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UPOV

CAJ/VII/7

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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## ADMINISTRATIVE AND LEGAL COMMITTEE

Seventh Session

Geneva, May 6 to 8, 1981

## LIST OF CLASSES FOR VARIETY DENOMINATIONS

Document prepared by the Office of the UnionIntroduction

1. At its sixth session, the Administrative and Legal Committee requested the Office of the Union to revise the List of Classes appended to the Guidelines for Variety Denominations (document UPOV/C/VII/22), reproduced at Annex II to this document, and to submit the draft revised list to its seventh session (see paragraph 12 of document CAJ/VI/10).

Significance of the List of Classes

2. The purpose of the List of Classes is the following.

3. Under the UPOV Convention, any variety to be protected must be given a denomination (Article 6(1)(e) and Article 13(1)) to constitute its generic designation. Article 13(2) of the Convention requires that the variety denomination:

(i) shall enable the variety to be identified,

(ii) shall not be liable to mislead or cause confusion concerning the characteristics, value or identity of the variety or the identity of the breeder,

(iii) shall, in particular, be different from every denomination which designates, in a member State of the Union, an existing variety of the same botanical species or of a closely related species.

4. The Convention does not lay down when a species is to be considered a closely related species. In order to avoid any possible legal uncertainty in this respect and to prevent the development of differing situations in the various member States, the seventh session of the Council adopted a list of 24 classes each containing one or more taxonomic groups (taxa)--mostly genera but also, in some cases, species or subdivisions of species. The list constitutes an appendix to the Guidelines for Variety Denominations referred to in paragraph 1 above. Article 7 of the Guidelines for Variety Denominations requires that a denomination shall not be the same as that of any other variety belonging to a species of the same class as prescribed in that list, nor so nearly resemble it as to be likely to deceive or to cause confusion. In other words, the taxa comprised within the same class under the list, together with their subdivisions--excluding any other taxon and any other subdivision--constitute "closely related species" within the meaning of Article 13(2) of the UPOV Convention (and also within the meaning of Article 13.8(a) of the original 1961 text of the Convention, that has not been maintained in the 1978 Revised Text). The genera not shown in the list or not covered by it are considered independent classes.

#### Reasons for Updating the List of Classes

5. The List of Classes approved by the seventh ordinary session of the UPOV Council in 1973 (hereinafter "1973 List of Classes") is out of date to a great extent. The following facts should be mentioned.

(i) The Union has grown in size and is continuing to grow. Its world-wide vocation is becoming a reality through the accession of non-European States. The 1973 List of Classes, however, is mainly based on the situation existing at the time it was drawn up within the core of founder States of the Convention, all of whom are in Western Europe. With the accession of new States located in other climatic zones, new species gain importance. An example of this, which may be pointed to, is the current class 4 containing the herbage graminaceae and comprising practically all genera grown in Europe. It does not cover, however, species of the genus Agropyron grown in the United States of America and in Canada, the species Brachiara decumbens grown in Australia, the species Holcus lanatus grown in New Zealand--but protected in a current member State--or the species Eragrostis curvula grown in South Africa.

(ii) The original member States have also extended protection to taxa not shown in the current list. Examples which may be quoted are quince (Cydonia) not covered by class 20 (Malus, Pyrus). According to the introduction to the list, this means that quince is to be considered to form a class on its own and therefore--subject to divergent national regulations or application of the general prohibition of denominations leading to confusion--it is possible to give the same denomination to a variety of quince and to a variety of apple or pear. This would not be justified, particularly in view of the fact that quince is often used as rootstock for pear.

(iii) The progress made in the improvement of plants, the progress made in growing techniques, economic trends, fashion and other factors result in the marketing of varieties of species previously grown in small quantities or not at all (examples: gerbera, streptocarpus, alstroemeria, orchids). There are even new taxa created by man (examples: X Triticale, X Festulolium, X Raphanobrassica). These taxa are not explicitly mentioned in the List of Classes and each of them should therefore constitute a class of its own, which is often not to be desired.

