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

|  |  |
| --- | --- |
| CouncilFifty-Fifth Ordinary SessionGeneva, October 29, 2021 | C/55/INF/6Original: EnglishDate: October 29, 2021 |

List of the taxa protected by the members of the Union

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

TABLE OF CONTENTS

[INTRODUCTION 2](#_Toc86358332)

[SYMBOLS USED IN THE MAIN TABLE 3](#_Toc86358333)

[MAIN TABLE 5](#_Toc86358334)

[NOTES CLASSIFIED BY MEMBERS OF THE UNION 39](#_Toc86358335)

# INTRODUCTION

 The 1978 Act of the International Convention for the Protection of New Varieties of Plants is applicable, according to its Article 4(1), to all botanical genera and species. Its Article 4(2) provides that “the member States of the Union undertake to adopt all measures necessary for the progressive application of the provisions of this Convention to the largest possible number of botanical genera and species.” The 1991 Act of the Convention provides in its Article 3 that “each Contracting Party which is bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention, (i) at the date on which it becomes bound by this Convention, to all plant genera and species to which it applies, on the said date, the provisions of the Act of 1961/1972 or the Act of 1978 and, (ii) at the latest by the expiration of a period of five years after the said date, to all plant genera and species,” and that “each Contracting Party which is not bound by the Act of 1961/1972 or the Act of 1978 shall apply the provisions of this Convention, (i) at the date on which it becomes bound by this Convention, to at least 15 plant genera or species and, (ii) at the latest by the expiration of a period of 10 years from the said date, to all plant genera and species.”

 This document contains:

- the main table;

- notes classified by members of the Union.

 The main table presents the list of taxa protected[[1]](#footnote-2)F by the following members of the Union, which do not protect all plant genera and species: Brazil, China, Egypt, South Africa and Trinidad and Tobago (total:  5 members of the Union).

 The main table does not contain the following members of the Union, which protect the whole or essentially the whole plant kingdom: African Intellectual Property Organization (OAPI), Argentina, Australia, Austria, Belarus, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, European Union, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lithuania, Mexico, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Vincent and the Grenadines, Serbia, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan and Viet Nam (total:  66 members of the Union). Details on the situation in those authorities are given in the notes classified by members of the Union.

 The main table does not contain the following members of the Union, which have not notified the extension of protection to all genera and species in accordance with Article 3(2)(ii) and Article 36(2)(ii) of the 1991 Act of the Convention (see paragraph 1 above): Albania, Azerbaijan, Morocco, North Macedonia, Oman and Tunisia (total: 6 members of the Union).

 The taxa are listed in the alphabetical order of their respective UPOV Code.

 The drawing up of the synoptical list of taxa has led to some departures from the relevant laws and regulations, in particular because nomenclatures used are not uniform. It is recommended to consult these laws and regulations when precise information is needed.

 The notes classified by members of the Union follow the alphabetical order of the ISO codes applicable to countries and organizations (see the list on page 4). The following will be found therein, wherever it has appeared necessary:

1. general notes relating in particular to the way in which the list of protected taxa has been established;
2. special notes relating to a specific taxon.

 New developments reflected in this document include:

* + Extension of protection to additional plant genera and species: Brazil

# SYMBOLS USED IN THE MAIN TABLE

|  |  |
| --- | --- |
| **X:** | Protected taxon |
| **+:** | Protected taxon as a result of the protection of a taxon of a higher rank to which it belongs (for example in the case of a species: the genus or family to which it belongs is protected). |

