Grass	Pâturin	Rispengras
* <i>Populus spec.</i>	Pioppo	Poplar	Peuplier	Pappel
<i>Prunus armeniaca L.</i>	Albicocco	Apricot	Abricotier	Aprikose
<i>Prunus avium L.</i>	Ciliegio dolce	Sweet Cherry	Cerisier (cerises douces : guignes, bigarreaux)	Süsskirsche
<i>Prunus persica (Stokes)</i>	Pesco	Peach	Pêcher	Pfirsich
<i>Pyrus communis L.</i>	Pero	Pear	Poirier	Birne
<i>Ranunculus asiaticus</i>	Ranuncolo	Garden Ranunculus	Renoncule	Ranunkel
* <i>Rosa spec.</i>	Rosa	Rose	Rosier	Rose
<i>Saintpaulia ionantha H. Wendl.</i>	Saintpaulia	African Violet	Saintpaulia	Usambaraveilchen
<i>Secale cereale L.</i>	Segale	Rye	Seigle	Roggen
<i>Solanum lycopersicum L.</i>	Pomodoro	Tomato	Tomate	Tomate
<i>Solanum melongena L.</i>	Melanzana	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
<i>Solanum tuberosum L.</i>	Patata	Potato	Pomme de terre	Kartoffel
<i>Sorghum vulgare L.</i>	Sorgo	Sorghum	Sorgho	Mohrenhirse
<i>Spinacia oleracea L.</i>	Spinacio	Spinach	Epinard	Spinat
* <i>Trifolium spec.</i>	Trifoglio	Clover	Trèfle	Klee
Triticale	Triticale	Triticale	Triticale	Triticale
* <i>Triticum spec.</i>	Grano	Wheat	Blé	Weizen
<i>Vicia faba L.</i>	Fava	Broad Bean, Horse Bean, Field Bean, Tick Bean	Fève, Féverole	Dicke Bohne (Puffbohne), Ackerbohne
* <i>Vitis spec.</i>	Vite e suoi portainnesti	Vine, including rootstocks	Vigne, y compris porte-greffes	Rebe, einschliess- lich Unterlagen
* <i>Zea spec.</i>	Mais	Maize	Maïs	Mais

Sweden: Modification of Fees

A new tariff of fees has been introduced in Sweden in respect of certain matters with effect from December 1, 1980, by Regulation SFS 1980:793. The new fees are as follows:

<u>Kind of Fee</u>	<u>Amount, Swedish Crowns</u>	<u>(Previous Level)</u>
Application fee		
(1) where examination is ordered by the National Plant Variety Board, i.e. application in Sweden as first country of application or application beyond period of priority	1,000	(850)
(2) where examination is not ordered by the National Plant Variety Board, i.e. examination is in progress in another UPOV member State and the results are taken over	2,300	(1,500)
Appeal fee	725	(600)
Annual renewal fee	1,300	(1,200)
Late payment, but not before expiration of six months	1,600	(1,450)
Entries in the Variety Register (e.g. change of holder, licences)	100	(75)

Where the examination is not ordered by the National Plant Variety Board, the applicant can recover 500 Skr in the case of withdrawal of the application before the final decision on the grant of protection is taken, provided that the National Plant Variety Board has had no expenses to the examining authority.

Concerning the fees for the examination of plant varieties for distinctness, homogeneity and stability, see UPOV Newsletter No. 16, page 16.

Spain: Appointment of Representatives to the UPOV Council

Mr. J.M. Mateo Box, Director of the Instituto Nacional de Semillas y Plantas de Vivero (National Institute of Seeds and Nursery Plants) and Mr. R. López de Haro y Wood, Technical Under-Director of the Laboratorios y Registros de Variedades (Laboratories and Variety Registers) of the same Institute have been appointed representative and alternate representative of Spain on the UPOV Council, respectively.

 NON-MEMBER STATES

Ireland: Entry into Force of the Plant Variety Protection System

The Plant Varieties (Proprietary Rights) Act, 1980 (No. 24 of 1980) was adopted by the Oireachtas on July 14, 1980, and was put into operation on January 22, 1981, by the Plant Varieties (Proprietary Rights) Act, 1980 (Commencement) Order, 1981 (Statutory Instrument No. 22 of 1981). The Plant Varieties (Proprietary Rights) Regulations, 1981 are contained in Statutory Instrument No. 23 of 1981.

