|  |  |
| --- | --- |
|  | E |
| International Union for the Protection of New Varieties of Plants |  |

|  |  |
| --- | --- |
| Working Group on Variety Denominations  Sixth Meeting Geneva, October 29, 2019 | UPOV/WG-DEN/6/5  Original: English  Date: January 25, 2020 |

report

adopted by the Working Group on Variety Denominations

Disclaimer: this document does not represent UPOV policies or guidance

Opening of the meeting

The Working Group on Variety Denominations (WG-DEN) held its sixth meeting in Geneva on October 29, 2019, under the chairmanship of the Vice Secretary‑General of UPOV.

The meeting was opened by the Chair, who welcomed the participants. The list of participants is reproduced in the Annex to this report.

# Adoption of the agenda

The WG-DEN adopted the draft agenda as reproduced in document UPOV/WG-DEN/6/1.

possible revision of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”

The WG-DEN considered documents UPOV/WG-DEN/6/2 “Revision of document UPOV/INF/12/5 ‘Explanatory Notes on Variety Denominations under the UPOV Convention’” and UPOV/EXN/DEN/1 Draft 2 and agreed with the text proposed in document UPOV/EXN/DEN/1 Draft 2, subject to the following:

Section 2.3.1 (d): to delete the following example of a suitable denomination:

“*Prunus* ‘Sato-zakura’ (‘Zakura’ is the Japanese word for flowering cherries, rather than a name for the whole genus)”;

Section 2.3.3 (a): to read as follows:

“A difference of only one letter or one number may be considered to be liable to mislead or cause confusion concerning the identity of the variety. However, the following cases are examples of only one letter or one number difference that may be considered not to be liable to mislead or cause confusion: […]”;

Section 2.3.3 (d): to amend the text in Spanish from “puede” to “podría”;

Section 2.3.4 (b): to read as follows:

“A word format, pattern or combination may become associated with a breeder by custom and practice. However, to become associated with a breeder, it would be necessary to include a common word, prefix or suffix. In such cases, the authority may consider that the use of that word format, pattern or combination for denominations of varieties by another breeder may mislead or cause confusion concerning the identity of the breeder;

“*Examples of unsuitable denominations*: ‘ABC red’ proposed by a breeder (Breeder 2) when ‘ABC velvet’, ‘ABC star’ and ‘ABC green’ are registered by another breeder (Breeder 1).”

Section 4 (a): to amend the text in Spanish from “se insta” to “se alienta”;

Section 5.3 (a): to clarify the following wording:

“it does not conform to the provisions in paragraphs (2) (for example, the proposed denomination is not different from the denomination of an existing variety of the same plant species or of a closely related species in its territory) and (4) (for example, the proposed denomination is identical to a trademark registered for identical goods);” .

The WG-DEN agreed that a draft of document UPOV/EXN/DEN/1 should be submitted to the Administrative and Legal Committee (CAJ) on the above basis.

POSSIBLE Development of a UPOV similarity search tool for variety denomination purposes

The WG-DEN considered document UPOV/WG-DEN/6/3 “UPOV denomination similarity search tool” and received a presentation on developments concerning a UPOV denomination similarity search tool by the Office of the Union.

The WG-DEN noted the plans for the development of a UPOV denomination similarity search tool and agreed that the developments on this matter should be reported to the CAJ for consideration in conjunction with the discussion on draft of document UPOV/EXN/DEN for the possible inclusion of reference to a UPOV denomination similarity search tool.

Expansion of the content of the PLUTO database

The WG-DEN considered document UPOV/WG-DEN/6/4 “Expansion of the content of the PLUTO database” and received a presentation on developments on possible introduction of a unique identifier for variety records in the PLUTO database.

The WG-DEN noted the plans for the introduction of a unique identifier for variety records in the PLUTO database.

With regard to the inclusion of other varieties (new data) in the PLUTO database, the WG-DEN considered the proposals on additional data to be included in the PLUTO database and agreed with the proposal to add common names in other languages to the PLUTO database, as far as resources allowed.

