

UPOV/INF/5/2 Draft 2**Original:** English**Date:** August 1, 2019**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***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.

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PREAMBLE

1. 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.

2. 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

3. 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.

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

- Minimum information
- Additional information

5. 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

6. This Part provides an example for the possible presentation of a publication.
7. 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

8. 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.
9. 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.
10. The guide to the UPOV Code System is available at http://www.upov.int/genie/resources/pdfs/upov_code_system_en.pdf;jsessionid=C6D70B24B0B4CF3EBC4657FD30CAF98F.
11. 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.
12. 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	Applicant ²	Date of Filing ³	Proposed Denomination	Breeder's Reference	Priority: State/Organization ⁴ and date	Person who bred, or discovered and developed, the variety (if different from applicant) ²	Procedural Representative / Agent/Proxy ⁵	Variety Descriptions and Photographs
C12		Rosier et Cie Rue Berri, Montreal CA	12.03.2018	Queen		FR 2018-01-20	Karl Züchter Mattenhofstr., Bern CH		
C 14	XU_302018000000112	Emma Janssens Rue de Stassart, Brussels BE	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_302018000000057	John Smith London Street, Cambridge UK	25.03.2018		T 33		J Müller Rathausstrasse, Hanover DE	Jim Proxy Watermaalpad Amsterdam NL	
E 253		Jackson Breeder Riara Rd., Nairobi KE	29.03.2018	Klima		TZ 2018-01-24			

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>).

² The address should be sufficiently complete to ensure delivery by the postal service. Telephone number(s) and e-mail address(es) are optional.

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>).

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>).

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.

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 Züchter Mattenhofstr., Bern CH		
C13		Rosa García Av. Villaran, Lima PE	Rio Rita	15.03.2018				
C 14	XU_302018000000112	Emma Janssens Rue de Stassart, Brussels BE	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, Cambridge UK	Tatu	25.03.2018	T 33	J Müller Rathausstrasse, Hanover DE	Jim Proxy Watermaalpad, Amsterdam NL	
E 253		Jackson Breeder Riara Rd., Nairobi KE	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., Bern CH	12.03.2018	Queen	15.07.2019		Olle Ombud Bygatan, Solna SE	
C 14	XU_302018000000112	112	Emma Janssens Rue de Stassart, Brussels BE	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_302018000000057	100	John Smith London Street, Cambridge UK	25.03.2018	Tatu	15.07.2020	J Müller Rathausstrasse, Hannover DE	Jim Proxy Watermaalpad, Amsterdam NL	
E 253		103	Jackson Breder Riara Rd., Nairobi KE	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, Lima PE	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., Nairobi KE	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., Bern CH	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, Cambridge UK	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	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, Brussels BE	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., Nairobi KE	Klima	Klim	29.07. 2018		Martin Lopez Calle Sabal, Madrid ES	

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, Cambridge UK	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, Cambridge UK	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 Ombud Bygatan, 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 Lopez Calle 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 Proxy Watermaalpad Amsterdam NL		11.01.2031	

[End of document]

ⁱ 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).