

Administrative and Legal Committee**CAJ/76/6 Add.****Seventy-Sixth Session
Geneva, October 30, 2019****Original:** English
Date: October 29, 2019**ADDENDUM TO VARIETY DENOMINATIONS***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this addendum is to report on developments at the sixth meeting of the WG-DEN held in Geneva, on the afternoon of October 29, 2019.

POSSIBLE REVISION OF DOCUMENT UPOV/INF/12 “EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION”

2. The WG-DEN considered documents UPOV/WG-DEN/6/2 “Revision of document UPOV/INF/12/5 ‘Explanatory Notes on Variety Denominations under the UPOV Convention’” and UPOV/EXN/DEN/1 Draft 2 and agreed with the text proposed in document UPOV/EXN/DEN/1 Draft 2, subject to the following:

Section 2.3.1 (d): to delete the following example of suitable denomination:

“*Prunus* ‘Sato-zakura’ (‘Zakura’ is the Japanese word for flowering cherries, rather than a name for the whole genus);”

Section 2.3.3 (a): to read as follows:

“A difference of only one letter or one number may be considered to be liable to mislead or cause confusion concerning the identity of the variety. However, the following cases are examples of only one letter or one number difference that may be considered not to be liable to mislead or cause confusion: [...]”;

Section 2.3.3 (d): to amend the text in Spanish from “puede” to “podría”;

Section 2.3.4 (b): to read as follows:

“A word format, pattern or combination may become associated with a breeder by custom and practice. However, to become associated with a breeder, it would be necessary to include a common word, prefix or suffix. In such cases, the authority may consider that the use of that word format, pattern or combination for denominations of varieties by another breeder may mislead or cause confusion concerning the identity of the breeder;

“*Examples of unsuitable denominations:* ‘ABC red’ proposed by a breeder (Breeder 2) when ‘ABC velvet’, ‘ABC star’ and ‘ABC green’ are registered by another breeder (Breeder 1).”

Section 4 (a): to amend the text in Spanish from “se insta” to “se alienta”;

Section 5.3 (a): to clarify the following wording:

“it does not conform to the provisions in paragraphs (2) (for example, the proposed denomination is not different from the denomination of an existing variety of the same plant species or of a closely related species in its territory) and (4) (for example, the proposed denomination is identical to a trademark registered for identical goods);”

POSSIBLE DEVELOPMENT OF A UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES

3. The WG-DEN considered document UPOV/WG-DEN/6/3 "UPOV denomination similarity search tool" and received a presentation on developments concerning a UPOV denomination similarity search tool by the Office of the Union.

4. The WG-DEN noted the plans for the development of a UPOV denomination similarity search tool and agreed that the developments on this matter should be reported to the CAJ for consideration in conjunction with the discussion on draft of document UPOV/EXN/DEN for the possible inclusion of reference to a UPOV denomination similarity search tool.

EXPANSION OF THE CONTENT OF THE PLUTO DATABASE

5. The WG-DEN considered documents UPOV/WG-DEN/6/4 "Expansion of the content of the PLUTO database" and received a presentation on developments on possible introduction of a unique identifier for variety records in the PLUTO database.

6. The WG-DEN noted the plans for the introduction of a unique identifier for variety records in the PLUTO database.

7. With regard to the inclusion of other varieties (new data) in the PLUTO database, the WG-DEN considered the proposals on additional data to be included in the PLUTO database and agreed with the proposal to add common names in other languages to the PLUTO database.

8. The WG-DEN noted that the TC was considering how to address matters concerning variety types for DUS testing purposes and agreed that developments in the TC should be reported to the CAJ.

DATE, PLACE AND PROGRAM OF THE NEXT MEETING

9. The WG-DEN agreed that it had completed the work requested by the CAJ and agreed that it would not be necessary to hold further meetings.

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