(iv) The interested circles, particularly breeders in the vegetables sector, asked some time ago that the List of Classes be revised, although only as regards the vegetables sector. Annex III to this document contains the letter sent by ASSINSEL on this subject together with a synopsis of the counter-proposals made by a certain number of member States in preparation for the thirteenth session of the Technical Committee. The counter-proposals are reproduced in their entirety in document TC/XIII/4.

#### Proposal to Establish a New List of Classes

6. The Administrative and Legal Committee has therefore decided to set about the drafting of a new and more detailed List of Classes. The Office of the Union is consequently submitting at Annex I to this document a new version as a basis for discussion.

### Criteria for Allotting Taxa to the Various Classes

7. Various criteria can be used in deciding to place a given taxon in a given class. The main criteria used by the Office of the Union are listed and briefly described below:

(i) Botanical relationship: Classification may be a function of botanical relationships. As a general rule, the classes are constituted by genera.

(ii) Criteria linked with use: Classification may be done on the basis of the use made of the various taxa (the way they are used and the purpose of their use). In many cases, similar use and botanical relationship overlap. This is, in no event, an absolute rule, however, as shown by the case of buckwheat: this should be classified with "strawed" cereals although it is polygonaceous. Furthermore, there are cases in which botanically closely related genera or species are used in a different way or for different purposes, thus justifying their differing classification. Thus the "strawed" cereals and forage graminaceae should not be included in the same class even where they constitute closely related species.

(iii) Growing areas: Differences in growing areas may play a part in deciding the classification. The case can occur of two taxa which are patently to be considered "closely related" according to the criteria mentioned above but which are used in quite distinct growing areas to such an extent that they can be entered in different classes. It is, however, doubtful whether real importance can in fact be attached to this point of view when setting up a worldwide system since an absence of overlap between two growing areas can probably exist only in specific regions.

(iv) Mode of reproduction or propagation: Two taxa, even where they are botanically closely related, used for the same purposes may differ in their mode of reproduction or propagation. In practice, one may be exclusively propagated by vegetative means and the other exclusively by sexual means (examples: Solanum tuberosum and Solanum melongena; Helianthus tuberosus and Helianthus annuus). Such taxa may be entered in differing classes.

(v) Morphological similarity: The fact that two taxa may be similar from a morphological point of view may have a degree of importance (example: succulent plants). This factor could even be taken into account in cases where it is only the seed of two taxa that bears a similarity, particularly when it is sold or used by the same persons.

(vi) Similarity of the names of taxa: This may also play a part in classification where the Latin or common names of two taxa are very similar. The following examples may be quoted: Freesia and Vriesea, Aesculus and Castanea for which are used--in some cases with an explanatory supplement--the words "marron" in French, "chestnut" in English and "Kastanie" in German, Philadelphus and Syringa, the common name of the former being "seringa" in French.

8. The criterion to take precedence cannot be decided in a general manner for the whole of the list but only for each class or even for each taxon. Nevertheless, as far as the purpose of the List of Classes is concerned, we may say that the criteria linked to use must receive a high preference. In one case or another, it will not be possible to avoid taking a somewhat arbitrary decision.

### New Approach to the System of Classes

9. The Office of the Union did not feel that its task was limited to updating the 1973 List of Classes by supplementing the various classes and adding new classes. Its intention, in this document, is also to submit for discussion a number of basic modifications in the concept of the List of Classes. The main points are described below.

10. The 1973 List of Classes is drawn up as an exhaustive list of taxa. Any taxon not comprised in a class or not belonging to a taxon given in that class is not considered to belong to that class, that is to say, it is not "closely related." This system offers the indisputable advantage of resulting in clear legal situations and being capable of working with a relatively succinct list. Its drawback is that the List of Classes is rapidly outdated with the appearance of new elements and has to be continually updated, and that this will probably become increasingly difficult as the number of member States of UPOV grows.

