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ADMINISTRATIVE AND LEGAL COMMITTEE

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THE NOTION OF TREES AND VINES FOR THE PURPOSES OF THE
PROVISIONS ON NOVELTY AND THE DURATION OF PROTECTION

Document prepared by the Office of the Union

Introduction

1. At its thirty-ninth and fortieth sessions, the Administrative and Legal Committee discussed the notion of trees and vines for the purposes of the provisions on novelty and the duration of protection.

2. At its fortieth session, the Commission decided:

(a) that the Office of the Union should draw up a revised document containing more precise information on the anatomy and morphology of the genera and species with the aim of making a recommendation to the member States;

(b) that it would consider possible provisions for adoption, at the appropriate time, when the special treatment for trees and vines was eliminated.

(see paragraph 22 of document CAJ/40/6).

The legal and practical bases

The Convention

3. Article 6(1)(b) of the 1978 Act of the Convention and Article 6(1) of the 1991 Act stipulate that acts of exploitation of a variety for which protection is sought carried out abroad are not prejudicial to the novelty of the variety if carried out within the following time limits, that end with the filing date of an application:

(a) six years “in the case of vines, forest trees, fruit trees and ornamental trees, including, in each case, the rootstocks” (1978 Act) or “in the case of trees or of vines” (1991 Act);

(b) four years in the case of other plants.

Under Article 8 of the 1978 Act, the minimum period of protection is eighteen years for vines, etc., and fifteen years for other plants; according to Article 19 of the 1991 Act, it is twenty-five years for trees and vines and twenty years for other plants.

4. The French wording of the Convention (which is authentic in the event of differences between the texts), as also the German wording and the translations, refer to vine, that is to say the cultivated plant of the genus *Vitis*. The English text uses the word “vines” (in the plural), which may also refer to climbing or creeping plants – whether ligneous or herbaceous – or even to herbaceous plants of spreading habit, such as tomato or potato.

The Convention and National Law

5. Relations between the two sources of law. - The provisions of the Convention have to be transferred to national law. From the point of view of public international law, two situations – which are of capital importance for the present issue – may arise:

(a) Under the dualistic theory, domestic law and international law are two separate legal orders, of equal value and independent. A State that ratifies the UPOV Convention certainly undertakes to transfer it faithfully to national law, but the sole consequence of any difference will be to raise the question of its international liability. In other words, domestic law will prevail over international law. The outcome is the same in the case of monism with primacy of domestic law.

(b) Under the monistic theory, with primacy of international law, domestic law derives from international law and is subordinate to it. In the event of a difference between the UPOV Convention and the national law (and therefore also its implementing instruments), the Convention will prevail. That situation is explicitly provided for by certain member States and future members (frequently those of the monistic tradition with primacy of domestic law) who have included a relevant clause in their national legislation.

6. The transfer of the Convention to national law. - Numerous States have reproduced the text of the Convention, without changes; thus we have references to vine (the German wording is more precise: “vine (*Vitis* L)”) or to *vines*. Some States (particularly those of the dualistic tradition) have adopted, either in their law or in their administrative practice – a broad interpretation of the notion of trees and vine, that has been extended to cover all ligneous plants. Others, basing themselves on the English wording of the Convention, have

given or may give a broad interpretation to the notion of vines, extending it to plants whose appearance is similar to that of the vine.

Recommendations to the Council

7. The Council could make the following recommendations with respect to the notion of trees and vines:

(a) For member States and future members who apply the notion of trees and vines literally: that such States use the classification given in Annex I.

(b) For member States and future members able to apply the notion of vines in a broad manner: that such States assimilate the species listed in Annex II to vine (consider those species as *vines*).

(c) For member States and future members who amend or draft legislation: that such States introduce a uniform duration of protection, for all species, of at least twenty-five years.

(d) For all member States: that the authorities of the member States notify without delay to the Office of the Union any “new” species for which protection is afforded or sought, to enable the Office of the Union to update its list.

Future revision of the Convention

Future rules

8. It is suggested that the discussion on the rules that could be adopted, at the appropriate time, when the special treatment for trees and vines is suppressed, should be based of the following solutions:

(a) In the case of novelty, the time limit for acts of exploitation of the variety carried out abroad should be reduced to four years for all species.

(b) In the case of minimum duration of protection, twenty-five years should be provided for all species.