The WG-DEN noted that the TC was considering how to address matters concerning variety types for DUS testing purposes and agreed that developments in the TC should be reported to the CAJ.

Date, place and program of the next meeting

The WG-DEN agreed that it had completed the work mandated by the CAJ and agreed that it would not be necessary to hold a further meeting.

This report was adopted by correspondence.

[The Annex follows]

LIST OF PARTICIPANTS

I. MEMBERS

ARGENTINA

Raimundo LAVIGNOLLE (Sr.), Presidente del Directorio, Instituto Nacional de Semillas (INASE), Secretaría de Agricultura, Ganadería, Pesca y Alimentación, Buenos Aires   
(e-mail: rlavignolle@inase.gov.ar)

María Laura VILLAMAYOR (Sra.), Coordinadora de Propiedad Intelectual y Recursos Fitogenéticos, Secretaría de Agricultura, Ganadería, Pesca y Alimentación, Buenos Aires   
(e-mail: mlvillamayor@inase.gov.ar)

AUSTRALIA

Nik HULSE (Mr.), Chief of Plant Breeders' Rights, Plant Breeder's Rights Office, IP Australia, Woden   
(e-mail: nik.hulse@ipaustralia.gov.au)

BOLIVIA (PLURINATIONAL STATE OF)

Sergio Rider ANDRADE CÁCERES (Sr.), Director Nacional de Semillas, Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF), La Paz   
(e-mail: rideran@yahoo.es)

Freddy CABALLERO LEDEZMA (Sr.), Responsable de la Unidad de Fiscalización y Registro de Semillas, Registros y protección de Variedades Vegetales, Instituto Nacional de Innovación Agropecuaria y Forestal (INIAF), La Paz   
(e-mail: calefred@yahoo.es)

CANADA

Anthony PARKER (Mr.), Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa   
(e-mail: anthony.parker@canada.ca)

Ashley BALCHIN (Ms.), Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa   
(e-mail: ashley.balchin@canada.ca)

CHILE

Manuel Antonio TORO UGALDE (Sr.), Jefe Departamento, Registro de Variedades Protegidas,   
División Semillas, Servicio Agrícola y Ganadero (SAG), Santiago de Chile   
(e-mail: manuel.toro@sag.gob.cl)

CHINA

Yehan CUI (Mr.), Division Director, Division of Plant Variety Protection, Development Center of Science & Technology (DCST), MARA, Beijing   
(e-mail: cuiyehan@agri.gov.cn)

Zhiqiang MA (Mr.), Director, Division of Variety Management, Department of Seed Industry Management, Beijing   
(e-mail: zyspzc@agri.gov.cn)

DENMARK

Gerhard DENEKEN, Director, Tystofte Foundation, Skaelskoer   
(e-mail: gde@tystofte.dk)

dominican REPUBLIC

Maria Ayalivis GARCIA MEDRANO (Sra.), Directora, Oficina de Registros de Variedades y Proteccion de los Derechos de Obtentor (Orevado), Santo Domingo   
(e-mail: mgarcia@orevado.gob.do)

ESTONIA

Kristiina DIGRYTE (Ms.), Adviser, Plant Health Department, Tallinn   
(e-mail: kristiina.digryte@agri.ee)

Laima PUUR (Ms.), Councellor, Estonian Agricultural Board, Viljandi   
(e-mail: laima.puur@pma.agri.ee)

France

Yvane MERESSE (Mme), Responsable INOV, Groupe d'Étude et de Contrôle des Variétés et des Semences (GEVES), Beaucouzé   
(e-mail: yvane.meresse@geves.fr)

JAPAN

Atsuhiro MENO (Mr.), Senior Policy Advisor, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo   
(e-mail: atsuhiro\_meno150@maff.go.jp)

Manabu SUZUKI (Mr.), Deputy Director for International Affairs, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo   
(e-mail: manabu\_suzuki410@maff.go.jp)

Manabu OSAKI (Mr.), Senior Examiner, Plant Variety Protection Office, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo   
(e-mail: manabu\_osaki190@maff.go.jp)