UPOV MEMBERS AND ISO CODES / MEMBRES DE L’UPOV ET CODES ISO /
VERBANDSMITGLIEDER UND ISO-CODE / MIEMBROS DE LA UNIÓN Y CÓDIGOS ISO

| **ISO** | **English** | **français** | **deutsch** | **Español** |
| --- | --- | --- | --- | --- |
| **AL** | Albania | Albanie | Albanien | Albania |
| **AR** | Argentina | Argentine | Argentinien | Argentina |
| **AT** | Austria | Autriche | Österreich | Austria |
| **AU** | Australia | Australie | Australien | Australia |
| **AZ** | Azerbaijan | Azerbaïdjan | Aserbaidschan | Azerbaiyán |
| **BA** | Bosnia and Herzegovina | Bosnie-Herzégovine | Bosnien-Herzegowina | Bosnia y Herzegovina |
| **BE** | Belgium | Belgique | Belgien | Bélgica |
| **BG** | Bulgaria | Bulgarie | Bulgarien | Bulgaria |
| **BO** | Bolivia (Plurinational State of)  | Bolivie (État plurinational de) | Bolivien (Plurinationaler Staat)  | Bolivia (Estado Plurinacional de) |
| **BR** | Brazil | Brésil | Brasilien | Brasil |
| **BY** | Belarus | Bélarus | Belarus | Belarús |
| **CA** | Canada | Canada | Kanada | Canadá |
| **CH** | Switzerland | Suisse | Schweiz | Suiza |
| **CL** | Chile | Chili | Chile | Chile |
| **CN** | China | Chine | China | China |
| **CO** | Colombia | Colombie | Kolumbien | Colombia |
| **CR** | Costa Rica | Costa Rica | Costa Rica | Costa Rica |
| **CZ** | Czech Republic | République tchèque | Tschechische Republik | República Checa |
| **DE** | Germany | Allemagne | Deutschland | Alemania |
| **DK** | Denmark | Danemark | Dänemark | Dinamarca |
| **DO** | Dominican Republic | République dominicaine | Dominikanische Republik | República Dominicana |
| **EC** | Ecuador | Équateur | Ecuador | Ecuador |
| **EE** | Estonia | Estonie | Estland | Estonia |
| **EG** | Egypt | Égypte | Ägypten | Egipto |
| **ES** | Spain | Espagne | Spanien | España |
| **FI** | Finland | Finlande | Finnland | Finlandia |
| **FR** | France | France | Frankreich | Francia |
| **GB** | United Kingdom | Royaume‑Uni | Vereinigtes Königreich | Reino Unido |
| **GE** | Georgia | Géorgie | Georgien | Georgia |
| **HR** | Croatia | Croatie | Kroatien | Croacia |
| **HU** | Hungary | Hongrie | Ungarn | Hungría |
| **IE** | Ireland | Irlande | Irland | Irlanda |
| **IL** | Israel | Israël | Israel | Israel |
| **IS** | Iceland | Islande | Island | Islandia |
| **IT** | Italy | Italie | Italien | Italia |
| **JO** | Jordan | Jordanie | Jordanien | Jordania |
| **JP** | Japan | Japon | Japan | Japón |
| **KE** | Kenya | Kenya | Kenia | Kenya |
| **KG** | Kyrgyzstan | Kirghizistan | Kirgisistan | Kirguistán |
| **KR** | Republic of Korea | République de Corée | Republik Korea | República de Corea |
| **LT** | Lithuania | Lituanie | Litauen | Lituania |
| **LV** | Latvia | Lettonie | Lettland | Letonia |
| **MA** | Morocco | Maroc | Marokko | Marruecos |
| **MD** | Republic of Moldova | République de Moldova | Republik Moldau | República de Moldova |
| **ME** | Montenegro | Monténégro | Montenegro | Montenegro |
| **MK** | North Macedonia | Macédoine du Nord | Nordmazedonien | Macedonia del Norte |
| **MX** | México | Mexique | Mexiko | México |
| **NI** | Nicaragua | Nicaragua | Nicaragua | Nicaragua |
| **NL** | Netherlands | Pays-Bas | Niederlande | Países Bajos |
| **NO** | Norway | Norvège | Norwegen | Noruega |
| **NZ** | New Zealand | Nouvelle-Zélande | Neuseeland | Nueva Zelandia |
| **OA** | African Intellectual Property Organization (OAPI) | Organisation Africaine de la Propriété Intellectuelle (OAPI) | Afrikanische Organisation für geistiges Eigentum (OAPI) | Organización Africana de la Propiedad Intelectual (OAPI) |
| **OM** | Oman | Oman | Oman | Omán |
| **PA** | Panama | Panama | Panama | Panamá |
| **PE** | Peru | Pérou | Peru | Perú |
| **PL** | Poland | Pologne | Polen | Polonia |
| **PT** | Portugal | Portugal | Portugal | Portugal |
| **PY** | Paraguay | Paraguay | Paraguay | Paraguay |
| **QZ** | European Union | Union européenne | Europäische Union | Unión Europea  |
| **RO** | Romania | Roumanie | Rumänien | Rumania |
| **RS** | Serbia | Serbie | Serbien | Serbia |
| **RU** | Russian Federation | Fédération de Russie | Russische Föderation | Federación de Rusia |
| **SE** | Sweden | Suède | Schweden | Suecia |
| **SG** | Singapore | Singapour | Singapur | Singapur |
| **SI** | Slovenia | Slovénie | Slowenien | Eslovenia |
| **SK** | Slovakia | Slovaquie | Slowakei | Eslovaquia |
| **TN** | Tunisia | Tunisie | Tunesien | Túnez |
| **TR** | Turkey | Turquie | Türkei | Turquía |
| **TT** | Trinidad and Tobago | Trinité-et-Tobago | Trinidad und Tobago | Trinidad y Tobago |
| **TZ** | United Republic of Tanzania | République-Unie de Tanzanie | Vereinigte Republik Tansania | República Unida de Tanzanía |
| **UA** | Ukraine | Ukraine | Ukraine | Ucrania |
| **US** | United States of America | États‑Unis d'Amérique | Vereinigte Staaten von Amerika | Estados Unidos de América |
| **UY** | Uruguay | Uruguay | Uruguay | Uruguay |
| **UZ** | Uzbekistan | Ouzbékistan | Usbekistan | Uzbekistán |
| **VC** | Saint Vincent and the Grenadines | Saint-Vincent-et-les Grenadines | St. Vincent und die Grenadinen | San Vicente y las Granadinas |
| **VN** | Viet Nam | Viet Nam | Vietnam | Viet Nam |
| **ZA** | South Africa | Afrique du Sud | Südafrika | Sudáfrica |

