



UPOV/WG-DST/4/3

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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

### WORKING GROUP FOR THE DEVELOPMENT OF A UPOV DENOMINATION SIMILARITY SEARCH TOOL

**Fourth Meeting  
Geneva, February 4, 2016**

#### NON-ACCEPTABLE TERMS

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#### EXECUTIVE SUMMARY

1. The purpose of this document is to present proposals concerning a list of botanical names of genera and, in addition, a list of botanical and common names of genera that have a wider meaning, and concerning the feasibility of including a list of comparatives/superlatives as non-acceptable terms.
2. The WG-DST is invited to:
  - (a) consider whether to defer a survey addressed to members of the Union until the development of a UPOV denomination similarity search tool nears completion;
  - (b) note that the matter of offensive terms will not be considered further;
  - (c) note that a report on the feasibility of developing a list of comparatives/superlatives will be presented to the WG-DEN, at its first meeting, to be held in Geneva, on March 18, 2016; and
  - (d) note that it would not be feasible to address "established practice" with regard to the use of denominations consisting solely of figures and that this is not a difficult matter for members of the Union to implement.
3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

CAJ: Administrative and Legal Committee  
CAJ-AG: Administrative and Legal Committee Advisory Group  
TC: Technical Committee  
WG-DST: Working Group for the Development of a UPOV Denomination Similarity Search Tool

## BACKGROUND

5. The background to this matter is provided in document UPOV/WG-DST/3/3 "Non-acceptable terms".

6. The WG-DST, at its second meeting, held in Geneva, on June 9, 2015, agreed to invite the CAJ to consider whether to develop a list of non-acceptable terms for variety denominations as an additional feature for the UPOV denomination search tool (see document UPOV/WG-DST/2/6 "Report", paragraph 12).

## BOTANICAL NAMES

7. The WG-DST, at its third meeting, held in Geneva, on October 2, 2015, agreed that it would be useful to develop a list of botanical names of genera and, in addition, a list of botanical and common names of genera that have a wider meaning through a survey addressed to members of the Union.

8. In the case of common names, the WG-DST, at its third meeting, agreed that it would be necessary to restrict the common names, perhaps to those in the GENIE database and for selected crops/species only.

9. The CAJ, at its seventy-second session, held in Geneva, on October 26 and 27, 2015, noted the oral report by the Vice Secretary-General that, at its third meeting of the WG-DST, held in Geneva on October 2, 2015, the WG-DST, with regard to non-acceptable terms, had proposed to consider botanical and common names as non-acceptable terms. In the case of common names, it had agreed that it would be necessary to restrict the common names, perhaps to those in the GENIE database and for selected crops/species only (see document CAJ/72/9 "Report on the Conclusions", paragraph 22).

10. The WG-DST may wish to defer a survey addressed to members of the Union until the development of a UPOV denomination similarity search tool nears completion.

## OFFENSIVE TERMS

11. The WG-DST, at its third meeting, agreed that it would be problematic to develop a list of offensive terms and agreed that this matter should not be considered further.

12. The CAJ, at its seventy-second session, considered document CAJ/72/3 "Variety Denominations" (see document CAJ/72/93 "Report on the conclusions", paragraph 20).

13. The CAJ, at its seventy-second session, noted the work by the WG-DST concerning the possible development of a UPOV similarity search tool for variety denomination purposes (see document CAJ/72/93 "Report on the conclusions", paragraph 21).

## COMPARATIVES AND SUPERLATIVES

14. The WG-DST, at its third meeting, agreed that it would be useful to develop a list of comparatives and superlatives on the basis that denominations should not consist of, or contain, comparative or superlative designations (see document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention" section 2.3.2). Given that the potential list of comparatives and superlatives would be very large, the WG-DST agreed to search for a list of commonly used comparatives and superlatives, in the first instance.

15. The CAJ, at its seventy-second session, noted the oral report by the Vice Secretary-General that, at its third meeting, the WG-DST, with regard to comparatives/superlatives, had agreed to investigate the feasibility of including a list of comparatives/superlatives as non-acceptable terms. That possibility would be reviewed by the WG-DST at its fourth meeting (see document CAJ/72/9 "Report on the Conclusions", paragraph 22).

16. The Office of the Union in conjunction with relevant WIPO colleagues is investigating possible sources of comparatives/superlatives.

17. A report on the feasibility of developing a list of comparatives/superlatives will be presented to the WG-DEN, at its first meeting, to be held in Geneva, on March 18, 2016.

#### USE OF FIGURES WHERE THIS IS NOT AN ESTABLISHED PRACTICE

18. The WG-DST, at its third meeting, concluded that it would not be feasible to address “established practice” with regard to the use of denominations consisting solely of figures and noted that this was not a difficult matter for members of the Union to implement.

19. The CAJ, at its seventy-second session noted the oral report by the Vice Secretary-General that, at its third meeting, the WG-DST had concluded that it would not be feasible to address “established practice” with regard to the use of denominations consisting solely of figures and had noted that this was not a difficult matter for members of the Union to implement (see document CAJ/72/9 “Report on the Conclusions”, paragraph 22).

20. *The WG-DST is invited to*

*(a) consider whether to defer a survey addressed to members of the Union until the development of a UPOV denomination similarity search tool nears completion;*

*(b) note that the matter of offensive terms will not be considered further;*

*(c) note that a report on the feasibility of developing a list of comparatives/superlatives will be presented to the WG-DEN, at its first meeting, to be held in Geneva, on March 18, 2016; and*

*(d) note that it would not be feasible to address “established practice” with regard to the use of denominations consisting solely of figures and that this is not a difficult matter for members of the Union to implement.*

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