Kenya

George Ombaso MOGAKA (Mr.), Corporation Secretary and Head of Legal Affairs, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi   
(e-mail: gmogaka@kephis.org)

Gentrix Nasimiyu JUMA (Ms.), Chief Plant Examiner, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi   
(e-mail: gjuma@kephis.org)

LATVIA

Inga OVSJANNIKA (Ms.), Senior Officer, Division of Seed Certification and Plant Variety Protection, Seed Control Department, State Plant Protection Service, Riga   
(e-mail: inga.ovsjannika@vaad.gov.lv)

MOROCCO

Zoubida TAOUSSI (Mme), Chargée de la protection des obtentions végétales, Office National de Sécurité de Produits Alimentaires, Rabat   
(e-mail: ztaoussi67@gmail.com)

NETHERLANDS

Bert SCHOLTE (Mr.), Head Department Variety Testing, Naktuinbouw NL, Roelofarendsveen   
(e-mail: b.scholte@naktuinbouw.nl)

NEW ZEALAND

Christopher J. BARNABY (Mr.), PVP Manager / Assistant Commissioner, Plant Variety Rights Office, Intellectual Property Office of New Zealand, Ministry of Business, Innovation and Employment, Christchurch   
(e-mail: Chris.Barnaby@pvr.govt.nz)

Paraguay

Jadiyi Concepcion TORALES SALINAS (Sra.), Directora, Dirección de Semillas (DISE), Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), San Lorenzo   
(e-mail: jadiyi.torales@senave.gov.py)

Dahiana María OVEJERO MALDONADO (Sra.), Jefe, Departamento de Protección y Uso de variedades, Direccion de Semillas, Servicio Nacional de Calidad y Sanidad Vegetal y de Semillas (SENAVE), San Lorenzo  
(e-mail: dahiana.ovejero@senave.gov.py)

POLAND

Marcin KRÓL (Mr.), Head, DUS Testing Department, Research Centre for Cultivar Testing (COBORU), Slupia Wielka   
(e-mail: m.krol@coboru.pl)

SERBIA

Gordana LONCAR (Ms.), Senior Adviser for Plant Variety protection, Plant Protection Directorate, Group for Plant Variety Protection and Biosafety, Ministry of Agriculture and Environmental protection, Belgrade   
(e-mail: gordana.loncar@minpolj.gov.rs)

SLOVAKIA

Bronislava BÁTOROVÁ (Ms.), National Coordinator for the Cooperation of the Slovak Republic with UPOV/ Senior Officer, Department of Variety Testing, Central Controlling and Testing Institute in Agriculture (ÚKSÚP), Nitra   
(e-mail: bronislava.batorova@uksup.sk)

SOUTH AFRICA

Noluthando NETNOU-NKOANA (Ms.), Director, Genetic Resources, Department of Agriculture, Forestry and Fisheries, Pretoria   
(e-mail: noluthandon@daff.gov.za)

TUNISIA

Omar BRAHMI (Mr.), Chef, Service d'évaluation, d'homologation et de protection des obtentions végétales et des relations extérieures, Direction générale de la protection et du contrôle de la qualité des produits agricoles, Ministère de l'Agriculture, des Ressources Hydrauliques et de la Pêche, Tunis   
(e-mail: bo.dgpcqpa@iresa.agrinet.tn)

UNITED REPUBLIC OF TANZANIA

Twalib Mustafa NJOHOLE (Mr.), Registrar of Plant Breeders' Rights, Plant Breeders Rights' Office, Ministry of Agriculture (MoA), Dodoma   
(e-mail: twalib.njohole@kilimo.go.tz)

Asia Filfil THANI (Ms.), Registrar of Plant Breeders' Rights Zanzibar, Ministry of Agriculture and Natural Resources, Zanzibar   
(e-mail: asiathani@yahoo.com)

UNITED STATES OF AMERICA

Ruihong GUO (Ms.), Deputy Administrator, AMS, Science & Technology Program, United States Department of Agriculture (USDA), Washington D.C.   
(e-mail: ruihong.guo@ams.usda.gov)