The plant variety protection system is based on the 1978 Act of the UPOV Convention (which has been signed by Ireland--see UPOV Newsletter No. 18, page 2). The crops currently covered by the system are the following (the Latin and English names appear in the above-mentioned Regulations, whereas the

French and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>	<u>Period of Protection (in Years)</u>
<i>Avena sativa</i> L.	Oats	Avoine	Hafer	15
<i>Hordeum vulgare</i> L.	Barley	Orge	Gerste	15
<i>Lolium perenne</i> L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	20
<i>Solanum tuberosum</i> L.	Potatoes	Pomme de terre	Kartoffel	20
<i>Trifolium repens</i>	White Clover	Trèfle blanc	Weissklee	20
<i>Triticum aestivum</i> L. emend. Fiori et Paol.	Wheat	Blé	Weizen	15

The main fees are as follows (in Irish Pounds):

- application fee	100
- examination fee (per year)	200
- grant of plant breeders' rights	50
- renewal fees	
+ second year	100
+ third year	110
+ fourth year	120
+ fifth year	130
+ sixth year	140
+ seventh year and subsequent ones	150

New Zealand: Extension of Protection

By virtue of the Plant Varieties Act Extension Order 1980 (No. 164 - notified in the Gazette on August 7, 1980), protection was extended to the following, with effect from August 21, 1980:

English

- (a) Agricultural and vegetable crops:
 - (i) Barley (Hordeum sp.)
 - (ii) Brassica varieties (Brassica sp.) of agricultural importance such as turnips, swedes, kale, and rape, but excluding vegetable varieties such as cabbage, cauliflower, broccoli, and Brussels sprouts
 - (iii) Linseed (Linum usitatissimum L.)
 - (iv) Lucerne (Medicago sativa L.)
 - v) Oats (Avena sp.)
 - (vi) Peas, field and garden (Pisum sp.)
 - (vii) Phacelia (Phacelia tanacetifolia Benth.)
 - (viii) Potatoes (Solanum tuberosum L.)
 - (ix) Wheat (Triticum sp.)
- (b) Fruit:
 - (i) All fruit species except those species such as tomatoes and aubergines commonly termed vegetables
 - (ii) All nut species
- (c) Herbage:
 - (i) Fescue (Festuca sp.)
 - (ii) Lotus (Lotus sp.)
 - (iii) Phalaris (Phalaris sp.)
 - (iv) Ryegrass (Lolium sp.)
 - (v) Yorkshire Fog (Holcus lanatus)
- (d) Ornamentals: all ornamental species except Orchidaceae (other than Cymbidium sp.)

Français

- a) Plantes agricoles et potagères :
- i) Orge (Hordeum sp.)
 - ii) Variétés de Brassica (Brassica sp.) d'importance agricole telles que les navets, les rutabagas, le chou fourrager et le colza, à l'exclusion des variétés potagères telles que le chou pommé, le chou-fleur, le brocoli et le chou de Bruxelles
 - iii) Lin (Linum usitatissimum L.)
 - iv) Luzerne (Medicago sativa L.)
 - v) Avoine (Avena sp.)
 - vi) Pois potager et fourrager (Pisum sp.)
 - vii) Phacélie (Phacelia tanacetifolia Benth.)
 - viii) Pomme de terre (Solanum tuberosum L.)
 - ix) Blé (Triticum sp.)
- b) Fruits :
- i) Toutes les espèces fruitières, à l'exclusion des espèces telles que la tomate et l'aubergine communément appelées légumes
 - ii) Toutes les espèces de noix
- c) Plantes fourragères :
- i) Fétuque (Festuca sp.)
 - ii) Lotier (Lotus sp.)
 - iii) Alpiste (Phalaris sp.)
 - iv) Ray-grass (Lolium sp.)
 - v) Houllque laineuse (Holcus lanatus)
- d) Plantes ornementales : toutes les espèces ornementales, à l'exclusion des Orchidacées (autres que Cymbidium sp.)

