



TC/44/8

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL COMMITTEE

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VARIETY DENOMINATIONS

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1. At its forty-third session, held in Geneva, from March 26 to 28, 2007, the Technical Committee (TC) noted the developments reported in document TC/43/8, which included a report that the 5th International Symposium on the Taxonomy of Cultivated Plants Taxonomy of Cultivated Plants would be held in the Netherlands from October 15 to 19, 2007. At the symposium it was planned to re-launch the International Association for Cultivated Plant Taxonomy (IACPT), which would ultimately take over the responsibility for reviewing and maintaining the International Code of Nomenclature for Cultivated Plants (ICNCP). It was noted that it would be important for UPOV to participate in that work to ensure harmonization with the UPOV guidance on variety denominations, where that was appropriate.

2. The purpose of this document is to:

(a) report on the developments at the Symposium on the Taxonomy of Cultivated Plants; and

(b) to consider certain matters arising from the variety denomination Class 211 “Edible Mushrooms”, in the “Explanatory Notes on Variety Denominations under the UPOV Convention” (see document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”).

Symposium on the Taxonomy of Cultivated Plants

3. The 5th International Symposium on the Taxonomy of Cultivated Plants Taxonomy of Cultivated Plants was held in the Netherlands from October 15 to 19, 2007

(<http://www.istcp2007.wur.nl>). At that symposium, Mr. Kees van Ettekoven (Netherlands) was elected as President of the International Association for Cultivated Plant Taxonomy (IACPT). The IACPT “seeks to promote the field of taxonomy and nomenclature of cultivated plants and to encourage international relations among individuals and institutions interested in this field and related disciplines. [...] To achieve its goals, the IACPT is expected to sponsor symposia, publish a journal dedicated to cultivated plant taxonomy, develop databases and on-line resources for improving stability in the nomenclature of cultivated plants and to be a vehicle for discussion of the International Code of Nomenclature for Cultivated Plants (ICNCP) and provide advice to queries on its implementation. Further information can be obtained and will be regularly provided on its website: www.iacpt.net.”

Variety Denomination Class 211 “Edible Mushrooms”

4. The “Explanatory Notes on Variety Denominations under the UPOV Convention”, document UPOV/INF/12/1, Annex I, Part II “Classes encompassing more than one genus”, establishes Class 211 “Edible Mushrooms” (see Annex to this document). The consequence of Class 211 is not fully clear with regard to species of *Agaricus*, *Agrocybe*, *Auricularia*, *Dictyophora*, *Flammulina*, *Ganoderma*, *Grifola*, *Hericium*, *Hypsizigus*, *Lentinula*, *Lepista*, *Lyophyllum*, *Meripilus*, *Mycoleptodonoides*, *Naematoloma*, *Panellus*, *Pholiota*, *Pleurotus*, *Polyporus*, *Sparassis* and *Tricholoma*, which are not specified in Class 211. For example, there is an entry in the UPOV-ROM Plant Variety Database (UPOV-ROM) for the species *Pleurotus florida*, which is not included in the list of species in Class 211.

5. In order to clarify the situation, Class 211 could be modified to cover all species of *Agaricus*, *Agrocybe*, *Auricularia*, *Dictyophora*, *Flammulina*, *Ganoderma*, *Grifola*, *Hericium*, *Hypsizigus*, *Lentinula*, *Lepista*, *Lyophyllum*, *Meripilus*, *Mycoleptodonoides*, *Naematoloma*, *Panellus*, *Pholiota*, *Pleurotus*, *Polyporus*, *Sparassis* and *Tricholoma*, in line with all other classes containing more than one genus. With such an approach, it might be appropriate to change the name of Class 211 to “Mushrooms”, rather than “Edible Mushrooms”.

6. *The TC is invited to:*

(a) *note the launch of the IACPT; and*

(b) *consider whether to invite the Technical Working Party for Vegetables (TWV) to propose a clarification of Class 211, as set out in paragraphs 4 and 5.*

[Annex follows]

ANNEX
EXPLANATORY NOTES ON VARIETY DENOMINATIONS
UNDER THE UPOV CONVENTION
(Annex I of document UPOV/INF/12/1 (Extract))

UPOV Variety Denomination Classes:
A Variety Denomination Should not be Used More than Once in the Same Class

For the purposes of providing guidance on the third and fourth sentences of paragraph 2 of Article 20 of the 1991 Act and of Article 13 of the 1978 Act and the 1961 Convention, variety denomination classes have been developed. A variety denomination should not be used more than once in the same class. The classes have been developed such that the botanical taxa within the same class are considered to be closely related and/or liable to mislead or to cause confusion concerning the identity of the variety.

The variety denomination classes are as follows:

- (a) General Rule (one genus / one class): for genera and species not covered by the List of Classes in this Annex, a genus is considered to be a class;
- (b) Exceptions to the General Rule (list of classes):
 - (i) classes within a genus: List of classes in this Annex: Part I;
 - (ii) classes encompassing more than one genus: List of Classes in this Annex: Part II.

[...]

LIST OF CLASSES

Part II

Classes encompassing more than one genus

	<u>Botanical names</u>	<u>UPOV codes</u>
[...]		
Class 211	Edible Mushrooms Agaricus bisporus Agaricus blazei Agrocybe cylindracea Auricularia auricula Auricularia polytricha (Mont.) Sacc. Dictyophora indusiata (Ventenat:Persoon) Fischer Flammulina velutipes Ganoderma lucidum (Leyss:Fries) Karsten Grifola frondosa Hericium erinaceum Hypsizigus marmoreus Hypsizigus ulmarius Lentinula edodes Lepista nuda (Bulliard:Fries) Cooke Lepista sordida (Schumacher:Fries) Singer Lyophyllum decastes Lyophyllum shimeji (Kawamura) Hongo Meripilus giganteus (Persoon:Fries) Kärten Mycoleptodonoides aitchisonii (Berkeley) Maas Geesteranus Naematoloma sublateralitum Panellus serotinus Pholiota adiposa Pholiota nameko Pleurotus cornucopiae var.citrinooileatus Pleurotus cystidiosus Pleurotus cystidiosus subsp. Abalonus Pleurotus eryngii Pleurotus ostreatus Pleurotus pulmonarius Polyporus tuberaster (Jacquin ex Persoon) Fries Sparassis crispa (Wulfen) Fries Tricholoma giganteum Massee	AGARI_BIS AGARI_BLA AGROC_CYL AURIC_AUR AURIC_POL DICTP_IND FLAMM_VEL GANOD_LUC GRIFO_FRO HERIC_ERI HYPSEI_MAR HYPSEI_ULM LENTI_ELO LEPIST_NUD LEPIST_SOR LYOPH_DEC LYOPH_SHI MERIP_GIG MYCOL_AIT NAEMA_SUB PANEL_SER PHLIO_ADI PHLIO_NAM PLEUR_COR PLEUR_CYS PLEUR_CYS_ABA PLEUR_ERY PLEUR_OST PLEUR_PUL POLYO_TUB SPARA_CRI MACRO_GIG

[End of Annex and of document]