Brian IKENBERRY (Mr.), Plant Variety Protection Examiner, Plant Variety Protection Office, United States Department of Agriculture (USDA), Washington D.C.   
(e-mail: brian.ikenberry@usda.gov)

EUROPEAN UNION

Jean MAISON (Mr.), Deputy Head, Technical Unit, Community Plant Variety Office (CPVO), Angers   
(e-mail: maison@cpvo.europa.eu)

Bénédicte LEGRAND (Ms.), Variety Denomination service, Community Plant Variety Office (CPVO), Angers  
(e-mail: Legrand@cpvo.europa.eu)   
[via WebEx]

II. OBSERVERS

MONGOLIA

Uranchimeg BAZARRAGCHAA (Ms.), Officer, Department of Policy and Planning, Ministry of Food, Agriculture and Light Industry, Ulaanbaatar   
(e-mail: bazarragchaau@yahoo.com)

Altantsetseg BALGAN (Ms.), National Project Manager / Legal Expert, Food and Agriculture Organization of the United Nations (FAO), Ulaanbaatar, Mongolie   
(e-mail: altantsetseg.balcan@fao.org)

MYANMAR

Pa Pa WIN (Ms.), Research Officer, Head of PVP Section, Department of Agricultural Research (DAR), Ministry of Agriculture, Livestock and Irrigation (MOALI), Nay Pyi Taw   
(e-mail: papawin08@gmail.com)

Minn San THEIN (Mr.), Assistant Research Officer, Seed Bank, Department of Agricultural Research (DAR), Ministry of Agriculture, Livestock and Irrigation (MOALI), Nay Pyi Taw   
(e-mail: minsanthein@gmail.com)

THAILAND

Thidakoon SAENUDOM (Ms.), Director of the Plant Variety Protection Research Group, Plant Variety Protection Office, Ministry of Agriculture and Cooperatives, Bangkok   
(e-mail: thidakuns@hotmail.com)

III. ORGANIZATIONS

AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Flora Kokwihyukya MPANJU (Ms.), Head, Search and Substantive Examination, African Regional Intellectual Property Organization (ARIPO), Harare   
(e-mail: fmpanju@aripo.org)

AFRICAN SEED TRADE ASSOCIATION (AFSTA)

Grace GITU (Ms), Technical Officer, Africa Seed Trade Association (AFSTA), Nairobi  
(e-mail: gitu@afsta.org)

CROPLIFE INTERNATIONAL

Marcel BRUINS, Consultant, CropLife International, Bruxelles   
(e-mail: mbruins1964@gmail.com)

EUROSEEDS

Catherine Chepkurui LANGAT (Ms.), Technical Manager Plant Breeding and Variety Registration, Euroseeds, Bruxelles  
(e-mail: catherinelangat@euroseeds.eu)

Ángela MARTÍNEZ LÓPEZ (Ms.), Manager, Intellectual Property and Legal Affairs, Euroseeds, Bruxelles  
(e-mail: angelamartinez@euroseeds.eu)

INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED ORNAMENTAL AND FRUIT PLANTS (CIOPORA)

Hélène JOURDAN (Mme), Secrétaire générale, Association des Obtenteurs Horticoles Européens (AOHE), Responsible COV & Marques, Meilland International S.A., Le Luc en Provence   
(e-mail: licprot@meilland.com)

IV. OFFICER

Peter BUTTON (Mr.), Chair

V. OFFICE OF UPOV

Peter BUTTON (Mr.), Vice Secretary-General

Yolanda HUERTA (Ms.), Legal Counsel and Director of Training and Assistance

Ben RIVOIRE (Mr.), Head of Seed Sector Cooperation and Regional Development (Africa, Arab Countries)

Leontino TAVEIRA (Mr.), Head of Technical Affairs and Regional Development (Latin America, Caribbean)

Hend MADHOUR (Ms.), IT Officer

Tomochika MOTOMURA (Mr.), Technical/Regional Officer (Asia)

Wen WEN (Ms.), Fellow

[End of Annex and of document]