The transitional period

9. The elimination of the special treatment for trees and vines requires a revision of the Convention by a Diplomatic Conference; this is a procedure of considerable length and which obliges member States to postpone amendments to their national law until the new Act of the Convention has been adopted. If the member States are able to give a speedy answer on the solution to be chosen by the Diplomatic Conference, that would give the possibility that the present member States could be permitted to suppress the special treatment for trees and vines at the first opportunity (for example when adapting national law to the 1991 Act) and future member States to adopt that solution at once.

10. The Committee is invited to consider the possibility of the Council adopting a resolution of that type stating, in particular, that the Council would consider any legislation to comply with the Convention if it already contained the agreed solution and was submitted to it under the procedure in accordance with Article 34(3) of the 1991 Act.

11. That solution could easily be adopted by the dualistic States and also by the monistic States whose national law contained the primacy of the UPOV Convention, but with a reference to the proposed resolution. The monistic States would have to examine whether, and under what conditions, they were able to adopt that solution.

[Two Annexes follow]

LIST OF GENERA AND SPECIES AND THE PROPOSED
CLASSIFICATION FOR THE NOTION OF TREE

The list below is a compilation of genera and species for which titles of protection have been sought or granted in the member States of the International Union for the Protection of New Varieties of Plants (UPOV).

The UPOV Council recommends its member States to treat as trees those species for which the name is preceded by an asterisk, together with all the species of those genera of which the name is preceded by an asterisk, for the purposes of the provisions relating to novelty and the duration of protection.

The varieties intended to serve as rootstocks for trees are treated as trees, even if derived from species that are not trees.

Note for the Committee

1. The list below is a compilation of the lists from the following States: Australia, Denmark, France, Germany, Netherlands, New Zealand, United Kingdom, and from the Community Plant Variety Office.

2. To ensure that it shows the current situation, the authorities of the member States should be invited to notify any missing species and, in future, any “new species”.

3. The list from the Community Office is up to date to 5 January 2000.

4. The changes made to the list compared with that given in document CAJ/40/3 are basically:

(a) In the case of species for which botanical publications give a state that is intermediary between that of tree and shrub, the Office of the Union has made a choice between those two states. The references to species have been changed to references to genera where, basically following the Dictionary of Gardening of the Royal Horticultural Society, those genera comprise only trees (or only plants that are not trees).

(b) The references to genera for which the botanical publications show that they comprise both tree species and shrub species (or even herbaceous plants) have been deleted. Thus, only those genera are included of which all species are (or are not) trees. The references to species of such genera have been deleted.

Abelia R. Br.
*Abies Mill.
Abutilon x hybridum hort.
Acalypha L.
Acacia boormanii
Acacia cardiophylla A. Cunn. ex Benth.
Acacia cognata Domin
Acacia leprosa
*Acacia terminalis (Salisb.) J.F. Macbr.
Acalypha L.
*Acer palmatum Thunb. ex Murr.
*Acer rubrum L.
Achillea L.
Achimenes Pers.
*Acmena smithii
Aconitum L.
Acremonium
Actinidia Lindl.
Actinotus
Adenanthos
Adenium Roem. et Schult.
Adiantum L.
Adonis L.
Aechmea Ruiz et Pav.
Aeschynanthus Jack
Aeschynomene L.
Agapanthus L'Hérit.
Agaricus L.
Agastache Clayt. ex Gronov.
Ageratum L.
Aglaonema Schott.
*Agonis flexuosa (Willd.) Lindl.
Agrostemma L.
Agrostis L.
Ajania pacifica Bremer et Humphries
*Albizzia julibrissin Durazz.
Allium L.
*Allocauarina littoralis
*Alnus jorullensis H. B. K.
Alonsoa Ruiz et Pav.
Alopecurus L.
Alstroemeria L.
Amaranthus L.
Amaryllis L.
Amelanchier Medik.
Ammobium R. Br.
Ananas Mill.
Anethum L.
Angelonia Humb. et Bonpl.
*Angophora costata
Anigozanthos Labill.
Anisodonthea capensis (L.) D.M. Bates
Anopterus glandulosus
Anthemis L.
Anthirrinum L.
Anthriscus Pers. emend. Hoffm.
Anthurium Schott
Antirrhinum L.
Apium L.
Araceae Juss.
Arachis L.
Arctotis L.
Arenaria L.
Argyranthemum
Armoracia Ph. Gärtn., B. Mey. et Scherb.
Arnica L.
Aronia Medik.
Arrhenatherum P.Beauv.
Artemisia L.
Asclepias L.
Arundinaria Michx.
Asparagus L.
Asplenium L.
Astelia Banks et Soland. ex R. Br.

