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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL WORKING PARTY FOR FRUIT CROPS

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VARIETY DENOMINATIONS

Document prepared by the Office of the Union

1. The purpose of this document is to:

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

(b) 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

2. 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). 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.

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."

4. At its forty-fourth session, held in Geneva from April 7 to 9, 2008, the TC received the following oral report from Mr. Kees van Ettekoven (Netherlands), IACPT President, on the aims of the IACPT:

> "Stability in plant names is, as we all know very important. For centuries we could live with the binominal system invented by the Swedish scientist Carl von Linné, or Linnaeus as we know him. For wild material we still can. However, for cultivated plants, stability in naming is even more important. A whole industry is using names and denominations as major information carrier. Over the years there have been developments that caused concern; DNA based taxonomy that sometimes drastically changes the relation between species and their names, the gaining of importance of the statutory registration system under UPOV with own denomination rules different from those of the existing International Cultivar Registration Authorities (ICRA's) as given in the International Code for the Nomenclature of Cultivated Plants (ICNCP), the effect of GMO varieties, the introduction of cultivar groups that can replace the classical binominal system, the growing use of codes, trade names and trade marks. Reason to join forces and form a platform to discuss these matters separately from the existing International Botanical Congress who cover the wild material. This resulted in the launch of the International Association on Cultivated Plant Taxonomy (IACPT) during the Wageningen symposium last year. In this association representatives are present from the statutory registration authorities, the ICRA's and last but not least the seed and plant trade. The association will promote discussions, act as place for questions related to taxonomy of cultivated plants, we will publish a periodical, manage the ICNCP in the end, organize the congress on taxonomy of cultivated plants and work on a common search engine on the web to check names and test denominations. We are happy with the cooperation with UPOV and are pleased that the large group of experts in our Council, from all parts of the world, are willing to put their efforts in this association. Please feel free to check the website at *www.iacpt.net*."

Variety Denomination Class 211 "Edible Mushrooms"

5. 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.

6. 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".

7. At its forty-fourth session, the TC agreed to invite the Technical Working Party for Vegetables to propose a clarification of Class 211, as set out above.

[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

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

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