11. To avoid these drawbacks, the Office of the Union proposes the following system:

(i) Each class should be defined by a general heading indicating, wherever possible, the criteria to be used in choosing the taxa to be included in a given class. These are terms like "root vegetables" (see class B 31) or "true leaf vegetables" (see class B 51). Where classes are very extensive or are clearly limited, the general terms constitute the sole class definition (see, for example, classes D 13--"climbing plants"--and E 11--"conifers").

(ii) In most cases, taxa belonging to a class are designated by name following the class definition. In the case of important taxa other than ornamental plants or rootstocks, this is the rule (and should in addition facilitate use of electronic data processing systems). This list is not exhaustive however--contrary to the 1973 List of Classes: those taxa that will emerge in future and which correspond to a class definition in the list will be added to that class. Each of these taxa will not constitute, as it does under the present system, a class of its own pending possible revision of the list. Under the new system, it will only form a class of its own if it does not fit into any class already in the list.

(iii) The classes in the new list are grouped within larger units--Sections and Chapters. The terms used in the titles of the Sections and Chapters are not only intended to facilitate consulting the list but, on the contrary, may also have the effect of setting out the limits, where necessary, of the "taxa" named in the Section or Chapter: the fact that the taxon Pisum (peas) is shown in class A 32 as belonging to the Section "forage leguminosae" and the Chapter "agricultural plants" is not to be understood as referring to the whole of the genus Pisum but only to "fodder peas." This principle is set out in paragraph 3 of the Introductory Notes to the List of Classes. Any other solution would result in the list being burdened with a fastidious repetition of limiting supplements.

(iv) Each botanical genus constitutes a class of its own, except where it is covered by an explicit exception (see paragraph 4 of the Introductory Notes to the new List of Classes). This is equally true where subdivisions of the genus are given in the List of Classes. This rule is required by the fact that the new List of Classes frequently allocates subdivisions of one genus, in the interests of breeders (applicants for protection), to different classes as in the already quoted case of Pisum (peas) where garden peas are contained in class B 11 and fodder peas in class A 32. The advantage for the breeder (applicant for protection) of a distinction of this kind derives from the fact that, in this way, a variety of garden pea may be given the same denomination as a variety of common vetch and a variety of fodder pea given the same denomination as a variety of lentil. This facility offered to the breeder should not, however, extend to a variety of garden pea being given the same denomination as a variety of fodder pea. This must be excluded, and could in fact be done (although this would be detrimental to the clarity of the new list) by adding a further class to the list--additional to classes A 32 and B 15--constituted by the genus Pisum, and by acting likewise in similar cases.

(v) The principle set out in the preceding paragraph proves, however, too restricted in a certain number of specific cases, for example in the case of those species of potato and aubergine that are both comprised in the same genus but which are so different when judged by all conceivable classification criteria that a variety of one and a variety of the other may be given the same denomination with no inconvenience. In such cases, exceptions are explicitly provided for (see paragraph 4 of the Introductory Notes to the List of Classes, which will have to be extended, either now or in the future).

#### Mandatory Nature of the New List of Classes

12. The question may be put as to whether the List of Classes should be mandatory for all member States, even those located in differing climatic zones. Where a given species is not grown at all in a country or group of countries constituting a geographical region, it is debatable whether it is really necessary to prohibit the denomination of a variety of that species being used for a variety of another species comprised in the same class and grown in that region. To authorize it would, however, create difficulties when the reproductive or propagating material for the variety belonging to the second species was exported to a country in which both species were grown side by side. Since the growing areas for the various species tend to increase and international and interregional trade in seed is growing, a unified application of the List of Classes at worldwide level should be maintained even if

this resulted in imposing some limitations on breeders. Should the Administrative and Legal Committee not share this point of view, a further system is submitted for discussion in Annex IV to this document.

13. It is intended to supplement the List of Classes, after this has been adopted, with an alphabetical index of taxa that will also give the common names.

