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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

COUNCIL

Eighth Ordinary Session Geneva, October 24 to 26, 1974

COMMENTS OF ASSINSEL ON THE GUIDELINES FOR VARIETY DENOMINATIONS

Report by the Secretariat

1. During the meeting of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) in Madrid, which was also attended by Prof. Pielen, President of the Council of UPOV, and Dr. Mast, Vice Secretary General, ASSINSEL adopted a resolution on the Guidelines for Variety Denominations adopted by UPOV on October 12, 1973.
2. In a letter dated July 24, Dr. Büchting, President of ASSINSEL, sent an English, a French and a German version of the resolution to Prof. Pielen, President of the Council of UPOV. A further copy of the resolution and a copy of the letter from the President of ASSINSEL were transmitted to the Secretary General of UPOV by the Secretariat of ASSINSEL. Dr. Büchting's letter and the resolution are attached to this document as Annexes 1 and 2.
3. In a letter dated July 15, 1974, addressed to the Bureau of UPOV, the Vegetable Section of ASSINSEL made proposals for changes in the list of classes contained in the Appendix to the Guidelines for Variety Denominations. The letter is attached to this document as Annex 3, for the information of the Council. The Secretariat proposes that the letter be transmitted to the Working Group on Variety Denominations.
4. The Council is invited to take the necessary decisions.

[Three Annexes follow]

ANNEX 1

Letter from the President of ASSINSEL to the
President of the Council of UPOV, Dated July 24, 1974

After having had the honor and pleasure of meeting you at the ASSINSEL meeting in Madrid, I now take the liberty of sending you herewith a resolution of the ASSINSEL Council, which you would be kind enough to submit to the next session of the UPOV Council for discussion.

Members of ASSINSEL have noted in the meantime that various official and semi-official bodies in UPOV member States have declared themselves in favor of the resolution.

It is therefore my sincere hope that the Council of UPOV will endorse the views of ASSINSEL reflected in the resolution, which are supported also by the professional sector as a whole, or at least that it will give them due consideration.

[Annex 2 follows]

RESOLUTION
of the ASSINSEL Council

Considering that ASSINSEL already in several petitions to U.P.O.V. has taken position to the guidelines for variety denominations, and

considering that ASSINSEL with regard to its position to these guidelines is in agreement with all other professional organizations of the seed economy as well as with the actual practice of the profession regarding the use of variety denominations, and

considering that a hearing of the representatives of the professional organizations regarding the guidelines for variety denominations has taken place by the U.P.O.V. Council, and

considering that the U.P.O.V. Council on October 12th, 1973, definitely adopted the guidelines for variety denominations (Doc. U.P.O.V./C/VII/22), and

considering that in these guidelines, issued as recommendations for the member states, the uniform position of the professional organizations has scarcely been taken into consideration

ASSINSEL is now asking the Council to again review these guidelines in view of the position of the professional organizations and in view of the actual and according to ASSINSEL's opinion proved practice of using guidelines.

ASSINSEL requests to examine also the question whether it is after all necessary to issue guidelines for variety denominations even if they are only recommendations.

ASSINSEL is of the opinion that the provisions on the use of variety denominations in art. 13 of the Paris Convention of 1961 and in the corresponding national laws are clear and sufficient. Therein it is exhaustively said in which cases variety denominations as such are not appropriate. In addition, according to ASSINSEL's opinion there is no need for the issue of restrictive guidelines. It should rather be up to the competent authorities dealing with the granting of variety protection to decide on the admission of a registered variety denomination. As well as in the field of the right of trade-marks the reasons for excluding trade-marks are exhaustively settled in art. 6 B of the Paris Convention for the Protection of the Industrial Property of March 20th, 1883, (version of Lisbon) and as guidelines are not customary in the practice such a handling should remain usual also in the field of variety denominations.

For the ASSINSEL Council



THE PRESIDENT

(C. -E. Büchting)

[Annex 3 follows]

ANNEX 3

Letter from the ASSINSEL Vegetable Section to the Secretary
General of UPOV, dated July 15, 1974, on UPOV Guidelines for
Variety Denominations (document UPOV/C/VII/22)

At the meeting of the Vegetable Section in Madrid on June 6, 1974, the list of classes annexed to your Guidelines C VII/22 was discussed in detail.

On the whole, this list was considered too far-reaching and prejudicial to trade by specialists in the vegetable sector. It would be possible, using this list, to choose a certain name for peas, for instance, which could then be used also by a second breeder for beans, etc. Vegetable species should therefore be combined in larger classes, in order that there may be fewer difficulties in practice.

The Vegetable Section of ASSINSEL proposes the following classes:*

1. Legumina

Climbing beans, dwarf beans, runner beans, broad beans, peas (round-seed, wrinkled, sugar peas).

