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

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Thirty-Eighth Session**  
**Geneva, April 2, 1998**

UNIQUENESS OF THE VARIETY DENOMINATION

*Document prepared by the Office of the Union*

The annex to this document contains a document submitted by the Delegation of New Zealand.

[Annex follows]

**UNIQUENESS OF THE VARIETY DENOMINATION**

1. Article 20(5) of the 1991 Act of the UPOV Convention (substantially identical with Article 13(5) of the 1978 Act) states:

“(5) [*Same denomination in all Contracting Parties*] A variety must be submitted to all Contracting Parties under the same denomination. The authority referred of each Contracting Party shall register the denomination so submitted, unless it considers the denomination unsuitable within its territory. In the latter case, it shall require the breeder to submit another denomination.”

2. Periodically cases occur where the clear provisions of the above Article do not seem to be reflected in practice. An example of such a problem currently before the New Zealand Plant Variety Rights Office follows.

3. Application has been made in New Zealand for a petunia variety bred by Suntory Ltd. of Japan and the denomination ‘Revolution Violet No. 2’ proposed.

4. The UPOV ROM plant variety database indicates that the denomination ‘Revolution Violet No. 2’ has been proposed on December 10, 1993, in Japan and subsequently (on March 7, 1997) registered. The same denomination has also been proposed for the variety in Australia.

5. However, when the proposed denomination ‘Revolution Violet No. 2’ was published in the New Zealand Plant Variety Rights Journal, an objection was received from Germany pointing out that the name of the variety in the European Union was ‘Sunblu.’ It has also been noted in the UPOV ROM that the denomination ‘Sunblu’ has been proposed in Israel.

6. Reference to the information in the latest UPOV ROM does not on its own indicate any problem. While it contains the references to ‘Revolution Violet No. 2’ in Japan and Australia, and to ‘Sunblu’ in Israel, there is no indication that the denominations refer to the same variety.

7. We in New Zealand can only speculate how this problem has arisen. We feel that such a problem should not arise if all parties involved adhered to the provisions of Article 20.

8. *The Administrative and Legal Committee may wish to consider the matter and advise how such problems might in future be avoided.*

[End of document]