[Annexes follow]

REVISED LIST OF CLASSES FOR VARIETY  
DENOMINATION PURPOSES  
(DRAFT)

prepared by the Office of the Union

Introductory Notes

1. The classes of species for variety denomination purposes are defined with the help of the characteristics common to the taxa which are to form part of those classes.
2. A list of taxa is given for each class. That list is not limitative.
3. The lists of taxa are lists of genera, except where it is absolutely necessary to indicate taxa of another rank. The indication of a taxon means that only those subdivisions of the taxon which correspond to the titles of the class, of the section and of the chapter form part of the class in question.
4. Each genus, whether itself, its subdivisions or certain of them are mentioned in the following list or not, constitutes also a class, except in the following cases:
  - i) Helianthus, as far as the species H. annuus et H. tuberosus are concerned;
  - ii) Solanum, as far as the species S. melongena et S. tuberosum are concerned.

Chapter A: AGRICULTURAL PLANTS

Section A 1: Cereals

- Class A 11. "Strawed" Cereals: Avena, Chenopodium quinoa, Fagopyrum, Hordeum, Oryza, Secale, X Triticale, Triticum
- Class A 12. Other Cereals (Maize et "Millets") : Coix, Digitaria, Echinochloa, Eleusine, Eragrostis, Oryzopsis, Panicum, Paspalum, Pennisetum, Setaria, Sorghum, Zea

Section A 2: Forage Graminaceae

- Class A 21. Herbage Graminaceae: Agropyron, Agrostis, Alopecurus, Arrhenatherum, Bouteloua, Brachiaria, Bromus, Buchloe, Cenchrus, Chloris, Cynosurus, Dactylis, Elymus, Eragrostis, Festuca, X Festulolium, Holcus, Lolium, Paspalum, Phalaris, Pnium, Poa, Trisetum, Urochloa

Class A 22. Annual Fodder Graminaeae: Andropogon, Eragrostis, Panicum, Paspalum, Pennisetum, Setaria, Sorghastrum, Sorghum, Zea

Section A 3: Forage Leguminosae

Class A 31. Herbage Leguminosae: Lotus, Medicago, Melilotus, Onobrychis, Ornithopus, Trifolium

Class A 32. Annual Fodder Leguminosae: Glycine, Lathyrus, Lupinus, Pisum, Vicia, Vigna

Section A 4: Field Leguminosae

Class A 41. Field Leguminosae: Arachis, Cajanus, Glycine, Voandzeia

Section A 5: Field Cruciferae

Class A 51. Field Cruciferae: Brassica, Camelina, Eruca, X Raphanobrassica, Raphanus, Sinapis

Section A 6: Tuber Plants

Class A 61. Tuber Plants of the Temperate Zone: Helianthus tuberosus, Solanum tuberosum

Class A 62. Tuber Plants of the Tropical Zone: Canna, Colocasia, Dioscorea, Ipomea, Manihot, Maranta, Tacca, Xanthosoma

Chapter B: VEGETABLES

Section B 1: Leguminous Vegetables

Class B 11. Leguminous Vegetables: Abrus, Cajanus, Canavalia, Cicer, Dolichos, Glycine, Lens, Mucuna, Phaseolus, Pisum, Pueraria, Vicia, Vigna, Voandzeia

Section B 2: Fruit Vegetables

Class B 21. Fruit Vegetables: Benincasa, Capsicum, Citrullus, Cucumis, Cucurbita, Cyclanthera, Lagenaria, Luffa, Lycopersicum, Momordica, Solanum esculentum

Section B 3: Root Vegetables

Class B 31. Root Vegetables: Apium graveolens var. rapaceum, Armoracia, Beta vulgaris var. conditiva, Brassica napus var. napobrassica, Brassica oleracea var. gongylodes, Brassica rapa, Campanula rapunculus, Chaerophyllum, Daucus, Pastinaca, Petroselinum crispum ssp. tuberosum, Raphanus, Scorzonera, Stachys, Tragopogon

Section B 4: Cabbages (Excluding the Types Falling Under Section B 3, Including the Types Whose Edible Part is the Flower or the Axillary Buds)