Deutsch

- a) Landwirtschaftliche und Gemüsepflanzen:
- i) Gerste (Hordeum sp.)
 - ii) Brassica-sorten (Brassica sp.) von landwirtschaftlicher Bedeutung wie Herbst- und Mairübe, Kohlrübe, Futterkohl und Raps, mit Ausnahme der Gemüsesorten wie Kopfkohl, Blumenkohl, Brokkoli und Rosenkohl
 - iii) Lein (Linum usitatissimum L.)
 - iv) Blaue Luzerne (Medicago sativa L.)
 - v) Hafer (Avena sp.)
 - vi) Futter- und Gemüseerbse (Pisum sp.)
 - vii) Phazelle (Phacelia tanacetifolia Benth.)
 - viii) Kartoffel (Solanum tuberosum L.)
 - ix) Weizen (Triticum sp.)
- b) Obst und Nüsse:
- i) Alle Obstarten mit Ausnahme der Arten wie Tomate und Aubergine/Eierfrucht, die üblicherweise als Gemüse bezeichnet werden
 - ii) Alle Nussarten
- c) Futterpflanzen:
- i) Schwingel (Festuca sp.)
 - ii) Schotenklee (Lotus sp.)
 - iii) Glanzgras (Phalaris sp.)
 - iv) Weidelgras (Lolium sp.)
 - v) Wolliges Honiggras (Holcus lanatus)
- d) Zierpflanzen: alle Zierarten mit Ausnahme der Orchidaceen (aber einschliesslich Cymbidium sp.)

New Zealand: Amendment of the Regulations

The Plant Varieties Regulations 1975 (S.R. 1975/138, as amended by The Plant Varieties Regulations 1975, Amendment No. 1 (S.R. 1975/238)) were amended by The Plant Varieties Regulations 1975, Amendment No. 2 (S.R. 1980/134 - notified in the Gazette of July 3, 1980) with effect from July 17, 1980. The main amendment relates to the fees, of which the main ones are now as follows, expressed in New Zealand dollars (Group 1 comprises the herbage crops, the agricultural crops and the vegetables, and Group 2 comprises the ornamentals, the fruits and the forest trees):

<u>Kind of fee</u>	<u>Group 1</u>	<u>Group 2</u>
Application fee	250	100
Examination fee	250	75
or		
Test trial fees		
(a) Official trials in New Zealand (per annum)	Nil	75
(b) National testing authority trials overseas	Amount charged by overseas organization	
(c) Test reports acceptable to the Registrar from overseas national testing authorities	Amount charged by overseas organization	
Decision fee (notice of grant)	250	75
Annual renewal fee	50	50

United States of America: Amendment of the Plant Variety Protection Act

The Plant Variety Protection Act of December 24, 1970 (Public Law 91-577 - 84 Stat. 1542), was amended by the Plant Variety Protection Act, Amendment, of December 22, 1980 (Public Law 96-574 - 94 Stat. 3350). The main amendments are as follows:

(i) Protection has been extended to the species carrot, celery, cucumber, okra, pepper and tomato, hitherto excluded, and is now available in respect of all sexually reproduced varieties (other than fungi, bacteria and first-generation hybrids);

(ii) The period of protection has been extended to 18 years;

(iii) Some existing provisions have been clarified or strengthened and obsolete requirements have been repealed or moderated.

INTERGOVERNMENTAL ORGANIZATIONS

Ninth Panamerican Seeds Seminar

From November 7 to 21, 1980, the Seminarios Panamericanos de Semillas (Panamerican Seeds Seminars) held their Ninth Seminar at the Bolsa de Cereales (Cereals Exchange) in Buenos Aires (Argentina). A Panamerican Seeds Seminar is held every third year. The previous one took place in 1977 in Tegucigalpa (Honduras). The next will be held in 1983 in Quito (Ecuador) or, should unforeseen difficulties arise, in Bogotá (Colombia).

The general objectives of the Ninth Panamerican Seeds Seminar were to analyze the problems limiting the production and use of improved seeds and to formulate recommendations for their solution to the governments of American States and to international organizations and institutions. More specifically the Seminar was to:

(i) examine the problems of ownership of varieties in the production and marketing of seeds in each American State, and its effect on international trade;

(ii) analyze the legal and technical aspects of seed production, certification and marketing, which form the basis for harmonizing national systems and achieving sub-regional and regional integration;

(iii) hear from each State about the state of development of programs of seed production, transfer of technology, certification, processing, analysis and evaluation of quality, and technical assistance to seed producers;

(iv) promote and maintain, within circles of technicians dealing with seeds, a high level of interest in their subject and close links between them.

The member States of the Panamerican Seeds Seminars are States of the Western Hemisphere and Spain.

