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| International Union for the Protection of New Varieties of Plants |  |

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|  | UPOV/INF/5/2 Draft 2Original: EnglishDate: August 1, 2019 |

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| **DRAFT****(Revision)** |

UPOV Model Plant Breeders’ Rights PUBLICATION

Document prepared by the Office of the Union

to be considered by

the Council at its fifty-third ordinary session
to be held in Geneva on November 1, 2019

Disclaimer: this document does not represent UPOV policies or guidance

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| Note for Draft version**Endnotes** provide background information when considering the draft version, not to be retained in the approved version of the document.**Footnotes** to be retained in the published version of the document. |

TABLE OF CONTENTS

PREAMBLE 2

Part I. Introduction to the UPOV Model Plant Breeders’ Rights Publication 3

Part iI. Example of Plant Breeders’ Rights Publication 4

Introduction 4

Example of table of contents 5

Examples on the information concerning each title in the table of contents 6

# PREAMBLE

 The purpose of this document is to provide members of the Union with guidance and explanations on how to ensure that the public is informed through the regular publication of information concerning applications for and grants of breeders’ rights, and proposed and approved denominations.

 The structure of the document is as follows:

Preamble

Part I. Introduction to the UPOV Model Plant Breeders’ Rights Publication

Part II. Example of Plant Breeders’ Rights Publication

# Part I. Introduction to the UPOV Model Plant Breeders’ Rights Publication

 Members of the Union are required to inform the public of relevant matters concerning breeders’ rights as provided in Article 30(1)(iii) of the 1991 Act of the UPOV Convention and Article 30(1)(c) of the  1978 Act of the UPOV Convention.

**1991 Act** of the UPOV Convention

**Article 30**

**Implementation of the Convention**

 (1) [*Measures of implementation*] Each Contracting Party shall adopt all measures necessary for the implementation of this Convention; in particular, it shall:

 […]

 (iii) ensure that the public is informed through the regular publication of information concerning

 - applications for and grants of breeders’ rights, and

 - proposed and approved denominations.

**1978 Act** of the UPOV Convention

**Article 30**

**Implementation of the Convention on the Domestic Level;
Contracts on the Joint Utilisation of Examination Services**

 (1) Each member State of the Union shall adopt all measures necessary for the application of this Convention; in particular, it shall:

 […]

 *(c)* ensure that the public is informed of matters concerning such protection, including as a minimum the periodical publication of the list of titles of protection issued.

 The information to be published by the members of the Union can be categorized as follows:

- Minimum information

- Additional information

 Part II of this document provides illustrative examples on the publication of information. The minimum information to be published is presented in dark green and a non‑exhaustive list of possible additional information is provided in light green.

# Part iI. Example of Plant Breeders’ Rights Publication

 This Part provides an example for the possible presentation of a publication.

 The structure of this Part is as follows:

- Introduction

- Example of table of contents

- Examples on the information concerning each title in the table of contents

## Introduction

 The information concerning applications for breeders’ rights may be presented in alphabetical order of the relevant plant genera and species, listed by botanical name, and the examples in Part II of this document is structured in this way. Members of the Union may also provide hyperlinks to the content of the chosen item.

 UPOV has established a UPOV Code System to overcome the problem of synonyms for plant taxa. That is achieved by attributing each taxa a code according to the UPOV Code System (“UPOV code”); synonyms for the same plant taxa are attributed the same UPOV code.

 The guide to the UPOV Code System is available at <http://www.upov.int/genie/resources/pdfs/upov_code_system_en.pdf;jsessionid=C6D70B24B0B4CF3EBC4657FD30CAF98F>.

 To facilitate the filing of applications, UPOV has developed the UPOV PRISMA PBR application tool which enables applicants to transmit their application data to participating members of the Union via the UPOV website (available at <http://www.upov.int/upovprisma>). Applications submitted via UPOV PRISMA will be allocated an International Reference Number (IRN), which relevant members of the Union may include in their publications.

 The information concerning proposed denominations is often published with the information concerning new applications for breeders’ rights. It may be the case that at the time of the filing or the publication of the application the breeder is not in a position to propose a denomination. In such cases, the breeder can provide a “breeder’s reference” and the application will be published with such a breeder’s reference. When the proposed denomination becomes available it will need to be published in a section concerning denominations.