Class B 41. Cabbages (Excluding the Types Falling Under Section B 3, Including the Types Whose Edible Part is the Flower or the Axillary Buds): Brassica, Crambe

Section B 5: Leaf Vegetables (Excluding the Types Falling Under Section B 3)

- Class B 51. True Leaf Vegetables (Excluding the Types Falling Under Section B 3 or Under Class B 52): Apium graveolens var. dulce, Atriplex, Basella, Beta vulgaris var. vulgaris, Campanula rapunculus, Cichorium, Crambe, Cynara cardunculus, Foeniculum vulgare var. dulce, Lactuca, Lepidium, Nasturtium, Portulaca, Spinacia, Taraxacum, Tetragonia, Valerianella
- Class B 52. Allium

Section B 6: Herbs and Spices

- Class B 61. Herbs: Anethum, Anthriscus, Apium graveolens var. dulce, Carum, Foeniculum vulgare var. azoricum, Perilla, Petroselinum crispum ssp. crispum

Section B 7: Mushrooms

- Class B 71. Mushrooms (Excluding Tuber): all species, notably Agaricus, Auricularia, Flammulina, Lentinus, Pholiota, Pleurotus

## Chapter C: FRUIT CROPS

Section C 1: Rootstocks

- Class C 11. Rootstocks: all species

Section C 2: Fruiting Varieties of Trees

- Class C 21. Fleshy-Fruit Trees of the Temperate Zone and Vine: Cydonia, Malus, Mespilus, Prunus, Pyrus, Vitis
- Class C 22. Fleshy-Fruit Trees of the Tropical and Subtropical Zones (Excluding Citrus and the Palmaceae): Achras, Anacardium, Anona, Carica, Diospyros, Eriobotrya, Litchi, Manguifera, Persea, Psidium
- Class C 23. Citrus: Citrus, Fortunella
- Class C 24. Palmaceae: Cocos, Elacis, Phoenix
- Class C 25. Shell-Fruit Trees of the Temperate Zone: Castanea, Corylus, Juglans, Prunus amygdalus
- Class C 26. Shell-Fruit Trees of the Tropical and Subtropical Zones: Anacardium, Bertnoiletia, Carya

Section C 3: Fruiting Varieties of Other Plants

- Class C 31. Soft Fruit of the Temperate Zone: Fragaria, Ribes, Rubus, Vaccinium

Chapter D: ORNAMENTAL PLANTS

Section D 1: Composite Classes Established on the Basis of  
Morphological Convergences

- Class D 11. Ornamental Trees
- Class D 12. Ornamental Bushes and Shrubs (Excluding Those that are the  
Subject of Intense Breeding Activities)
- Class D 13. Climbing Plants
- Class D 14. Plants Multiplied by Bulbs or Other Subterranean Organs, that  
are Ornamental by Their Flowers (Notably of the Order Liliiflorae)
- Class D 15. Succulent Plants

Section D 2: Classes Formed by Taxa of a Rank Higher than  
the Family

- Class D 21. Pteridophytes (Selaginellas and Ferns)
- Class D 22. Gymnosperms (Conifers and Taxads)

Section D 3: Classes Formed of Families

- Class D 31. Araliaceae
- Class D 32. Araceae
- Class D 33. Bromeliaceae
- Class D 34. Cruciferae
- Class D 35. Orchidaceae
- Class D 36. Ranunculaceae

Section D 4: Classes Formed by Taxa of a Rank Lower than  
the Family

Sub-section D 41: Caryophyllaceae

- Class D 411. Dianthus
- Class D 412. Garden Caryophyllaceae (Including Garden Dianthus)

Sub-section D 42: Compositae

- Class D 421. Compositae with Principally Double Flowers: Chrysanthemum,  
Callistephus, Dahlia, Tagetes, Zinnia
- Class D 422. Compositae Principally of the "Daisy" Type: Anthemis, Arctotis,  
Aster, Bellis, Brachicome, Calendula, Callistephus,  
Chrysanthemum, Coreopsis, Cosmos, Dimorphotheca, Erigeron,  
Gaillardia, Gazania, Helenium, Helianthus, Helichrysum,  
Heliopsis, Helipterum, Pyrethrum, Rudbeckia, Xeranthemum
- Class D 423. Compositae Commercially Used for the Cut Flower: Chrysanthemum,  
Gerbera