All American States--except some Central American and Caribbean States -- and Spain were represented at the Ninth Seminar. Of the intergovernmental organizations, the Junta of the Cartagena Agreement (JUNAC), which has its headquarters in Lima (Peru), the International Seed Testing Association (ISTA) and UPOV were represented. Even more international non-governmental organizations were represented. These included the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), the International Federation of the Seed Trade (FIS), the International Center for Maize and Wheat Improvement (CIMMYT), which has its seat in Mexico, and the International Center for Tropical Agriculture (CIAT), which has its seat at Cali (Colombia). A number of national organizations were also represented, in particular the American Seed Trade Association (ASTA). The Seminar was organized by the Government of the host country, Argentina, in cooperation with the outgoing Permanent Secretary-General of the Panamerican Seeds Seminars, Dr. Eleodoro J. Fuentes of Chile.

The UPOV Delegation consisted of Dr. Dirk Böringer, President of the German Federal Plant Varieties Office (Federal Republic of Germany), Dr. Heribert Mast, Vice Secretary-General of UPOV, and Mr. Halvor Skov, Chief of Administration, Statens Planteavlkskontor (Denmark). ASSINSEL was represented by Dr. C. Mastenbroek, its President, who can look back on more than two decades of experience as a practical plant breeder.

At the very opening session of the Plenary of the Seminar the activities of UPOV were favorably mentioned by the representatives of a number of participating States, and with particular emphasis by the representative of JUNAC. The sessions of the Plenary and of the various working groups of the Seminar gave ample opportunity for the participants to acquaint themselves with or improve their understanding of the protection of plant varieties as practised in UPOV member States. A whole day was devoted in Plenary to lectures on both the technical and legal aspects of plant variety protection--two of which were delivered by members of the UPOV Delegation--and to a panel discussion in which the members of the UPOV Delegation, the representative of ASSINSEL and Mr. B.M. Leese, Commissioner, Plant Variety Protection Office, United States of America, all of them on the panel, were called upon to explain and defend the system. It was during that day that harsh criticism of the practical effects of plant breeders' rights was voiced, mainly by representatives of the international research center CIMMYT. The open and frank--though often misinformed--remarks of the CIMMYT representatives, enabled the UPOV delegation and others to correct many misunderstandings during the panel discussion, which was considered by a good proportion of the participants to have been the major event of the Seminar.

In general, the Ninth Seminar followed the good tradition, established at preceding Seminars, of serving as a forum for the exchange of information and experience within Latin America and beyond. The program was completed by visits to seed firms and to regional experimental stations of the National Institute of Agricultural Technology.

The President of the Ninth Seminar was Dr. Roberto V. Maneiro of Argentina who, at the end of the Seminar, was appointed Permanent Secretary-General, in place of Dr. Eleodoro J. Fuentes of Chile, who will continue to serve the organization in an honorary capacity.

UPOV thanked the organizers of the Ninth Seminar by inviting a number of key persons to a working luncheon during which the importance of further close cooperation between the two organizations was underlined by many speakers.

PUBLICATIONS BY THE OFFICE OF THE UNION

Test Guidelines

Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability (Test Guidelines) have been published by the Office of the Union in a trilingual--English, French and German--edition for the following species, which come in addition to those listed in UPOV Newsletter No. 21, on page 18, or, if marked with an asterisk, replace the corresponding edition.

<u>Document</u>	<u>English</u>	<u>French</u>	<u>German</u>
*TG/2/4	Maize	Maïs	Mais
*TG/4/4	Ryegrass	Ray-grass	Weidelgras
*TG/11/4	Rose	Rosier	Rose
TG/57/3	Flax, Linseed	Lin	Lein
TG/63/3	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
TG/64/3	Radish	Radis de tous les mois	Radieschen
TG/65/3	Kohlrabi	Chou-rave	Kohlrabi
TG/67/4	Sheep's Fescue (including Hard Fescue), Red Fescue	Fétuque ovine (y compris Fétuque durette), Fétuque rouge	Schafschwingel (einschliesslich Härtilicher Schwingel), Rotschwingel
TG/73/3	Blackberry	Ronce fruitière	Brombeere
TG/74/3	Celeriac	Céleri-rave	Knollensellerie
TG/75/3	Cornsalad	Mâche	Feldsalat
TG/76/3	Sweet Pepper	Piment	Paprika
TG/77/3	Gerbera (vegetatively propagated)	Gerbera (à multiplication végétative)	Gerbera (vegetativ vermehrte)
TG/78/3	Kalanchoë (vegetatively propagated)	Kalanchoë (à multiplication végétative)	Kalanchoë (vegetativ vermehrte)
TG/79/3	White Cedar	Thuja du Canada	Lebensbaum

Improved Version of "Old Apple and Pear Varieties. What for?"