## Example of table of contents

**PLANT BREEDERS’ RIGHTS PUBLICATION No. X – Month and Year**

TABLE OF CONTENTS:

Applications for breeders’ rights

[Listed by botanical and/or common name]

Proposed variety denominations / breeders’ references

[Listed by botanical and/or common name]

Grants of breeders’ rights and approved denominations

[Listed by botanical and/or common name]

Withdrawal or rejection of applications for breeders’ rights

**Applications withdrawn**

[Listed by botanical and/or common name]

**Applications rejected**

[Listed by botanical and/or common name]

Matters after the grant of breeders’ rights

**Nullity of breeders’ rights**

[Listed by botanical and/or common name]

**Cancellation of breeders’ rights**

[Listed by botanical and/or common name]

**Renunciation of breeders’ rights**

[Listed by botanical and/or common name]

**Expiry of the period of protection of breeders’ rights**

[Listed by botanical and/or common name]

Changes

Changes to variety denominations

**Changes to proposed variety denominations**

[Listed by botanical and/or common name]

**Proposals to change approved variety denominations**

[Listed by botanical and/or common name]

**Approvals of new variety denominations of protected varieties**

[Listed by botanical and/or common name]

Changes concerning applicants, holders of breeders’ rights or their representatives

**Changes concerning applicants or representatives**

[Listed by botanical and/or common name]

**Changes concerning holders of breeders’ rights or representatives**

[Listed by botanical and/or common name]

## Examples on the information concerning each title in the table of contents

Applications for breeders’ rights

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

| Application Number | International Reference Number[[1]](#footnote-2) | Applicant[[2]](#footnote-3) | Date of Filing[[3]](#footnote-4) | Proposed Denomination | Breeder’s Reference  | Priority: State/Organization[[4]](#footnote-5) and date | Person who bred, or discovered and developed, the variety (if different from applicant)2 | Procedural Representative/ Agent/Proxy[[5]](#footnote-6) | Variety Descriptions and Photographs |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| C12 |  | **Rosier et Cie**Rue Berri, Montreal CA | 12.03.2018 | Queen |  | FR 2018‑01-20 | Karl ZüchterMattenhofstr., BernCH |  |  |
| C 14 | XU\_302018000000112 | **Emma Janssens**Rue de Stassart, BrusselsBE | 17.03.2018 | Marquise |  | FR 2018‑01-20 |  |  |  |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Date of Filing | Proposed Denomination | Breeder’s Reference  | Priority: State/Organization and date | Person who bred, or discovered and developed, the variety (if different from applicant) | Procedural Representative/ Agent/Proxy | Variety Descriptions and Photographs |
| E 250 | XU\_30201800000057 | **John Smith**London Street, Cambridge UK | 25.03.2018 |  | T 33 |  | J MüllerRathausstrasse, HanoverDE | Jim ProxyWatermaalpad AmsterdamNL |  |
| E 253 |  | **Jackson Breeder**Riara Rd., NairobiKE | 29.03.2018 | Klima |  | TZ 2018‑01‑24 |  |  |  |

Proposed variety denominations

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Proposed Denomination | Date of Filing | Breeder’s Reference | Person who bred, or discovered and developed, the variety (if different from applicant) | Procedural Representative/Agent/Proxy | Variety Descriptions and Photographs |
| C12 |  | **Rosier et Cie**Rue Berri, Montréal CA | Queen | 12.03.2018 |  | Karl ZüchterMattenhofstr., BernCH |  |  |
| C13 |  | **Rosa García**Av. Villaran, LimaPE | Rio Rita | 15.03.2018 |  |  |  |  |
| C 14 | XU\_302018000000112 | **Emma Janssens**Rue de Stassart, BrusselsBE | Marquise | 17.03.2018 |  |  |  |  |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Proposed Denomination | Date of Filing | Breeder’s Reference | Person who bred, or discovered and developed, the variety (if different from applicant) | Procedural Representative/Agent/Proxy | Variety Descriptions and Photographs |
| E 250 | XU\_30201800000057 | **John Smith**London Street, CambridgeUK | Tatu | 25.03.2018 | T 33 | J MüllerRathausstrasse, HanoverDE | Jim ProxyWatermaalpad, AmsterdamNL |  |
| E 253 |  | **Jackson Breeder**Riara Rd., NairobiKE | Klima | 29.03.2018 |  |  |  |  |

