

Technical Working Party for Ornamental Plants and Forest Trees**TWO/51/9 Add.****Fifty-First Session****Christchurch, New Zealand, February 18 to 22, 2019****Original:** English**Date:** April 2, 2019

**ADDENDUM TO
EXPERIENCES WITH DEFINING TREES, SHRUBS AND VINES***Document prepared by an expert from Australia**Disclaimer: this document does not represent UPOV policies or guidance*

The annex to this document contains a copy of a presentation on the “Classification of Trees and Vines in Australia” made by an expert from Australia, at the fifty-first session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO).

[Annex follows]


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 Patents  Trade Marks  Designs  Plant Breeder's Rights

Classification of Trees and Vines in Australia





Nik Hulse, Chief of PBR

TWO 51 Christchurch, New Zealand
February 2019

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Classification of Trees and Vines in Australia

- Considered when PBR application is filed
- CAJ/41/4 – THE NOTION OF TREES AND VINES FOR THE PURPOSES OF THE PROVISIONS ON NOVELTY AND THE DURATION OF PROTECTION - not adopted by COUNCIL
- In most cases a determination can be made immediately
- In some cases, need to wait until the DUS trial is examined



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Determination of Vines

- Previously just Grapevines but now includes those listed in CAJ/41/4.

Actinidia Lindle.
Bougainvillea Comm.
Campsis Lour.
Hedera L.
Vitis L.*



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CAJ/41/4

- TREES – In CAJ/41/4 those **preceded by an asterisk** an asterisk are generally considered as trees
- If no asterisk or genus/species not in list then;
 - check previous applications for same species
 - research botanical references (eg Hortus III, Flora of Australia)
 - check application for description/photograph
 - if uncertain then examiner may defer decision until after examination.
- May be a problem if novelty is an issue.





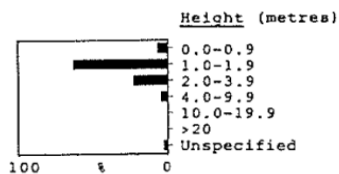
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Example

BANKSIA SPINULOSA Smith (1793)

Hairpin Banksia

Tree/Shrub: Tree form (9%) Shrub form (89%) Unspecified (2%).



Begonia L.

Bellis L.



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Thank you