The Office of the Union has at the disposal of those interested a version of the article "Old Apple and Pear Varieties. What for?" which was published in UPOV Newsletter No. 23 and has since been corrected by the author. Most of the corrections relate to points of detail. The following should be noted:

- page 12, paragraph 2: the citation from Hedrick reads as follows: "Providence ordained Belgium to produce the modern pear... The pear was improved more in one century in Belgium than in all the centuries that had passed";
- page 22, paragraph 1, line 2: read "traditional cereal harvesting time" instead of "traditional picking time";
- page 23, paragraph 3, line 4: read "vertical cordons" instead of "vertical strings";
- page 25, paragraph 2, line 2: read "1978" instead of "1878";
- page 30, paragraph 1, lines 2 and 3: read "being even for the most part unknown" instead of "being for the most part underrated";
- page 30, paragraph 3, line 7: read "to recover varieties from Belgian collections" instead of "to pick varieties in Belgian collections";
- page 31, paragraph 1, line 1: read "disturbing" instead of "frightening."

General Information Brochure

The Office of the Union has issued new brochures containing general information on plant variety protection and UPOV in English, French, German and Spanish (UPOV publications 408(E), (F), (G) and (S) respectively). The brochures are based on the situation in mid-1980. They may be obtained free of charge from the Office of the Union.

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DUNNER (Donald R.) and LIPSEY (Charles E.)

The patentability of life forms, new technologies and other flukes of nature

in: APLA Quarterly Journal, 1979, vol. 7, No. 3/4, pp. 190-219

HESSE (Hans Gerd)

Züchtungen und Entdeckungen neuer Pflanzensorten durch Arbeitnehmer [Breeding and discovery of new plant varieties by employees]

in: Gewerblicher Rechtsschutz und Urheberrecht, 1980, vol. 82, No. 56, pp. 404-411

KOZLOVA (T.I.)

Novye sorta rasteniy i ikh pravovaya okhrana [New Plant Varieties and Their Legal Protection]

in: Voprosy izobretatel'stva, 1979, No. 10, pp. 18-22

LEVCHENKO (V.I.)

Sortam rasteniy - éffektivuú pravovuú okhranu [The plant varieties must be effectively protected]

in: Voprosy izobretatel'stva, 1980, No. 4, pp. 44-47

LODI (Lodo)

Sulla tutela delle novità vegetali nel sistema brevettuale italiano ex r. d. 1127/39 [On the protection of new plant varieties under the Italian patent system deriving from Royal Decree 1127/39]

in: Giurisprudenzia agraria italiana, Feb. 1981, No. 2, pp. 81-93

MURPHY (P.W.)

Plant Breeders' Rights in the United Kingdom

in: European Intellectual Property Review, Sept. 1979, pp. 236-240

PÁLOS (György)

Nemzetközi együttműködés a fajtaoltalmi bejelentéseknél [International cooperation with applications for plant variety protection]

in: Közleményei - Magyar Iparjogvédelmi Egyesület, 1980, No. 20, pp. 129-148

 CALENDAR

1981

UPOV Meetings

May 6 Geneva	Consultative Committee
May 6 to 8 Geneva	Administrative and Legal Committee
June 23 to 25 Edinburgh (United Kingdom)	Technical Working Party for Agricultural Crops
September 8 to 10 Wädenswil (Switzerland)	Technical Working Party for Vegetables
September 22 to 25 Wageningen (Netherlands)	Technical Working Party for Fruit Crops
October 6 to 8 Antibes (France)	Technical Working Party for Ornamental Plants
October 12 to 14 Geneva	Administrative and Legal Committee
October 14 to 16 Geneva	Technical Committee
November 9 Geneva	Consultative Committee
November 10 to 12 Geneva	Council

Meetings of other International Organizations

May 24 to 26 Acapulco (Mexico)	International Federation of the Seed Trade (FIS), Congress
May 27 and 28 Acapulco (Mexico)	International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), Congress
June 2 to 6 Nairobi (Kenya)	Food and Agriculture Organization of the United Nations (FAO)/Swedish International Development Authority (SIDA), Technical Conference on Improved Seed Production

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