

Technical Working Party for Ornamental Plants and Forest Trees

TWP/3/6

Fifty-First Session

Christchurch, New Zealand, February 18 to 22, 2019

Original: English**Date:** January 23, 2019**Technical Working Party for Vegetables**

Fifty-Third Session

Seoul, Republic of Korea, May 20 to 24, 2019

Technical Working Party for Fruit Crops

Fiftieth Session

Budapest, Hungary, June 24 to 28, 2019

Technical Working Party for Agricultural Crops

Forty-Eighth Session

Montevideo, Uruguay, September 16 to 20, 2019

Technical Working Party on Automation and Computer Programs

Thirty-Seventh Session

Hangzhou, China, October 14 to 16 (morning), 2019

VARIETY DENOMINATIONS*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this document is to report on work concerning the possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”, revision of the ninth edition of the ICNCP, the possible development of a UPOV similarity search tool for variety denomination purposes, expansion of the content of the PLUTO database, non-acceptable terms and date and program of the next meeting of the WG-DEN.

2. The TWPs are invited to:

(a) note developments concerning a possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”, as set out in paragraphs 6 to 8 of this document;

(b) note that the CAJ, at its seventy-fifth session, agreed to request the TC to consider proposals received by the WG-DEN to revise the list of classes in document UPOV/INF/12/5, as set out in paragraph 9 of this document;

(c) comment on the proposals to revise the list of classes in document UPOV/INF/12/5, as set out paragraph 9 of this document, in anticipation of consideration of this matter by the Technical Committee;

(d) note that the CAJ agreed that the Office of the Union contribute to the revision of the ninth edition of the ICNCP on the basis of document UPOV/INF/12/5 and the work of the WG-DEN, as set out in paragraph 14 of this document;

(e) note developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraph 18 of this document;

(f) note developments concerning the possible expansion of the content of the PLUTO Database, as set out in paragraph 20 of this document;

(g) note developments concerning non-acceptable terms, as set out in paragraph 22 of this document;

(h) note that the sixth meeting of the WG-DEN will be held in Geneva, in the evening of October 29, 2019; and

(i) note the draft agenda of the sixth meeting of the WG-DEN, as set out in paragraph 24 of this document.

3. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee
ICNCP: International Code of Nomenclature for Cultivated Plants
TC: Technical Committee
TWP(s): Technical Working Party(ies)
WG-DEN: Working Group on Variety Denominations

4. The structure of this document is as follows:

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POSSIBLE REVISION OF DOCUMENT UPOV/INF/12 “EXPLANATORY NOTES ON VARIETY DENOMINATIONS UNDER THE UPOV CONVENTION”

5. The background to this matter is provided in document TWP/2/6 “Variety Denominations”, paragraphs 6 to 10.

6. The Working Group on Variety Denominations (WG-DEN), at its fifth meeting, held in Geneva, on October 30, 2018, considered documents UPOV/WG-DEN/5/2 “Revision of Document UPOV/INF/12/5 ‘Explanatory Notes On Variety Denominations under the UPOV Convention’” and UPOV/EXN/DEN/1 Draft 1 “Explanatory Notes on Variety Denominations under the UPOV Convention”, which incorporates the proposals that had been agreed by the WG-DEN or had been agreed to be considered further. A report of the meeting will be provided in document UPOV/WG-DEN/5/3.

7. The WG-DEN agreed that a new draft of the relevant sections of document UPOV/EXN/DEN should be circulated for comments by correspondence to the WG-DEN early in 2019.

8. The WG-DEN agreed that document UPOV/EXN/DEN/1 Draft 2 should be prepared on the basis of the comments received by correspondence and that document UPOV/EXN/DEN/1 Draft 2 should be presented to the sixth meeting of the WG-DEN and the seventy-sixth session of the Administrative and Legal Committee (CAJ), to be held on October 30, 2019. The comments of the WG-DEN at its sixth meeting would be reported to the CAJ, at its seventy-sixth session.

9. The CAJ, at its seventy-fifth session, held in Geneva, on October 31, 2018, agreed to request the Technical Committee (TC) to consider the following proposals received by the WG-DEN to revise the list of classes in document UPOV/INF/12/5 (see document CAJ/75/14 “Report”, paragraph 43):

(a) Proposal to split the current class 205 (*Cichorium* and *Lactuca*) into two new classes:

- Classe : *Lactuca* – *Cichorium endivia* (frisée et scarole), *Cichorium intybus* var. *foliosum* (endive/witloof et les chicorées italiennes)
- Classe : *C. intybus* var. *sativum* (chicorée industrielle)

- (b) Proposal for genus *Epichloe* (formerly *Neotyphodium*) be added to Class 203 (*Agrostis*, *Dactylis*, *Festuca*, *Festulolium*, *Lolium*, *Phalaris*, *Phleum* and *Poa*.)

10. In anticipation of consideration of this matter by the Technical Committee, the Technical Working Parties (TWPs) may wish to provide the TC with their comments on the proposals to revise the list of classes in document UPOV/INF/12/5, as set out paragraph 9 of this document.