Sub-section D 43: EricaceaeClass D 431. Heathers: Calluna, EricaClass D 432. Rhododendrons: Azalea, RhododendronSub-section D 44: EuphorbiaceaeClass D 441. Euphorbia fulgens, Euphorbia pulcherrimaSub-section D 45: PrimulaceaeClass D 451. PrimulaClass D 452. CyclamenSub-section D 46: RosaceaeClass D 461. Rosa

## Chapter E: FOREST TREES

Section E 1: ConifersClass E 11. ConifersSection E 2: Deciduous TreesClass E 21. Deciduous Trees of the Temperate ZoneClass E 22. Deciduous Trees of the Subtropical, Tropical and Equatorial Zones

## Chapter F: SPECIAL CLASSES

Section F 1: Risk of Confusion Between Latin Names

Class F 11. Freesia, Vriesea

Section F 2: Risk of Confusion Between a Latin and a Common Name

Class F 21. Philadelphus (in French: seringa), Syringa

Class F 22. Nasturtium, Tropaeolum (in the United States of America: Nasturtium)

Class F 23. Glycine, Wisteria (in French: glycine; in German: Glyzine)

Section F 3: Risk of Confusion Between Common Names

Class F 31. "Néflier": Eriobotrya, Mespilus

Class F 32. "Figuer": Ficus, Opuntia

Class F 33. "Pepper": Capsicum, Piper, Schinus

Class F 34. "Christdorn", "Christusdorn": Euphorbia, Paliurus.

Class F 35. "Marron and marronnier"; "Chestnut"; "Kastanie": Aesculus, Castanea.

## LIST OF CLASSES OF 1973

(Appendix to the Guidelines for Variety Denominations)

This list gives only the classes comprising several genera or only some of the species belonging to one and the same genus. Any genus not appearing on this list is considered to form a class on its own.

- Class 1 : Avena, Hordeum, Secale, Triticum
- Class 2 : Panicum, Setaria
- Class 3 : Sorghum, Zea
- Class 4 : Agrostis, Alopecurus, Arrhenatherum, Bromus, Cynosurus, Dactylis, Festuca, Lolium, Phalaris, Phleum, Poa, Trisetum
- Class 5 : Brassica oleracea
- Class 6 : Brassica napus, B. campestris, B. rapa, B. juncea, B. nigra, Sinapis
- Class 7 : Medicago, Ornithopus, Onobrychis, Trifolium
- Class 8 : Lupinus albus L., L. angustifolius L., L. luteus L.
- Class 9 : Vicia faba L.
- Class 10 : Beta vulgaris L. var. alba DC, Beta vulgaris L. var. altissima
- Class 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 : Lactuca, Valerianella, Cichorium
- Class 13 : Cucumis sativus
- Class 14 : Cucumis melo, Cucurbita
- Class 15 : Anthriscus, Petroselinum
- Class 16 : Daucus, Pastinaca
- Class 17 : Anethum, Carum, Foeniculum
- Class 18 : Chamaecyparis, Juniperus, Thuya, Taxus
- Class 19 : Picea, Abies, Pseudotsuga, Pinus, Larix
- Class 20 : Malus, Pyrus
- Class 21 : Solanum tuberosum L.
- Class 22 : Nicotiana rustica L., N. tabacum L.
- Class 23 : Helianthus tuberosus
- Class 24 : Helianthus annuus

CAJ/VII/7

ANNEX III

Letter from the General Secretary of ASSINSEL  
to the Vice Secretary-General of UPOV,  
dated May 24, 1978

We refer to our earlier correspondence with respect to the grouping of vegetable species for the purpose of variety denominations.

You had stated that these problems had to be presented to the Working Group for Variety Denominations, but the result of reflections of this Working Group has not been made known to us.