\* \* \* \* \*

# MAIN TABLE

Excel table and assembled version in PDF available at:

<https://www.upov.int/meetings/en/details.jsp?meeting_id=60600>

[the Notes follow]

# NOTES CLASSIFIED BY MEMBERS OF THE UNION

1. *AR / ARGENTINA*

General Note

There is no provision in the Law on Seed and Phytogenetic Creations (Law No. 20.247 of March 30, 1973) restricting protection to particular genera or species.

1. *AU / AUSTRALIA*

General Note

According to Section 3(1) of the Plant Breeder’s Rights Act 1994, the term “plant” includes all fungi and algae, but does not include bacteria, bacteroids, mycoplasmas, viruses, viroids and bacteriophages.

1. *BG / BULGARIA*

General Note

According to the Law on the Protection of New Plant Varieties and Animal Breeds (September 19, 1996), protection extends to all plant genera and species.

1. *BO / BOLIVIA (PLURINATIONAL STATE OF)*

General Note

The scope of application of national legislation is defined by Article 2 of Decision No. 345 (of October 21, 1993) of the Commission of the Cartagena Agreement as “all botanical genera and species insofar as the growing, possession or use thereof are not prohibited for reasons of human, animal or plant health.”

1. *BR / BRAZIL*

*Eucalyptus* refers to subgenus: *Symphyomyrthus*; Sections: *Transversaria*; *Exsertaria*; *Maidenaria*.

