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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE**Thirty-fourth Session****Geneva, November 7 and 8, 1994****LIST OF CLASSES FOR VARIETY DENOMINATION PURPOSES**Document prepared by the Office of the Union

1. According to the fourth sentence of Article 20(2) of the 1991 Act of the Convention (which is substantially identical with the fourth sentence of Article 13(2) of the 1978 Act), the denomination of a variety

"... in particular, ... must be different from every denomination which designates, in the territory of a Contracting Party, an existing variety of the same plant species or of a closely related species."

2. The notion of "variety of the same plant species or of a closely related species" has been the subject of the following interpretation for the purpose of achieving harmonization within UPOV (Recommendation 9 of the UPOV Recommendations on Variety Denominations, adopted by the Council in October 1987 and amended in October 1991--document INF/12 Rev.):

"For the purposes of the fourth sentence of Article 13(2) of the Convention, all taxonomic units are considered closely related that belong to the same botanical genus or are contained in the same class in the list in Annex I to these Recommendations."

3. The aforesaid list is reproduced in Annex I to this document. Its introductory note indicates that there are more than 27 classes (i.e. exceptions to the grouping of the species by genera) by reason of the existence of complementary classes. The latter are set out in Annex II to this document.

4. The list of classes has been developed in the context, first, of a Convention applied by each member State to specific taxa named in a limitative list and, second, of a Union comprising States from the same climatic zone. Its revision might prove necessary, or at least useful, in view of the fact that:

(i) more and more member States protect the whole plant kingdom, with the 1991 Act eventually requiring such extended protection; and that

(ii) the Union will extend to States from other zones.

5. The extension of protection to the whole plant kingdom may require the creation of further classes, in particular in the area of ornamental plants belonging to homogeneous families within which, in addition, nomenclature may be fluctuating.

6. The territorial extension of UPOV may require the creation of new classes relating, for example, to crops cultivated in certain tropical regions. On the other hand, it leads to an increase in the number of denominations falling into a given class; the question thus arises whether the class should be maintained or dismantled given that, for instance, there would be no practical inconvenience if a wheat variety grown in Australia and an oats variety grown in the United Kingdom had the same denomination.

7. The Committee is invited:

(i) to decide whether the list of classes should be revised;

ii) in the affirmative, to decide on the practical conditions for the revision and on the basic policies to be pursued.

[Two annexes follow]

ANNEX I/ANNEXE I/ANLAGE I

LIST OF CLASSES FOR VARIETY DENOMINATION PURPOSES*

(Recommendation 9)

LISTE DES CLASSES AUX FINS DE LA DENOMINATION DES VARIETES*

(Recommandation 9)

KLASSENLISTE FÜR ZWECHE DER BEZEICHNUNG VON SORTEN*

(Anleitung 9)

Note: Classes which contain subdivisions of a genus may lead to the existence of a complementary class containing the other subdivisions of the genus concerned (example: Class 9 (*Vicia faba*) leads to the existence of another class containing the other species of the genus *Vicia*).

Note : Les classes contenant des subdivisions d'un genre peuvent entraîner l'existence d'une classe complémentaire contenant les autres subdivisions du genre concerné (exemple : la classe 9 (*Vicia faba*) entraîne l'existence d'une autre classe contenant les autres espèces du genre *Vicia*).

Anmerkung: Klassen, die Unterteilungen einer Gattung enthalten, können zum Bestehen einer zusätzlichen Klasse führen, die die anderen Unterteilungen der betreffenden Gattung enthält (Beispiel: Klasse 9 (*Vicia faba*) führt zum Bestehen einer anderen Klasse, die die sonstigen Arten der Gattung *Vicia* enthält).

Class 1 / Classe 1 / Klasse 1

Avena, Hordeum, Secale, Triticale, Triticum

Class 2 / Classe 2 / Klasse 2

Panicum, Setaria

Class 3 / Classe 3 / Klasse 3

Sorghum, Zea

Class 4 / Classe 4 / Klasse 4

Agrostis, Alopecurus, Arrhenatherum, Bromus, Cynosurus, Dactylis, Festuca, Lolium, Phalaris, Phleum, Poa, Trisetum

* As amended by the Council at its twenty-fifth ordinary session, on October 25, 1991. / Telle que modifiée par le Conseil à sa vingt-cinquième session ordinaire, le 25 octobre 1991. / In der vom Rat auf seiner fünf- undzwanzigsten ordentlichen Tagung am 25. Oktober 1991 geänderten Fassung.