Aster L.
Asteriscus Mill.
Astilbe L.
Astragalus L.
Astrantia L.
Astrebla lappacea
Astrebla pectinata
Aubrieta Adans.
Austromyrtus inophloia
Avena L.

Bacopa Aubl.
*Backhousia citriodora
Banksia coccinea
Banksia hookeriana
Banksia spinulosa Sm.
Beaucarnea Lem.
Begonia L.
Bellis L.
Berberis L.
Bergenia Moench
Beta L.
*Betula pendula Roth
Bidens L.
Biserrula pelecinus
Blechnum L.
Borago L.
Boronia Sm.
Bothriochloa O. Kuntze
Bougainvillea Comm.
Bouvardia Salisb.
Brachyglottis J.R. et G. Forst.
Brachyscome Cass.
Bracteantha bracteata Anderb. et Haegi
Brassica L.
Brodiaea Sm.
Bromelia L.
Bromus L.

Brunfelsia L.
Buchloë Engelm.
Buddleja asiatica Lour.

Cactaceae
Calathea G.F.W. Mey.
Calceolaria L.
Calendula L.
Calibrachoa
Callisia Hoefl.
*Callistemon salignus (Sm.) DC.
Callistephus Cass.
Calluna Salisb.
Calochortus Pursh
Camellia sasanqua Thunb. ex Murr.
Camelina (L.) Crantz
Campanula L.
Campsis Lour.
Canna L.
Cannabis L.
Capsicum L.
Carex L.
Carthamus L.
Carum L.
Caryopteris Bunge
*Castanea crenata x C. sativa
*Castanea vulgaris Lam.
Catharanthus G. Don
Ceanothus L.
Celosia L.
Cenchrus L.
Centaurea L.
Centradenia G. Don
Centratherum
Centrosema (DC.) Benth.
*Ceratopetalum
Ceratostigma Bunge
*Chamaecyparis Spach

*Chamaerops L.
Chamelaucium Desf.
Chamomilla S.F. Gray
Cheiranthus L.
Chenopodium L.
Chloris Sw.
Chlorophytum Ker-Gawl.
Choenomeles Lindl.
Choysia Kunth
Chrysanthemum L.
Cicer L.
Cichorium L.
Cissus adenopoda Sprague
Cistus L.
Citrullus Schrad.
*Citrus L.
Clarkia Pursh
Clematis L.
Clerodendrum L.
Clivia Lindl.
Cnidoscopus Pohl
Codiaeum A. Juss.
Coleonema Bartl. et H.L. Wendl.
Columnea L.
Convallaria L.
Convolvulus L.
Coprosma J.R. et G. Forst.
*Cordyline australis (G. Forst.) Hook. f.
Coreopsis L.
Coriandrum L.
Cornus alba L.
Cornus florida L.
Cortaderia Stapf
Coronilla L.
Corylus avellana L.
*Corymbia maculata (Hook.) K.D. Hill et L. A.S.
Johnson
Corynocarpus J.R. et G. Forst.
Cosmos Cav.
Cotinus Mill.
Cotoneaster Medik.
Crambe L.
Crassula L.
Crococsmia Planch.
Crocus L.
Ctenanthe Eichl.
Cucumis L.
Cucurbita L.
Cuphea P. Br.
*x Cupressocyparis Dallim.
*Cupressus L.
Curcuma L.
*Cyathea cooperi (F. v. Muell.) Domin
Cyclamen L.
*Cydonia Mill.
Cymbidium Sw.
Cynara L.
Cynodon L.
Cynoglossum L.
Cynosurus L.
Cyphomandra Mart. ex Sendtn.
Cyrтанthus L.
Daboecia D. Don
Dactylis L.
Dahlia Cav.
Danthonia linkii
Danthonia richardsonii
Daphne L.
Daucus L.
Delphinium L.
Dendranthema
Dendrobium Sw.
Deschampsia P. Beauv.
Desmanthus
Dianthus L.