*Pennisetum purpureum*: protection relates to *Pennisetum purpureum* including hybrids with other *Pennisetum* species.

*Pyrus* L. refers to rootstock varieties.

1. *BY / BELARUS*

General Note

According to Law No. 115-3 of Accession of the Republic of Belarus to the International Convention for the Protection of New Varieties of Plants, from January 5, 2013, Belarus protects all plant genera and species.

1. *CA / CANADA*

General Note

According to the Plant Breeders’ Rights Regulations, protection extends to all species of the plant kingdom, except bacteria, algae and fungi.

1. *CH / SWITZERLAND*

General Note

According to the amended Plant Variety Protection Act and the new Plant Variety Protection Ordinance, which came into force on September 1, 2008, protection extends to all species of the plant kingdom.

1. *CL / CHILE*

General Note

The Law on the Rights of Breeders of New Varieties of Plants (No. 19.342 of October 17, 1994) provides that “the right of the breeder may be exercised in relation to all botanical genera and species.”

1. *CO / COLOMBIA*

General Note

According to Article 1 of Decree No. 533 of March 8, 1994, protection extends to all cultivated varieties of botanical genera and species, provided that the cultivation, possession or use thereof is not prohibited on grounds of human, animal or plant health, but does not extend to wild species, that is, those individual plant species that have not been planted or improved by man.

1. *CR / COSTA RICA*

General Note

According to Article 2 of Law No 8631 of March 6, 2008, as amended by Law No 8686 of November 21, 2008, protection extends to varieties of all plant genera and species.

1. *CZ / CZECH REPUBLIC*

General Note

Protection extends to all taxa of the plant kingdom (Act No. 408/2000 Coll. of October 25, 2000, on the Protection of Plant Variety Rights).

1. *DE / GERMANY*

General Note

Protection extends to all taxa of the plant kingdom (First Amendment Law of March 27, 1992, to the Plant Variety Protection Law).

1. *DK / DENMARK*

General Note

Protection extends to all plant genera and species (Plant Novelties Act, as last amended by Act No. 1086 of December 20, 1995 / Act No 967 of December 4, 2002).

1. *EC / ECUADOR*

General Note

The scope of application of national legislation is defined by Article 2 of Decision No. 345 (of October 21, 1993) of the Commission of the Cartagena Agreement as “all botanical genera and species insofar as the growing, possession or use thereof are not prohibited for reasons of human, animal or plant health.” In addition, Article 1 of Decree No. 3708 of April 10, 1996, establishing the regulations to the said Decision specifies that wild species which have not been planted or improved by man are excluded.

1. *EE / ESTONIA*

General Note

According to the Plant Variety Rights Act RT I 1998, 36/37, 553, which entered into force on July 1, 1998, amended by the Act RT I 2000, 10,56, which entered into force on March 1, 2000, protection extends to all plant genera and species.

1. *EG / EGYPT*

General Note

The provisions of Book Four of the Intellectual Property Rights Law No. 82 of 2002 on the Protection of Intellectual Property Rights (as amended by Law No. 26 of 2015 and Law No. 144 of 2019), shall apply to plant genera and species specified by the Minister of Agriculture, and shall apply to all genera and species at the expirationof a period of ten (10) years from the date of implementation of this Law.

1. *ES / SPAIN*

General Note

According to Law 3/2000 Governing the Protection of Plant Varieties, which entered into force on April 10, 2000, protection extends to all plant genera and species including hybrids of genera or species.

1. *FI / FINLAND*

General Note

Protection extends to all genera and species.

1. *FR / FRANCE*

General Note

Protection is granted to any variety belonging to a species of the plant kingdom (Decree No. 95-1407 of December 28, 1995, Amending the Intellectual Property Code (Regulatory Part) and Relating to the Scope of Application of New Plant Variety Certificates and the Scope and Duration of the Breeder’s Right).

1. *GB / UNITED KINGDOM*

General Note

Protection extends to all plant genera and species (Plant Varieties Act 1997).