11. The comments of the TWPs will be presented to the TC, at its fifty-fifth session.

12. *The TWPs are invited to:*

(a) *note developments concerning a possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”, as set out in paragraphs 6 to 8 of this document;*

(b) *note that the CAJ, at its seventy-fifth session, agreed to request the TC to consider proposals received by the WG-DEN to revise the list of classes in document UPOV/INF/12/5, as set out in paragraph 9 of this document; and*

(c) *comment on the proposals to revise the list of classes in document UPOV/INF/12/5, as set out paragraph 9 of this document, in anticipation of consideration of this matter by the Technical Committee.*

REVISION OF THE NINTH EDITION OF THE ICNCP

13. On August 5, 2018, the Office of the Union was notified of a “Call for proposals to revise the Cultivated Plant Code” by Mr. John C. David, the Chairman of the IUBS Commission. Proposals to amend the International Code of Nomenclature for Cultivated Plants (ICNCP) were requested to be sent to the Chairman of the IUBS Commission, by January 1, 2019 (see document CAJ/75/7 Add. “Addendum to variety denominations”, paragraphs 3 and 4).

14. The CAJ agreed that the Office of the Union contribute to the revision of the ninth edition of the ICNCP on the basis of document UPOV/INF/12/5 “Explanatory notes on variety denominations under the UPOV Convention” and the work of the WG-DEN (see document CAJ/75/14 “Report”, paragraph 45).

15. On December 17, 2018, the Office of the Union was notified by Mr. David that the next meeting of the IUBS Commission will be delayed until late 2019 or early 2020. Mr. David will notify the Office of the Union of the new due date once the new arrangements for the next meeting of the IUBS Commission are finalized.

16. *The TWPs are invited to note that the CAJ agreed that the Office of the Union contribute to the revision of the ninth edition of the ICNCP on the basis of document UPOV/INF/12/5 and the work of the WG-DEN, as set out in paragraph 14 of this document.*

POSSIBLE DEVELOPMENT OF A UPOV SIMILARITY SEARCH TOOL FOR VARIETY DENOMINATION PURPOSES

17. The background to this matter is provided in document TWP/2/6 “Variety Denominations”, paragraph 12.

18. The WG-DEN, at its fifth meeting, agreed that the Office of the Union should restart its work to explore possibilities to improve the UPOV Denomination Similarity Search Tool in conjunction with the Community Plant Variety Office of the European Union (CPVO).

EXPANSION OF THE CONTENT OF THE PLUTO DATABASE

19. The background to this matter is provided in document TWP/2/6 "Variety Denominations", paragraph 14.

20. The WG-DEN, at its fifth meeting, agreed to propose:

(a) to accept accents and special characters in denominations in the PLUTO database while noting that the denomination search tool on the PLUTO database would only use the character set ASCII representation, as defined in ISO Standard 646;

(b) to revise the "Program for Improvements to the Plant Variety Database", Section 3.1.3 in order to change the acceptable character set to ISO/IEC Standard 8859 1: 1998;

(c) to invite members of the Union to check whether they have relevant variety data that is no longer included in the PLUTO database but was submitted to the PLUTO database previously;

(d) that the Office of the Union should explore possibilities to introduce a unique identifier for variety records in the PLUTO database in order that new data submissions would add to the existing data rather than replacing it;

(e) that additional data should not be included in PLUTO but accessible via a search platform for independent databases; and

(f) that the Office of the Union to issue a circular to invite members of the Union to propose data that they would wish to include in the PLUTO database or make accessible via a search platform for independent databases.

NON-ACCEPTABLE TERMS

21. The background to this matter is provided in document TWP/2/6 "Variety Denominations", paragraph 16.

22. The WG-DEN, at its fifth meeting, agreed to propose not to pursue further the matter in relation to this item "Non-acceptable terms".

DATE AND PROGRAM OF THE NEXT MEETING

23. The WG-DEN, at its fifth meeting, agreed that the sixth meeting of the WG-DEN should be held in Geneva, in the evening of October 29, 2019.

24. The following program was agreed for the sixth meeting of the WG-DEN:

1. Opening of the meeting
2. Adoption of the agenda
3. Revision of document UPOV/INF/12/5 "Explanatory Notes on Variety Denominations under the UPOV Convention"
4. Date, place and program of the next meeting

25. *The TWPs are invited to note:*

(a) *developments concerning a UPOV similarity search tool for variety denomination purposes, as set out in paragraph 18 of this document;*

(b) *developments concerning the possible expansion of the content of the PLUTO Database, as set out in paragraph 20 of this document;*

(c) *developments concerning non-acceptable terms, as set out in paragraph 22 of this document;*

(d) *that the sixth meeting of the WG-DEN will be held in Geneva, in the evening of October 29, 2019; and*

(e) *the draft agenda of the sixth meeting of the WG-DEN, as set out in paragraph 24 of this document.*

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