Grants of breeders’ rights and approved denominations

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Title Grant Number | Holder of the Breeder’s Right | Date of Filing | Approved Variety Denomination | Date of Grant | Person who bred, or discovered and developed, the variety (if different from holder of the breeder’s right) | Procedural Representative/Agent/Proxy | Variety Descriptions and Photographs |
| C 12 |  | 110 | **Karl Züchter**Mattenhofstr., BernCH | 12.03.2018 | Queen | 15.07.2019 |  | Olle OmbudBygatan, SolnaSE |  |
| C 14 | XU\_302018000000112 | 112 | **Emma Janssens**Rue de Stassart, BrusselsBE | 17.03.2018 | Baronne | 20.07.2019 |  |  |  |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Title Grant Number | Holder of the Breeder’s Right | Date of Filing | Approved Variety Denomination | Date of Grant | Person who bred, or discovered and developed, the variety (if different from holder of the breeder’s right) | Procedural Representative/Agent/Proxy | Variety Descriptions and Photographs |
| E 250 | XU\_30201800000057 | 100 | **John Smith**London Street, CambridgeUK | 25.03.2018 | Tatu | 15.07.2020 | J MüllerRathausstrasse, HannoverDE | Jim ProxyWatermaalpad, AmsterdamNL |  |
| E 253 |  | 103 | **Jackson Breeder**Riara Rd., NairobiKE | 29.03.2018 | Klim | 29.07.2020 |  |  |  |

Withdrawal or rejection of applications for breeders’ rights

**Applications withdrawn**

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Date of Filing | Breeder’s Reference  | Proposed Denomination | Date Withdrawn |
| C 13 |  | **Rosa García**Av. Villaran, LimaPE | 15.03.2018 |  | Rio Rita | 21.05.2018 |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Date of Filing | Breeder’s Reference  | Proposed Denomination | Date Withdrawn |
| E 251 |  | **Xiaoming Wang** Chao Yang Street, Beijing CN | 27.03.2018 |  | JINGMAI110 | 29.05.2018 |

**Applications rejected**

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant | Date of Filing | Breeder’s Reference  | Proposed Denomination | Date of Rejection |
| E 253 |  | **Jackson Breeder**Riara Rd., NairobiKE | 29.03.2018 |  | Klima | 15.06.2018 |

**Termination of breeders’ rights**

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Title Grant Number | International Reference Number | Date of Grant | Holder of the Breeder’s Right | Approved Variety Denomination | Date of Termination | Cause of termination |
| 110 |  | 15.07.2019 | **Karl Züchter**Mattenhofstr., BernCH | Queen | 28.10.2024 | Renunciation |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Title Grant Number | International Reference Number | Date of Grant | Holder of the Breeder’s Right | Approved Variety Denomination | Date of Termination  | Cause of termination |
| 100 | XU\_30201800000057 | 15.07.2020 | **John Smith**London Street, CambridgeUK | Tatu | 25.09.2030 | Cancellation |

Changes to variety denominations

**Changes to proposed variety denominations**

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant  | **[[6]](#endnote-2)** Previous Proposed Variety Denomination | Proposed New Variety Denomination | Date of Proposal | Person who bred, or discovered and developed, the variety (if different from holder of the breeder’s right) | Procedural Representative/Agent/Proxy | Variety Descriptions and Photographs |
| C 14 | XU\_302018000000112 | **Emma Janssens**Rue de Stassart, BrusselsBE | Marquise | Baronne | 25.07. 2018 |  |  |  |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Applicant  | Previous Proposed Variety Denomination | Proposed New Variety Denomination | Date of Proposal | Person who bred, or discovered and developed, the variety (if different from holder of the breeder’s right) | Procedural Representative/ Agent/Proxy | Variety Descriptions and Photographs |
| E 253 | XU\_30201800000057 | **Jackson Breeder**Riara Rd., NairobiKE | Klima | Klim | 29.07. 2018 |  | Martin LopezCalle Sabal, MadridES |  |

**Proposals to change denominations of protected varieties**

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Title Grant Number | International Reference Number | Date of Grant | Holder of the Breeder’s Right | Variety Denomination | Proposed New Variety Denomination | Date of Proposal | Variety Descriptions and Photographs |
| 100 | XU\_30201800000057 | 15.07. 2020 | **John Smith**London Street, CambridgeUK | Tatu | Jupiter | 26.10.2030 |  |