The proposal is based on the fact that the use of the same denomination in the vegetable sector which contains about 40 species is in practice hardly permissible. Although the Order for Denominations is based on botanical differences, the usual commercial practice should also be taken into account.

A good example for this practice is that, with respect to variety denominations, the species wheat, rye, oats and barley are belonging to one class, apparently for the reason that the use of these four species is very similar (Class 1 of the UPOV Guidelines, document C/VII/22 of October 12, 1973).

We would therefore like to repeat our proposal for a grouping of the vegetable species in the sense that a reduction in the number of classes on the vegetable sector is desirable, if not strongly recommended, to avoid confusion.

This proposal leads to a grouping which bases on the appearance of the part of the plant which is utilizabile. Thereby five groups can be distinguished:

1. Pulses
2. Fruit vegetable
3. Vegetables of the soil
4. Cabbages
5. Leaf and stem vegetables.

The following grouping could be chosen:

1. Pea; French Bean; Runner Bean; Garden Bean.
2. Cucumber, Gherkin; Eggplant; Melon; Pepper; Pumpkin; Tomato.
3. Beetroot; Onion; Shallot; Carrot; Radish; Black Radish; Black Salsify; Turnip; Celeriac.
4. Cauliflower; Curly Kale; Broccoli; Kohlrabi; Head Cabbage, Savoy Cabbage, Brussels Sprouts.
5. Leek; Mangel; Endive; Lettuce; Purslane; Spinach; Cornsalad; Chicory; Chervil; Parsley; Cress; Asparagus and Rhubarb.

The above proposal separates the following vegetables from each other (thereby following the examples of the present separation of class 10 from class 11 and of class 21 from the other species of the genus Solanum):

Beetroot from Mangel,

Leek from Onion and Shallot,

Celeriac from Celery.

SYNOPSIS OF PROPOSALS\*

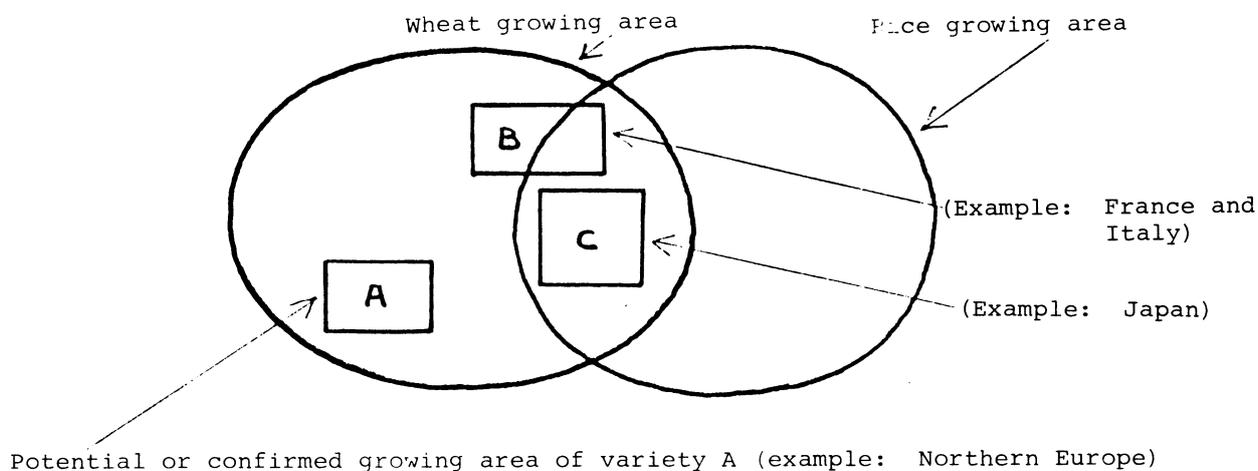
GENERA OR SPECIES	BELGIUM	FRANCE	FEDERAL REPUBLIC OF GERMANY	SOUTH AFRICA	SWEDEN
Phaseolus	X	X	X	X	X
Pisum	X	X	X	X	X
Vicia faba L.	X	X	X		X
Lens culinaris Med.	X	X			X
Daucus	X	X	X		X
Rhaphanus	X	X	X		X
Scorzonera	X	X	X		
Pastinaca	X		X		
Tragopogon porrifolius		X			
Apium	X		X		
Apium graveolens L. var. rapaceum (Mill.) Gaud.		X			X
Apium graveolens L. var. dulce (Mill.) Pers.		X			
Anthriscus	X	X	X		
Petroselinum	X	X	X		X
Anethum	X		X		
Carum	X		X		
Foeniculum	X		X		
Beta vulgaris L. ssp. vulgaris var. conditiva Alef.	X	X	X		X
Beta vulgaris L. ssp. vulgaris var. vulgaris	X	X	X		X
Beta vulgaris L. var. cicla L.	X		X		
Cichorium	X	X	X		X
Lactuca	X	X	X		X
Spinacia	X	X	X		X
Valerianella	X	X	X		
Lepidium	X	X	X		
Portulaca		X	X		X
Nasturtium		X			X
Cucurbita	X	X	X	X	X
Cucumis	X		X	X	X
Cucumis sativus		X			
Cucumis melo		X			
Citrullus lanatus		X		X	
Capsicum	X	X	X		X
Lycopersicon lycopersicum (L.) Farw.	X	X	X	X	X
Solanum melongena L.		X	X		X
Allium	X		X		X
Allium sativum		X			
Allium ascalonicum		X			
Allium cepa		X		X	
Allium porrum		X		X	
Allium fistulosum		X		X	
Asparagus	X	X	X		X
Rheum	X	X	X		X
Brassica					X
Brassica rapa L.		X			
Brassica oleracea L.		X			
Glycine max				X	
Vigna unguiculata				X	