Diascia Link et Otto	*Eucalyptus rubida H. Deane et Maiden
Dicentra Bernh.	*Eucalyptus sideroxylon A. Cunn. ex Woolls
Dichanthium aristatum	*Eucalyptus tereticornis Sm.
Dieffenbachia Schott	*Eucryphia lucida (Labill.) Baill.
Digitalis L.	Euonymus L.
Digitaria didactyla	Eupatorium L.
Digitaria Heist. ex Fabr.	Euphorbia L.
Dionaea Ellis	Euryops Cass.
Diosma L.	Eustoma Salisb.
Dipladenia A. DC.	Evolvulus
Dipteracanthus Nees emend. Bremek.	Exacum L.
Distichlis spicata var. yensen	Fagopyrum Mill.
Dizygotheca N.E. Br.	Fargesia
Dracaena reflexa Lam.	Felicia Cass
Dracocephalum L.	Feijoa
Duranta repens L.	Festuca L.
Echinacea Moench	x Festulolium
Echinochloa P. Beauv.	*Ficus benjamina L.
Echinodorus L. C. Rich. ex Engelm.	Ficus binnendijkii Miq.
*Elaeagnus L.	*Ficus carica L.
Episcia Mart.	*Ficus elastica Roxb.
Eragrostis N.M. Wolf	*Ficus lyrata Warb.
Eremocitrus glauca (Lindl.) Swingle	*Ficus microcarpa L.
Erica L.	Ficus pumila L.
Eriophorum L.	*Ficus rubiginosa Desf.
Eryngium L.	*Ficus stricta Miq.
Erysimum L.	Ficus triangularis Warb.
Escallonia Mutis ex L.	Fittonia Coem.
*Eucalyptus albens	Foeniculum Mill.
*Eucalyptus camaldulensis Dehnh.	Forsythia Vahl
Eucalyptus conica	Fragaria L.
Eucalyptus erythronema	Fragaria x Potentilla
*Eucalyptus gunnii Hook. f.	*Fraxinus excelsior L.
*Eucalyptus largiflorens F. v. Muell.	Freesia Eckl. ex Klatt
*Eucalyptus melliodora A. Cunn. ex Schauer	Fritillaria L.
Eucalyptus ptychocarpa x ficifolia	Fuchsia L.
*Eucalyptus robusta Sm.	

<i>Galega officinalis</i> L.	<i>Helipterum</i> DC.
<i>Galtonia</i> Decne.	<i>Helleborus</i> L.
<i>Gaura</i> L.	<i>Hemerocallis</i> L.
<i>Gazania</i> Gaertn.	x <i>Heohebe</i>
<i>Gentiana</i> L.	<i>Heterocentron</i> Hook. et Arn.
<i>Geranium</i> L.	<i>Heuchera</i> L.
<i>Gerbera</i> L.	<i>Hibiscus cannabinus</i> L.
* <i>Ginkgo</i> L.	<i>Hibiscus rosa-sinensis</i> L.
<i>Gladiolus</i> L.	<i>Hibiscus syriacus</i> L.
* <i>Gleditsia</i> L.	<i>Hippeastrum</i> Herb.
<i>Globba</i> L.	<i>Hippophae</i> L.
<i>Gloriosa</i> L.	<i>Holcus</i> L. emend. Sw.
<i>Gloxinia</i> L'Hérit.	<i>Homalocladium</i> (F.v.Muell.) L.H. Bailey
<i>Glycine latifolia</i>	<i>Homalomena</i> Schott ex Schott et Endl.
<i>Glycine max</i> (L.) Merr.	<i>Hordeum</i> L.
<i>Gossypium</i> L.	<i>Hosta</i> Tratt
<i>Graptophyllum</i> Nees	<i>Humulus</i> L.
<i>Grevillea juniperina</i> R. Br.	<i>Hyacinthus</i> L.
<i>Grevillea longistyla</i> x <i>venusta</i>	<i>Hydrangea</i> L.
* <i>Grevillea robusta</i> A. Cunn. ex R. Br.	<i>Hydrocotyle</i> L.
<i>Grevillea</i> x <i>variegata</i>	* <i>Hymenosporum flavum</i>
<i>Griffinia</i> Ker-Gawl.	<i>Hypericum</i> L.
<i>Guzmania</i> Ruiz et Pav.	<i>Hyssopus</i> L.
<i>Gynostemma pentaphyllum</i> (Thunb. ex Murray) Makino	<i>Iberis</i> L.
<i>Gypsophila</i> L.	* <i>Ilex aquifolium</i> L.
x <i>Halimicistus</i>	<i>Impatiens</i> L.
<i>Hardenbergia</i> Benth.	<i>Incarvillea</i> Juss.
<i>Hatiora</i> Britt. et Rose	<i>Iris</i> L.
<i>Hebe</i> Comm. ex. Juss.	<i>Isatis</i> L.
<i>Hedera</i> L.	<i>Isopogon</i> R. Br.
<i>Hedysarum</i> L.	<i>Isotoma</i> (R. Br.) Lindl.
<i>Helenium</i> L.	<i>Iva</i> L.
<i>Helianthus</i> L.	<i>Ixodia</i>
<i>Helichrysum</i> Mill. corr. Pers.	<i>Jasminum</i> L.
<i>Heliopsis</i> Pers.	* <i>Juglans</i> L.
<i>Heliotropium</i> L.	<i>Juncus</i> L.

