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GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Fortieth Session
Geneva, October 18, 1999

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

1. At its thirty-ninth session, the Administrative and Legal Committee examined the notions of trees and vines for the purposes of the provisions on novelty and the duration of protection. It was agreed that the Office of the Union would draft a list of species giving information on their anatomy and morphology. (See paragraphs 20 to 22 of document CAJ/39/6.)
2. The Annex to this document contains a list drawn up on the following bases:
 - (a) The list of genera and species is compiled from the lists of the following States: Australia, Denmark, France, Germany, Netherlands, New Zealand, United Kingdom, and from the Community Plant Variety Office. Those lists have differing significance; their common factor is to have been readily accessible.
 - (b) The information on the anatomy and morphology of the genera and species, given in English only, is limited to those genera and species that are liable to be trees or plants similar to grapevine. They are taken from the following works:
 - Dictionary of Gardening (2nd edition), P.M. Synge, The Royal Horticultural Society, Oxford University Press, 1977 - "RHS" hereinafter and in the Annex;

- Zander – Handwörterbuch der Pflanzennamen (13th edition), F. Encke, G. Buchheim and S. Seybold, Verlag Eugen Ulmer, 1984 – “Zander” in the Annex;
- Gardeners’ Encyclopedia of Plants & Flowers – The Definitive Reference Work for Australia & New Zealand”, Reader’s Digest, Sydney, Auckland, 1992 – “RDGE” hereinafter and in the Annex;
- Plants Database, United States Department of Agriculture, Natural Resources Conservation Service (http://plants.usda.gov/plantproj/plants/fr_qurymenu.html);
- Botanica Plus database for plants (<http://www.gardeninfo.com/bpdb/searchdb2.htm>);
- Grin taxonomy (<http://www.ars-grin.gov/npgs/tax/index.html>).

(c) In most cases (except where there is a difference between works), the source of information is not given. In general, the particulars relating to genera originate, word for word, from the RHS, which gives a short description of each genus. The particulars on numerous species (and a few genera) appearing on the Australian and New Zealand lists originate from RDGE and from the Internet databases.

(d) Comments have been added by the Office of the Union in italics. The question marks mean that the Office of the Union has not found the genus or species concerned, or particulars of its anatomy and morphology, in any of the reference works. It may be noted that such particulars do not exist in the case of varieties deriving from inter-specific crossings made for the first time (or almost) by the applicant.

(e) The databases accessible on Internet have only been used as a back-up. It may be noted that Botanica Plus gives a list of trees and a list of shrubs.

[Annex follows]