\* The different genera or species which should form one class are marked with crosses which are connected by a line. A cross not connected with another cross indicates that this genus or species should form a class itself.

A MORE FLEXIBLE APPLICATION OF THE LIST OF CLASSES  
AS A FUNCTION OF THE RANGE OF SPECIES GROWN

1. The following system is proposed in the event of the member States not wishing to apply the new List of Classes at worldwide level: each State--or group of States--will carry out a readjustment of the classes as a function of the range of species grown in its climatic zone, consisting mainly in the elimination of taxa (or groups of varieties of such taxa) grown in another zone, thus giving breeders an easier choice of denomination--approved by decision of the authorities--by limiting the number of denominations that would interfere in this choice. Where two varieties belonging to two taxa that are not too closely related have growing areas that are quite distinct, there is no major a priori drawback in them bearing the same name. The readjustment would therefore be carried out at two levels: at a general level (each climatic zone having its own varieties) and at individual level (some varieties may be grown beyond that zone).

2. The practical application of this concept may be illustrated by the following sketch, based on the--simplified--example of wheat and rice:



Limits of the adjusted class (in respect of wheat and rice):

- (i) for variety A: wheat only
- (ii) for varieties B and C: wheat, and rice of the relevant climatic zone.

3. In practice, the procedure could be as follows: the authorities will check the acceptability of the proposed denomination, for example for a variety of wheat, by comparing it with all denominations in class A 11 entered in its data bank. If the denomination is identical or similar to an existing denomination relating to a variety of rice, the authorities:

- (i) will accept the proposed denomination if the growing areas of the two varieties do not overlap and do not infringe on the territory of the same country, and,
- (ii) if such is not the case, will refuse the denomination.

4. It is obvious that if this system is adopted the decisions will not always be satisfactory, particularly where the growing area of a variety extends beyond that originally envisaged, that is to say at the time the denomination was approved. It will be necessary, however, to accept this degree of uncertainty, which will probably not be greater than at present where proposed denominations are not normally checked at worldwide level. In any event, where a decision subsequently proves unsatisfactory, there will still remain the possibility of asking the breeder to propose either a new denomination that can be used in all countries or a different denomination (synonym) to be used in certain countries only.