<i>Juniperus conferta</i> Parl.	<i>Linaria</i> Mill.
<i>Juniperus horizontalis</i> Moench	<i>Linum</i> L.
* <i>Juniperus x media</i> van Melle	* <i>Liquidambar</i> L.
* <i>Juniperus scopulorum</i> Sarg.	<i>Lithodora</i> Griseb.
<i>Justicia</i> L.	<i>Lithospermum</i> L.
Kalanchoë Adans.	<i>Lobelia</i> L.
<i>Koeleria</i> Pers.	<i>Lolium</i> L.
<i>Kohleria</i> Regel	<i>Lomandra longifolia</i>
<i>Kunzea pomifera</i> F. v. Muell.	<i>Lomandra spicata</i>
Lablab	<i>Lonicera</i> L.
<i>Lachenalia</i> Jacq.	<i>Lophomyrtus bullata</i> Sol. ex A. Cunn.
<i>Lactuca sativa</i> L.	* <i>Lophostemon confertus</i>
* <i>Lagerstroemia indica</i> L.	<i>Lotus</i> L.
<i>Lamium</i> L.	<i>Lupinus</i> L.
<i>Lantana</i> L.	<i>Lychnis</i> L.
* <i>Larix</i> Mill.	<i>Lycopersicon</i> Mill.
<i>Lathyrus</i> L.	<i>Lysimachia</i> L.
* <i>Laurus</i> L.	* <i>Macadamia integrifolia</i>
<i>Lavandula</i> L.	* <i>Macadamia integrifolia x tetraphylla</i>
<i>Lavatera</i> L.	<i>Macroptilium atropurpureum</i>
<i>Lens</i> Mill.	<i>Mahonia</i> Nutt.
<i>Leptospermum laevigatum</i> (Soland. ex Gaertn.) F. v. Muell.	* <i>Malus communis</i> Poir.
<i>Leptospermum liversidgei</i>	* <i>Malus domestica</i> Borkh.
<i>Leptospermum rotundifolium x spectabile</i>	<i>Malus sieboldii</i> (Regel) Rehd.
<i>Leptospermum scoparium</i> J.R. et G. Forst.	<i>Malva</i> L.
<i>Leptospermum x spectabile</i>	<i>Mandevilla</i> Lindl.
<i>Leucadendron gandogerii x spissifolium</i>	* <i>Mangifera</i> L.
<i>Leucadendron uliginosum x discolor</i>	<i>Marantaceae</i> Petersen
* <i>Leucaena leucocephala</i> (Lam.) de Wit	<i>Matricaria</i> L.
<i>Leucocoryne</i> Lindl.	<i>Matthiola</i> R. Br. corr. Spreng.
<i>Leucospermum</i> R. Br.	<i>Medicago</i> L.
<i>Leucothoë</i> D. Don	<i>Melaleuca incana</i>
<i>Liatris</i> Gaertn. ex Schreb.	* <i>Melaleuca linariifolia</i> Sm.
<i>Ligustrum undulatum</i>	* <i>Melia</i> L.
<i>Lilium</i> L.	<i>Melilotus</i> L.
<i>Limonium</i> Mill.	<i>Melissa</i> L.
	<i>Melittis</i> L.