1. *GE / GEORGIA*

General Note

Article 1 of the Law of Georgia for the protection of new varieties of plants provides that the Law “[…] applies to all the botanical genera and species of plants” in line with Article 3(2) of the 1991 Act.

1. *HU / HUNGARY*

General Note

There is no provision in the Law No. XXXIII of April 25, 1995, on the Protection of Inventions by Patents restricting protection to particular genera or species.

1. *IE / IRELAND*

General Note

On December 8, 2011, the Government of Ireland deposited its instrument of ratification of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991. The 1991 Act entered into force for Ireland on January 8, 2012, one month after the deposit of its instrument of ratification. According to the notification deposited with the Secretary-General together with the instrument of ratification, the legislation governing breeders’ rights of Ireland applies to all genera and species.

1. *IL / ISRAEL*

General Note

The Law on the Rights of the Breeders of Plant Varieties, as last amended on February 23, 1996, applies to all botanical genera and species.

1. *IT / ITALY*

General Note

Protection extends to all plant genera and species (Article 28 of Legislative Decree No. 455 of November 3, 1998).

1. *JP / JAPAN*

General Note

The Seeds and Seedlings Law (No. 83 of May 29, 1998) applies to all “agricultural, forestry and aquatic plants” covering “*spermatophytes* (seed plants), *pteridophytes* (ferns), *bryophytes* (mosses), and multicellular algae”, and also the fungi listed below.

| **Latine** | **Japonais** | **English** | **Français** | **Deutsch** | **Español** |
| --- | --- | --- | --- | --- | --- |
| *Agaricus bisporus* (Lange) Sing. | Tsukuritake | Mushroom | Champignon de couche | Champignon | Champiñón |
| *Agaricus blazei* Murr. | Hinematsutake | - | - | - | - |
| *Agrocybe cylindracea* (Fr.) Gill. | Yanagimatsutake | - | Pholiote du peu­plier, Pivoulade | Südlicher Schüppling | - |
| *Auricularia auricula-judae* (Fr.) Quél. | Kikurage | Jew’s Ear | Oreille de Judas | Judasohr, Holunder­schwamm | - |
| *Auricularia polytricha* (Mont.) Sacc.  | Aragekikurage | Jew’s Ear | Oreille de Judas | Judasohr, Holunder­schwamm | - |
| *Flammulina velutipes* (Fr.) Quél. | Enokitake | Velvet-footed collybia | Flammuline à pied velouté | - | - |
| *Grifola frondosa* (Fr.) S.F. Gray | Maitake | Hen of the Woods | Poule de bois | Laubporling, Klapperschwamm | - |
| *Hericium erinaceus* (Fr.) Pers. | Yamabushitake | - | - | - | - |
| *Hypsizygus marmoreus* (Peck) Bigelow (syn. : *Lyophyllum ulmarium* (Fr.) Kühn.) | Bunashimeji | - | - | - | - |
| *Hypsizygus ulmarius* (Bull. Fr.) Redhed (syn.: *Lyophyllum ulmarium* (Fr.) Kühn.) | Shirotamogitake | Elm Oyster | - | - | - |
| *Lentinus elodes* (Berk.) Sing. | Shiitake | Shiitake | Shiitake | Shiitake, Pasania-pilz | - |
| *Lyophyllum decastes* (Fr.) Sing. | Hatakeshimeji | Fried Chicken Mushroom | Tricholome agrégé | - | - |
| *Naematoloma sublate-ritium* (Fr.) Karst. | Kuritake | Brick Tops | Hypholome couleur de brique | - | - |
| *Panellus serotinus* (Fr.) Kühn. | Mukitake | Late Fall Oyster | - | Zwergknäuling | - |
| *Pholiota adiposa* (Fr.) Quél. | Numerisugitake | Fat Pholiota | - | - | - |
| *Pholiota nameko* (T. Ito) S. Ito et Imai | Nameko | - | Pholiote du peuplier | Nameko, Japanischer Schüppling | - |
| *Pleurotus abalonus* Han, Chen et Cheng | Kuroawabitake | - | - | - | - |
| *Pleurotus cornucopiae* (Pers.) Rolland | Tamogitake | Tamogitake | Oreille d’orme | Rillstieliger Seitling | Pleuroto |
| *Pleurotus cystidiosus* O.K. Mill. | Ohiratake | - | - | - | - |
| *Pleurotus eryngii* (DC.:Fr.) Quél. | Eryngii | - | Pleurote du panicaut | - | - |
| *Pleurotus ostreatus* (Fr.) Quél. | Hiratake | Oyster Mushroom | Pleurote en coquille | Drehling | Pleuroto |
| *Pleurotus pulmonarius* (Fr.) Quél. | Usuhiratake | - | - | - | - |

