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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Sixty-Fourth Session**  
**Geneva, October 17, 2011**

VARIETY DENOMINATIONS

*Document prepared by the Office of the Union*

1. The purpose of this document is to recall the ongoing consideration of the proposal for a future revision of document UPOV/INF/12/3 Annex I, Part II “Classes encompassing more than one genus”, with regard to the creation of a new class for *Eupatorium* and *Eutrochium*.
2. A number of species included within the GENIE database and the UPOV-ROM Plant Variety Database (UPOV-ROM) as species of *Eupatorium* L. have been found to be indicated as belonging to other genera within GRIN<sup>1</sup>:

<u>GENIE database</u>	<u>UPOV code</u>	<u>UPOV-ROM entries</u>	<u>GRIN database</u>
<i>Eupatorium</i> L.	EUPAT	12*	<i>Eupatorium</i> L.
<i>Eupatorium adenophorum</i> Spreng. ( <i>Ageratina adenophora</i> (Spreng.) R. M. King & H. Rob.)	EUPAT_ADE	0	<i>Ageratina adenophora</i> (Spreng.) R. M. King & H. Rob.
<i>Eupatorium buniifolium</i> Hook. & Arn. ( <i>Acanthostyles buniifolius</i> (Hook. & Arn.) R. M. King & H. Rob.)	EUPAT_BUN	0	<i>Acanthostyles buniifolius</i> (Hook. & Arn.) R. M. King & H. Rob.

<sup>1</sup> USDA, ARS, National Genetic Resources Program. *Germplasm Resources Information Network* - (*GRIN*) [Online Database]. National Germplasm Resources Laboratory, Beltsville, Maryland.  
URL: [http://www.ars-grin.gov/cgi-bin/npgs/html/tax\\_search.pln](http://www.ars-grin.gov/cgi-bin/npgs/html/tax_search.pln)

<u>GENIE database</u>	<u>UPOV code</u>	<u>UPOV-ROM entries</u>	<u>GRIN database</u>
<i>Eupatorium cannabinum</i> L.	EUPAT_CAN	0	<i>Eupatorium cannabinum</i> L.
<i>Eupatorium odoratum</i> L. ( <i>Chromolaena odorata</i> (L.) R. M. King & H. Rob.)	EUPAT_ODO	0	<i>Chromolaena odorata</i> (L.) R. M. King & H. Rob.
<i>Eupatorium purpureum</i> L.	EUPAT_PUR	2 (same denomination)	<i>Eutrochium purpureum</i> (L.) E. E. Lamont var. <i>purpureum</i> name verified on 28-Apr-2009

\* 1 variety has same denomination as the variety *Eupatorium ligustrinum* *Ageratina ligustrina* (DC.) R. M. King & H. Rob. (see below);

2 varieties have the same denomination as the variety of *Eupatorium purpureum* L. (*Eutrochium purpureum* (L.) E. E. Lamont var. *purpureum*)

Not in GENIE:

<u>GENIE database</u>	<u>UPOV code</u>	<u>UPOV-ROM entries</u>	<u>GRIN database</u>
<i>Eupatorium dubium</i>	-	1	<i>Eutrochium dubium</i> (Willd. ex Poir.) E. E. Lamont
<i>Eupatorium ligustrinum</i>	-	1	<i>Ageratina ligustrina</i> (DC.) R. M. King & H. Rob.

3. In such cases, problems can occur with the allocation of a variety to the appropriate UPOV denomination class. Document UPOV/INF/12/3 “Explanatory notes on variety denominations under the UPOV Convention”, Section 2.5.2 states:

“2.5.2 The variety denomination classes are as follows:

“(a) General Rule (one genus / one class): for genera and species not covered by the List of Classes in Annex I, a genus is considered to be a class; [...]”

4. With regard to UPOV codes, the “Guide to the UPOV Code System” states:

“3.3 Introduction of New UPOV Codes / Amendments to UPOV Codes

“[...]”

“(d) In general, amendments to UPOV codes will not be made as a result of taxonomic developments unless these result in a change to the genus classification of a species. The “Explanatory notes on variety denominations under the UPOV Convention” (document UPOV/INF/12/1) contain UPOV variety denomination classes; for genera and species not covered by the List of Classes in Annex I to document UPOV/INF/12/1, the general rule (“one genus / one class”) is that a genus is considered to be a class (see document UPOV/INF/12/1, Section 2.5.2 and its Annex I). Therefore, it is important that the first element of the UPOV code can be used to sort species into the correct genus. The UPOV codes will also be amended if there are consequences for the content of a variety denomination class where the list of classes applies. Amendments to UPOV codes will be

handled by the same procedure as the introduction of new UPOV codes as in paragraphs (a) and (b), above. However, in addition, all members of the Union and contributors of data to the Plant Variety Database will be informed of any amendments.”

5. In the case of entries in the UPOV-ROM indicated by species, the problem is avoided by the allocation of the UPOV code. However, for entries indicated only by the genus, e.g. *Eupatorium* L., *Eutrochium* Raf., the same species and variety could be included in different denomination classes by different members of the Union.

6. At its sixty-third session, held on April 7, 2011, the Administrative and Legal Committee (CAJ) noted the botanical synonymies that existed for species of *Eupatorium* L. and that the Technical Committee (TC), at its forty-seventh session, held from April 4 to 6, 2011, had invited the Technical Working Party for Ornamental Plants and Forest Trees (TWO) to consider the following possible solutions to that situation at its forty-fourth session to be held from November 7 to 11, 2011, in Fukuyama City, Hiroshima Prefecture, Japan (see document CAJ/63/9 “Report on the Conclusions”, paragraph 45):

(a) Continue to consider all species currently included within the genus “Eupatorium” in the UPOV-ROM as “Eupatorium” (i.e. *Eupatorium purpureum* L., *Eupatorium dubium*, *Eupatorium ligustrinum*). The TC noted that this approach would not follow the “Guide to the UPOV Code System” and would not guarantee to avoid problems with other species of “Eupatorium” that might occur in the UPOV-ROM in future: GRIN lists 91 species / subspecies that are sometimes included within “Eupatorium”, of which only 17 are considered by GRIN to fall within *Eupatorium* L.. The TC noted that this approach would have the effect of creating a denomination class for “Eupatorium”, without explicitly establishing the coverage of the class;

(b) Create a new denomination class in document UPOV/INF/12/3 “Explanatory notes on variety denominations under the UPOV Convention”, Annex I: Part II. “Classes encompassing more than one genus” to cover relevant genera, e.g. *Eupatorium* L., *Eutrochium* Raf., *Ageratina* Spach, etc.; or

(c) Apply the GRIN botanical classification of species and continue to follow the General Rule (one genus / one class). For example, the varieties in the UPOV-ROM indicated as *Eupatorium purpureum* L. would be considered as *Eutrochium purpureum* (L.) E. E. Lamont var. *purpureum* and would be allocated a UPOV code for the genus *Eutrochium* Raf.. The TC noted that such an approach would require that the appropriate species could be correctly identified for the 12 varieties, and any other such entries in future, indicated as *Eupatorium* L. in the UPOV-ROM. The TC noted that it would also be necessary to amend the UPOV codes for the species concerned.

7. *The CAJ is invited to note that the solutions proposed by the TWO at its forty-fourth session will be considered by the TC at its forty-eighth session and by the CAJ at its sixty-fifth session.*

[End of document]