* <i>Metrosideros excelsa</i> Soland. ex Gaertn.	<i>Ornithogalum</i> L.
* <i>Metrosideros umbellata</i> Cav.	<i>Ornithopus</i> L.
* <i>Microcitrus australasica</i> (F. v. Muell.) Swingle	<i>Oryza</i> L.
<i>Microlaena stipoides</i> (Labill.) R. Br.	<i>Osmanthus delavayi</i> Franch.
<i>Microsorium pteropus</i> (Bl.) Copel.	<i>Osteospermum</i> L.
<i>Miscanthus sinensis</i> (Thunb.) Anderss.	<i>Oxalis</i> L.
<i>Monarda</i> L.	<i>Oxypetalum</i> R.Br
<i>Monopsis</i>	<i>Ozothamnus</i>
<i>Monstera</i> Adans.	<i>Pandorea</i> (Endl.) Spach
<i>Murraya paniculata</i> (L.) Jack	<i>Panicum</i> L.
<i>Musa</i> L.	<i>Papaver</i> L.
<i>Muscari</i> Mill.	<i>Paspalum</i> L.
<i>Myosotis</i> L.	* <i>Paulownia</i> Sieb. et Zucc.
<i>Myrtus</i> L.	<i>Pedilanthus</i> Poit.
<i>Nandina</i> Thunb.	<i>Pelargonium</i> L'Hérit. ex Ait.
<i>Narcissus</i> L.	<i>Pellaea</i> Link
<i>Nasturtium</i> R. Br.	<i>Pennisetum</i> L.C. Rich.
<i>Nautilocalyx</i> Lind. ex Hanst.	<i>Penstemon</i> Schmidel
<i>Nemesia</i> Vent.	<i>Pentas</i> Benth.
<i>Neoregelia</i> L.B.Sm.	<i>Peperomia</i> Ruiz et Pav.
<i>Neotyphodium</i> (<i>Acremonium</i>) spp.	<i>Pereskia</i> Mill.
<i>Nephrolepis</i> Schott	<i>Perovskia</i> Karel.
<i>Nerine</i> Herb.	<i>Perilla</i> L.
<i>Nerium</i> L.	* <i>Persea americana</i> Mill.
<i>Nertera</i> Banks ex Soland. ex Gaertn.	<i>Petasites</i>
<i>Nicotiana</i> L.	<i>Petroselinum</i> Hill
<i>Nigella</i> L.	<i>Petunia</i> Juss.
<i>Nolana</i> L.	<i>Phacelia</i> Juss.
<i>Ocimum</i> L.	<i>Phalaenopsis</i> Bl.
<i>Oenothera</i> L.	<i>Phalaris</i> L.
* <i>Olea europaea</i> L.	<i>Phaseolus</i> L.
<i>Olearia axillaris</i>	<i>Philadelphus</i> L.
<i>Omphalodes</i> Mill.	<i>Philodendron scandens</i> K. Koch et Sello
<i>Onobrychis</i> Mill.	<i>Philodendron selloum</i> K. Koch
<i>Orchidaceae</i> Juss.	<i>Phleum</i> L.
<i>Origanum</i> L.	<i>Phlox</i> L.
	<i>Phormium</i> J.R. Forst. et G. Forst.

Photinia x fraseri
Photinia glabra (Thunb.) Maxim.
Phygelius E. Mey. ex Benth.
Physocarpus (Cambess.) Maxim.
*Picea A. Dietr.
Pimelea Banks ex Soland.
Pinus mugo Turra
Pistacia vera L.
Pisum L.
Pisum x Vicia
Pitcairnia L'Hérit.
Pittosporum bicolor x undulatum
Pittosporum ralphii
*Pittosporum tenuifolium Soland. ex Gaertn.
Plantago L.
Platycodon A. DC.
Platysace lanceolata
Plectranthus L'Hérit.
Pleurotus spp.
Plumbago L.
Poa L.
Pogonatherum P. Beauv..
Polemonium L.
Polygonum L.
*Populus L.
Portulaca L.
Potentilla L.
Primula L.
Prostanthera Labill.
Protea L.
*Prunus amygdalus Batsch
*Prunus amygdalus Batsch x Prunus persica Batsch
*Prunus armeniaca L.
*Prunus avium (L.) L.
Prunus besseyi Bailey
Prunus canescens Bois
Prunus cerasifera Ehrh.
*Prunus cerasus L.
Prunus cerasus x canescens
Prunus dawyckensis
*Prunus domestica L.
*Prunus domestica x armeniaca
Prunus insititia L.
Prunus laurocerasus L.
*Prunus mahaleb L.
*Prunus persica (L.) Batsch
Prunus pumila L.
*Prunus salicina Lindl.
*Prunus salicina x persica
Prunus spinosa L.
*Prunus subhirtella Miq.
*Prunus yedoensis Matsum.
Pseuderanthemum repandum
*Pseudotsuga Carr.
Pseudowintera colorata (Radul) Dandy
Pteris L.
Ptilotus exaltatus
Pulmonaria L.
Pyracantha M. J. Roem.
*Pyrus L.
*Radermachera sinica (Hance) Hemsl.
x Raphanobrassica
Raphanus L.
Rehmannia Libosch. ex Fisch. et C. A. Mey.
Reynoutria Houtt.
Rheum L.
Rhipsalidopsis Britt. et Rose
Rhododendron azaleoides
Rhododendron-Simsii-Hybriden
Ribes L.
Robinia hispida x pseudoacacia
*Robinia pseudoacacia L.
Rosa L.
Rosmarinus L.