Class 5 / Classe 5 / Klasse 5

Brassica oleracea, Brassica chinensis, Brassica pekinensis

Class 6 / Classe 6 / Klasse 6

Brassica napus, B. campestris, B. rapa, B. juncea, B. nigra, Sinapis

Class 7 / Classe 7 / Klasse 7

Lotus, Medicago, Ornithopus, Onobrychis, Trifolium

Class 8 / Classe 8 / Klasse 8

Lupinus albus L., L. angustifolius L., L. luteus L.

Class 9 / Classe 9 / Klasse 9

Vicia faba L.

Class 10 / Classe 10 / Klasse 10

Beta vulgaris L. var. alba DC., Beta vulgaris L. var. altissima

Class 11 / Classe 11 / Klasse 11

Beta vulgaris ssp. vulgaris var. conditiva Alef. (syn.: Beta vulgaris L. var. rubra L.), Beta vulgaris L. var. cicla L., Beta vulgaris L. ssp. vulgaris var. vulgaris

Class 12 / Classe 12 / Klasse 12

Lactuca, Valerianella, Cichorium

Class 13 / Classe 13 / Klasse 13

Cucumis sativus

Class 14 / Classe 14 / Klasse 14

Citrullus, Cucumis melo, Cucurbita

Class 15 / Classe 15 / Klasse 15

Anthriscus, Petroselinum

Class 16 / Classe 16 / Klasse 16

Daucus, Pastinaca

Class 17 / Classe 17 / Klasse 17

Anethum, Carum, Foeniculum

Class 18 / Classe 18 / Klasse 18

Bromeliaceae

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Class 19 / Classe 19 / Klasse 19

Picea, Abies, Pseudotsuga, Pinus, Larix

Class 20 / Classe 20 / Klasse 20

Calluna, Erica

Class 21 / Classe 21 / Klasse 21

Solanum tuberosum L.

Class 22 / Classe 22 / Klasse 22

Nicotiana rustica L., N. tabacum L.

Class 23 / Classe 23 / Klasse 23

Helianthus tuberosus

Class 24 / Classe 24 / Klasse 24

Helianthus annuus

Class 25 / Classe 25 / Klasse 25

Orchidaceae

Class 26 / Classe 26 / Klasse 26

Epiphyllum, Rhipsalidopsis, Schlumbergera, Zygocactus

Class 27 / Classe 27 / Klasse 27

Proteaceae

[Annex II follows/
L'annexe II suit/
Anlage II folgt]

ANNEX II/ANNEXE II/ANLAGE II

COMPLEMENTARY CLASSES

CLASSES COMPLEMENTAIRES

ZUSÄTZLICHE KLASSEN

Class 5 + 6 bis / Classe 5 + 6 bis /Klasse 5 + 6 bis

Other species of / Autres espèces de / Weitere Arten von Brassica

Class 8 bis / Classe 8 bis /Klasse 8 bis

Other species of / Autres espèces de / Weitere Arten von Lupinus

Class 9 bis / Classe 9 bis /Klasse 9 bis

Other species of / Autres espèces de / Weitere Arten von Vicia

Class 10 + 11 bis / Classe 10 + 11 bis /Klasse 10 + 11 bis

Other species of / Autres espèces de / Weitere Arten von Beta +
Other subdivisions of the species / Autres subdivisions de l'espèce /
Weitere Unterteilungen der Art Beta vulgaris

Class 13 + 14 bis / Classe 13 + 14 bis /Klasse 13 + 14 bis

Other species of / Autres espèces de / Weitere Arten von Cucumis

Class 21 bis / Classe 21 bis /Klasse 21 bis

Other species of / Autres espèces de / Weitere Arten von Solanum

Class 22 bis / Classe 22 bis /Klasse 22 bis

Other species of / Autres espèces de / Weitere Arten von Nicotiana

Class 23 + 24 bis / Classe 23 + 24 bis /Klasse 23 + 24 bis

Other species of / Autres espèces de / Weitere Arten von Helianthus

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