



TC/45/8

ORIGINAL: English

DATE: February 9, 2009

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

**TECHNICAL COMMITTEE**

**Forty-Fifth Session**  
**Geneva, March 30 to April 1, 2009**

**VARIETY DENOMINATIONS**

*Document prepared by the Office of the Union*

1. The purpose of this document is 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”), as brought to the attention of the Technical Committee (TC) at its forty-fourth session, held in Geneva from April 7 to 9, 2008 (see document TC/44/8).
2. 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.
3. The TC, at its forty-fourth session, agreed to invite the Technical Working Party for Vegetables (TWV) to propose a clarification of Class 211 (see document TC/44/13 “Report”, paragraph 179).

4. At its forty-second session, held in Cracow, Poland, from June 23 to 27, 2008, the TWV considered document TWV/42/5 and, in particular, the request of the TC to clarify the situation with regard to the Class 211 “Edible Mushrooms” in 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” (see Annex to document TWV/42/5 and to this document).

5. The TWV agreed that Class 211 should 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.

6. The TWV noted that Class 211 would not necessarily contain all edible mushrooms and may also cover some species for which there were no edible varieties. Therefore, it agreed that it would be appropriate to change the name of Class 211 to “Class 211 (Mushrooms)”, rather than “Edible Mushrooms”.

7. The recommendation of the TC concerning amendments to the “Explanatory Notes on Variety Denominations under the UPOV Convention”, document UPOV/INF/12/1, will be reported to the Administrative and Legal Committee (CAJ), for consideration at its sixtieth session, to be held in Geneva on October 19 and 20, 2009. If the CAJ is in accordance with the proposal of the TC, a draft revised version of the “Explanatory Notes on Variety Denominations under the UPOV Convention”, document UPOV/INF/12/1, will be presented to the Council for adoption at its forty-third ordinary session, to be held in Geneva on October 22, 2009.

8. *The TC is invited to:*

*(a) consider the amendments proposed by the TWV to 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”, as set out in paragraphs 6 and 7; and*

*(b) if appropriate, to request the CAJ to consider that proposal and to propose to the Council to amend the “Explanatory Notes on Variety Denominations under the UPOV Convention”, document UPOV/INF/12/1, according to the schedule set out in paragraph 7.*

[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 sublateralitium 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 LEPIS_NUD LEPIS_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

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