Rubia L.	Solanum L.
Rubus L.	Solidago L.
Rudbeckia L.	x Solidaster Wehrh.
Rumohra	Sorghum Moench
Ruscus L.	Spathiphyllum Schott.
Saccharum L.	Spathoglottis Bl.
Saintpaulia H. Wendl.	Spinacia L.
Salvia L.	Spiraea L.
Sambucus nigra L.	Sporobolus virginicus
Sandersonia Hook.	Stachys L.
*Santalum acuminatum	Stenanthemum
Santolina virens Mill.	Stenotaphrum Trin.
Sanvitalia Lam.	Stephanandra Sieb et Zucc.
*Sapium sebiferum (L.) Roxb.	Stokesia cyanea
Satureja L.	Streptocarpus Lindl.
Saxifraga L.	Streptosolen Miers
Scabiosa L.	Strobilanthes Bl.
Scaevola L.	Stromanthe Sond.
*Schefflera arboricola Hayata	Stylosanthes
Schefflera heptaphylla	Sutera Roth
Schlumbergera Lem.	Symphoricarpos Duham.
Scholtzia oligandra	Syngonium Schott
Scorzonera L.	*Syzygium australe
Scutellaria L.	*Syzygium luehmannii
Secale L.	*Syzygium oleosum
Sedum L.	*Syzygium paniculatum Banks ex Gaertn.
Serruria	Tacca J.R. et G. Forst.
Sesamum L.	Tagetes L.
Setaria P. Beauv.	Tanacetum
Sidalcea A.Gray	Telopea speciosissima
Silene L.	Telopea speciosissima x oreades
Silybum Adans.	Themeda triandra
Simmondsia chinensis (Link) Schneid.	Thinopyrum ponticum
Sinapis L.	Thryptomene calycina
Sinningia Nees	*Thuja L.
Sisyrinchium L.	Thunbergia Retz.
Skimmia Thunb.	Thymus L.

Tiarella L.	Verbena L.
Tibouchina Aubl.	Veronica spicata L.
*Tilia L.	Viburnum tinus L.
*Toona (Endl.) M.J. Roem.	Vicia L.
Torenia L.	Vigna Savi
Trachelium L.	Vinca L.
Tradescantia L.	Viola L.
Trifolium L.	Vitis L.
Trisetum Pers.	Vriesea Lindl.
x Triticosecale Wittm.	Wahlenbergia Schrad. ex Roth
Triticum L.	Weigela Thunb.
Tropaeolum L.	*Weinmannia racemosa L.
Tulipa L.	*Xanthostemon chrysanthus
Tussilago L.	Zantedeschia Spreng.
*Ulmus L.	Zea L.
Urochloa mosambicensis (Hack.) Dandy	*Zelkova serrata (Thunb.) Mak.
Urtica L.	Zinnia L.
Vaccinium L.	Zoysia
Valerianella Mill.	

[Annex II follows]

ANNEX II

LIST OF GENERA AND SPECIES ASSIMILATABLE TO VINE
(WHICH ARE VINES ASSIMILATABLE TO VINE)

The list below has been drawn up on basis of a compilation of genera and species for which titles of protection have been sought or granted in the member States of the International Union for the Protection of New Varieties of Plants.

The UPOV Council recommends to those member States able to do so, in view of their domestic law, to assimilate the following genera and species to the vine for the purposes of the provisions relating to novelty and the duration of protection.

Actinidia Lindl.
Bougainvillea Comm.
Campsis Lour.
Hedera L.
Vitis L.*

[End of document]

* The Vine is *Vitis vinefera* L.