2. Fruit Vegetables

Cucumbers, gherkins, aubergines, melons, paprika, pumpkins (vegetable marrow), tomatoes.

3. Root, Bulb and Tuber Vegetable

Red beets (garden beets), leeks, shallots, onions, radishes, carrots, small carrots, black radishes, viper's grass (scorzoneria), rutabaga (swede), turnips.

4. Cabbage varieties

Cauliflower, kale, Chinese cabbage, broccoli, kohlrabi, red cabbage, savoy cabbage, Brussels sprouts, white cabbage.

5. Foliage Vegetables

Mangolds, Endive, head lettuce, cutting lettuce, stem lettuce, lettuce, purslane, spinach, corn-salad, chicory.

Possible 6. Foliage Vegetables II and Herbs

Chervil, parsley, celery (leaf -, celeriac -, cutting -) and garden cress.

We should be grateful if you would take our proposal into consideration, and hope that you will be able to accede to our wishes.

[Annex 3bis follows]

* To facilitate the discussion of the proposal of ASSINSEL a table combining the names of the classes in English, French and German is attached as Annex 3bis. (original language: German).

Comparative Table of Names of Classes Proposed by ASSINSEL (prepared by the Secretariat)	Tableau comparatif du contenu des classes proposées par l'ASSINSEL (établi par le Secrétariat)	Gegenüberstellende Tabelle der Namen der von der ASSINSEL vorgeschlagenen Klassen (vom Sekretariat erstellt)
1) <u>Legumina</u>	<u>Légumineuses</u>	<u>Hülsenfrüchte</u>
climbing beans dwarf beans runner beans broad beans peas (round-seed, wrinkled, sugar peas)	haricots à rames haricot nain haricot d'Espagne fève pois (rond, ridé, chiche)	Stangenbohnen Buschbohnen Prunkbohnen Puffbohnen Erbsen (rundsamig, Mark und Kiefel)
2) <u>Fruit vegetables</u>	<u>Légumes à semences</u>	<u>Fruchtgemüse</u>
cucumbers gherkins aubergines melons paprika pumpkins, vegetable marrow tomatoes	concombre cornichon aubergine melon piment, paprika citrouille, courge tomate	Gurke Essiggurke Aubergine Melone Paprika Kürbis Tomate
3) <u>Root-, bulb- and tuber vegetables</u>	<u>Légumes racines, bulbes et tubercules</u>	<u>Wurzel-, Zwiebel- und Knollengemüse</u>
red beets, garden beet leeks shallots onions radishes carrots small carrots black radishes viper's grass (scorzonera) turnip rutabaga, Swede	betterave rouge poireau échalotte oignon radis carotte carotte forcée radis d'hiver, radis noir salsifis noir (scorsonère) navette chou-navet, rutabaga	rote Rüben Porree Schalotte Zwiebel Radis Möhren Karotten Rettich Schwarzwurzeln Mairüben Kohlrüben

4) <u>Cabbage varieties</u>	<u>Choux</u>	<u>Kohlarten</u>
cauliflower	chou-fleur	Blumenkohl
kale	chou-frisé, chou-vert à faucher	Federkohl
Chinese cabbage	chou de Chine	Chinesenkohl
broccoli	brocoli	Brokoli
kohlrabi	chou-rave	Kohlrabi
red cabbage	chou-rouge	Rotkohl
savoy cabbage	chou de Milan	Wirsing
Brussels sprouts	chou de Bruxelles	Rosenkohl
white cabbage	chou blanc, chou-cabus	Weisskohl
5) <u>Foliage vegetables</u>	<u>Légumes verts</u>	<u>Blattgemüse</u>
mangold	bette, bette commune	Mangold
endive	scarole, chicorée frisée	Endivie
head lettuce	laitue pommée	Kopfsalat
cutting lettuce	laitue à couper	Schnittsalat
stem lettuce	laitue-tige	Pflücksalat
lettuce	laitue	Lattich
purslane	pourpier, portulaca	Portulak
spinach	épinard	Spinat
corn-salad	mâche, doucette	Feldsalat
chicory	chicorée sauvage, chicorée de Bruxelles	Zichoriensalat
6) <u>Foliage vegetables II and herbs</u>	<u>Légumes verts II et herbes</u>	<u>Blattgemüse II und Kräuter</u>
chervil	cerfeuil	Kerbel
parsley	persil	Petersilie
celery (leaf-, celeriac-, cutting-)	céleri (à feuille, céleri-rave, céleri à couper)	Sellerie (Blatt-, Knollen-, Schnitt-)
garden cress	cresson alénois, cresson des jardins	Gartenkresse

[End of Annex 3 bis and of document;
 Fin de l'annexe 3 bis et du document;
 Ende der Anlage 3 bis und des Dokumentes]