1. *KE / KENYA*

General Note

On December 21, 2011, the Office of the Union received a notification that the legislation governing breeders’ rights of Kenya applies to all genera and species, except bacteria and algae (the Seeds and Plant Varieties Act - CAP 326).

1. *KR / REPUBLIC OF KOREA*

General Note

On January 4, 2012, the Office of the Union received a notification that the legislation governing breeders’ rights of the Republic of Korea applies to all genera and species, from January 7, 2012.

*LT / LITHUANIA*

General Note

According to the Law on the Protection of Plant varieties No. IX-618 of November 22, 2001, amended on October 19, 2008, by Law No. X-862, and last amended on April 26, 2012, by Law No. XI-1994, protection extends to all genera and species.

1. *LV / LATVIA*

General Note

Protection extends to all plant genera and species (Section 2 of the “Plant Varieties Protection Law” of May 2, 2002).

1. *MX / MEXICO*

General Note

The Federal Law on Plant Varieties (Official Journal of the Federation of October 25, 1996) applies to all botanical genera and species.

1. *NI / NICARAGUA*

General Note

Protection extends to all genera and species (Article 10 of the “Law for the Protection of New Varieties of Plants No. 318” of November 12, 1999).

1. *NL / NETHERLANDS*

General Note

Protection extends to all taxa of the plant kingdom (Order of June 14, 1990 [Staatsblad 262], Amending the Plant Breeders’ Rights Order of 1975).

1. *NO / NORWAY*

General Note

Protection extends to all plant genera and species, including hybrids between genera or species (Ordinance Relating to the Breeder’s Right, as last amended on February 6, 1995).

1. *NZ / NEW ZEALAND*

General Note

According to the Plant Variety Rights Act 1987, as amended by the Plant Variety Rights Amendment Act 1994, the term “plant” includes a fungus, but does not include an alga or a bacterium.

1. *PA / PANAMA*

General Note

According to the Article 2 of the Law No. 63 of October 5, 2012, which modifies the Law No. 23 of 1997 concerning provisions for the protection of new varieties, protection extends to all genera and species.

1. *PL / POLAND*

General Note

According to the new Polish Seed Industry Law, which entered into force on November 1, 2000, protection extends to all plant genera and species.

1. *PY / PARAGUAY*

General Note

According to Law No. 385/94 on Seeds and Protection of Plant Varieties, protection applies to all plant genera and species.

1. *QZ / EUROPEAN UNION (COMMUNITY PLANT VARIETY OFFICE (CPVO))*

General Note

The Council Regulation (EC) No. 2100/94 on Community Plant Variety Rights applies to all botanical general and species.

1. *RO / ROMANIA*

General Note

Protection extends to all plant genera and species (Article 1 of the “Law on the Protection of [the] New Plant Varieties,” Law No. 255/1998 of December 30, 1998.)

1. *RS / SERBIA*

General Note

According to the “Law on Protection of Plant Breeders Rights of the Republic of Serbia”, protection applies to all plant genera and species.