**Approvals of new variety denominations of protected varieties**

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Title Grant Number | International Reference Number | Date of Grant | Holder of the Breeder’s Right | Previous Variety Denomination | New Variety Denomination | Date of Approval | Variety Descriptions and Photographs |
| 100 | XU\_30201800000057 | 15.07. 2020 | **John Smith**London Street, CambridgeUK | Tatu | Jupiter | 28.11. 2030 |  |

Changes concerning applicants, holders of breeders’ rights or their representatives

**Changes concerning applicants or representatives**

Chrysanthemum

*Chrysanthemum L.* (UPOV Code:CHRYS)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Breeder’s Reference  | Proposed Denomination | Previous Applicant  | New Applicant | Previous Procedural Representative/Agent/Proxy  | New Procedural Representative/Agent/Proxy | Date of Change | Date of Filing | Variety Descriptions and Photographs |
| C 12 |  |  | Queen | **Rosier et Cie**Rue Berri, Montreal,CA | **Karl Züchter**Mattenhofstr., Bern,CH |  | Olle OmbudBygatan, Solna,SE | 21.07.2018 | 12.03.2018 |  |

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Application Number | International Reference Number | Breeder’s Reference  | Proposed Denomination | Previous Applicant  | New Applicant | Previous Procedural Representative/Agent/Proxy  | New Procedural Representative/Agent/Proxy | Date of Change | Date of Filing | Variety Descriptions and Photographs  |
| E 253 | XU\_30201800000057 |  | Klima | **Jackson Breeder**Riara Rd., Nairobi,KE |  | none | Martin LopezCalle Sabal, Madrid,ES | 22.07.2018 | 29.03.2018 |  |

**Changes concerning holders of breeders’ rights or representatives**

Wheat

*Triticum aestivum L. emend. Fiori et Paol.* (UPOV Code:TRITI\_AES)

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Title Grant Number | International Reference Number | Date of Grant | Variety Denomination  | Previous Holder of the Breeder’s Right  | New Holder of the Breeder’s Right | Previous Procedural Representative/Agent/Proxy  | New Procedural Representative/Agent/Proxy | Date of Change | Variety Descriptions and Photographs |
| 100 |  | 15.07.2020 | Jupiter | **John Smith**London Street, Cambridge,UK | **J Müller**Rathausstrasse, Hannover,DE | Jim ProxyWatermaalpad AmsterdamNL |  | 11.01.2031 |  |

[End of document]

1. The International Reference Number (IRN) is an identifier assigned by the UPOV PRISMA PBR Application tool. It follows WIPO ST.13 standard for application numbers. When the same variety is submitted for protection in different members of the Union, all corresponding application data will be assigned the same IRN (see <http://www.wipo.int/export/sites/www/standards/en/pdf/03-13-01.pdf>). [↑](#footnote-ref-2)
2. The address should be sufficiently complete to ensure delivery by the postal service. Telephone number(s) and e-mail address(es) are optional. [↑](#footnote-ref-3)
3. The format of dates should follow WIPO ST.2 standard (see <http://www.wipo.int/export/sites/www/standards/en/pdf/03-02-01.pdf>). [↑](#footnote-ref-4)
4. Codes for States/Organizations should follow WIPO ST.3 standard (see <http://www.wipo.int/export/sites/www/standards/en/pdf/03-03-01.pdf>). [↑](#footnote-ref-5)
5. The address of procedural representatives, agents or proxies is provided since it might be more convenient, in the case of certain announcements, for a user of the publication to correspond with the procedural representative, agent or proxy than the applicant. This will be the case particularly where the address of the applicant is in a foreign State. The address should be sufficiently complete to ensure delivery by the postal service. Telephone number(s) and e-mail address(es) are optional. [↑](#footnote-ref-6)
6. The Office of the Union noted that, in section “Changes to variety denominations”, subsection “Changes to proposed variety denominations”, the title of the column “Variety Denomination” should read “Previous Proposed Variety Denomination”, in accordance with the column “Previous Variety Denomination” under subsection “Approvals of new variety denominations of protected varieties”. This correction has been reflected in document UPOV/INF/5/2 Draft 2, as explained in document C/53/3 “Adoption of documents” (paragraph 33). [↑](#endnote-ref-2)