1. *RU / RUSSIAN FEDERATION*[[2]](#footnote-3)

General Note

From April 23, 2001, an application for protection can be filed for any species of plant or animal.

1. *SE / SWEDEN*

General Note

Protection extends to all botanical genera and species (Plant Breeders’ Rights Law (1997: 306)).

1. *SK / SLOVAKIA*

General Note

Protection extends to all botanical genera and species.

1. *TN / TUNISIA*

General Note

Protection extends to all botanical genera and species (Law No. 99-42 of May 10 1999).

1. *TR / TURKEY*

General Note

According to Law No 5042, protection will extend to all plant genera and species after November 18, 2017.

1. *TT / TRINIDAD AND TOBAGO*

Special Note

Protectable taxa: *Anthuriums*; *Bromeliaceae*; *Heliconaceae*; *Orchidaceae*; *Sterculiaceae*; and *Cajanus cajan*, *Theobroma cacao* and *Vigna Savi*.

1. *US / UNITED STATES OF AMERICA*

General Note

(a) Under the Plant Variety Protection Act, the United States of America protects all sexually reproduced plant varieties and tuber propagated plant varieties excluding fungi and bacteria (Section 42(a) of the Act).

(b) Under the law commonly known as the “Plant Patent Act”, whoever invents or discovers and asexually reproduces any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings, other than a tuber propagated plant [in practice, Irish potato and Jerusalem artichoke] or a plant found in an uncultivated state, may obtain a patent therefore (Section 161 of the General Patent Law).

(c) Under the General (Utility) Patent Law, the United States of America protects all varieties (on the basis of the decision in J.E.M. Ag Supply, Inc. *v.* Pioneer Hi-Bred International, Inc. of the U.S. Supreme Court (2002)).

1. *UY / URUGUAY*

General Note

According to Decree No. 84/983 Introducing Law No. 15/173 Regulating the Production, Certification and Marketing of Seed as amended by Decree No. 418/987 of August 12, 1987, and Decree No. 519/991 of September 17, 1991, any new plant variety is eligible for protection.

1. *VN / VIET NAM*

General Note

On October 15, 2017, the Office of the Union received a notification that the legislation governing breeders’ rights of Viet Nam applied to all genera and species since December, 24th, 2016.

1. *ZA / SOUTH AFRICA*[[3]](#footnote-4)

Special Notes

*Ficus* L.: the definition of the protected entities is the following: *Ficus* L. - fig tree, rubber plant.

*Fortunella* Swingle: this genus is considered as included in Citrus spp.

*Mandevilla* Lindl.: the definition of the protected entity is the following: *Mandevilla* Lindl. (= *Dipladenia* A.DC.)

*Pennisetum setaceum* (Forssk.) Chiov.: protection only for sterile hybrids.

*Salvia* L.: protection does not extend to *S. coccinea* Buc’hoz ex Etling., *S. reflexa* Hornem., *S. runcinata* L. f., *S. sclarea* L., *S. stenophylla* Burch. ex Bent., *S. tiliifolia* Vahl and *S. verbenacea* L.

*Sorghum*: the definition of the protected entities is the following: *Sorghum bicolor* (L.) Moench - grain sorghum; *Sorghum* spp. [*S. almum* Parodi, *S. sudanense* (Piper) Stapf and hybrids] - fodder sorghum.

*Tamarix* L.: protection does not extend to *T. chinensis* Lour.and *T. ramosissima* Ledeb.

*Zea mays* L.: the definition of the protected entities is the following: *Zea mays* L. - grain maize; *Zea mays* L. var. *saccharata* Bailey - sweet corn, popcorn.

[End of document]

1. The expression “protected taxon” and the similar expressions mean that titles of protection may be issued for varieties of the taxon concerned. [↑](#footnote-ref-2)
2. Source: Communicated by correspondence. [↑](#footnote-ref-3)
3. Source: Regulations Relating to Plant Breeders’ Rights, as amended. [↑](#footnote-ref-4)