



WG-VD/2/2 Rev.

English only

DATE: October 16, 2002

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

AD HOC WORKING GROUP ON VARIETY DENOMINATIONS

Second Meeting
Geneva, April 18, 2002

REVISED SUMMARY REPORT

prepared by the Office of the Union

Opening

1. The Vice Secretary-General welcomed the participants and introduced Mr. Piers Trehane, Rapporteur, International Code of Nomenclature for Cultivated Plants (ICNCP), who had been invited to join the meeting as an observer of the International Union of Biological Sciences (IUBS) Commission.

Discussion

2. The Vice Secretary-General introduced document WG-VD/02/1 and invited comments on the proposed approach contained in the document.

3. The representative of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) stressed the sensitivity concerning variety denominations amongst the breeding community, especially those in the horticultural and nursery sections. At the time of introduction of the UPOV Convention in 1961, there were two trends, namely one inspired by the ICNCP and followed by agricultural circles that wished to impose one fancy name as the generic denomination of varieties, and another followed by the aforementioned breeder circles that were already using registered trademarks for the marketing of new varieties and preferred a "code" denomination that would not clash with their trademarks (sometimes different according to the countries and

markets) and could more easily meet the basic need to have only one single denomination for the proper identification, worldwide, of the variety, irrespective of the local marketing or language problems. He stated that both Article 13 of the 1961/1978 Act and Article 20 of the 1991 Act had constituted an acceptable compromise and CIOPORA would regard any new interpretation of these articles as a danger for its breeder community if the said interpretation were to bring about supplementary restrictions to the existing text of the Convention. In addition, he emphasized that CIOPORA was not against guidelines to help breeders deal with variety denominations in a harmonized way, since this would be good for international trade.

4. The Vice Secretary-General confirmed that the objective of the revision would be to harmonize approaches within UPOV members for variety denominations rather than to tighten the rules.

5. The representative of the International Association of Plant Breeders (ASSINSEL) requested that the detailed information contained in the completed questionnaires be made available. However, it was noted that the information submitted in the Questionnaires was used as the basis for the development of document WG-VD/02/1, paragraphs 3 to 13, and that, furthermore, information was not given with authorization for wider distribution. On this basis it was agreed that it would not be appropriate to distribute the detailed responses.

6. The representative of the Community Plant Variety Office (CPVO), asked for an explanation of the role of ICNCP in variety denominations for UPOV members. CPVO, for instance, did not take ICNCP rules into account, but referred uniquely to UPOV rules and CPVO rules.

7. The representative of IUBS Commission stated that some UPOV members already made decisions on variety denominations based on the ICNCP rules. The ICNCP has an International system of Cultivar Associations (70 members) who, via Cultivar Registration Authorities, are mandated by the ICNCP to record all variety denominations recorded by any UPOV member and to ensure that no variety denominations are in conflict with ICNCP rules. A record of these variety denominations is published on the internet to enable searching. He explained that he was keen to ensure, as far as possible, that the ICNCP and UPOV variety denomination rules were not in conflict. He explained that he was currently preparing a draft for the next edition of the ICNCP, which would be submitted for consideration by the IUBS Commission for the Nomenclature of Cultivated Plants at its meeting in August 2002. He noted that he would welcome input from UPOV in order that there could be harmonization, as far as possible, between the ICNCP and the UPOV guidelines on variety denomination.

8. The representative of CPVO suggested the inclusion of a section in the proposed UPOV Questionnaire asking members to what extent they use the ICNCP code.

9. In response to discussions on the classes for naming varieties, the representative of ICNCP explained that the denomination classes in their system were based on the genus, rather than the species. A separate denomination class would be created within a genus where necessary, e.g. within Brassica. He noted that the result of this approach was very likely to be similar, in practice, to the approach for denomination classes in UPOV.

10. Avoid any confusion between the "ICNCP Code" and the development of a "UPOV code," the Office of the Union emphasized that the former was a code for the naming of varieties (cultivars). In contrast, the purposes of the UPOV code would be to develop a

unique identifier code which would link all the different synonyms of latin and common names for a particular taxa.

11. The representatives of both China and Japan expressed the need to take into consideration the difficulty in translating roman-script-based names into either Chinese or Japanese script. In addition, there are particular difficulties in translating Chinese phonetic symbols. Firstly, the transliteration of the phonetic symbols into Chinese letters can result in a loss of meaning. In addition, the conversion of the variety denomination from Chinese letters into roman-based script, which would be necessary in order to be understood by most members of the Union, can also result in a change of loss of meaning.

Conclusion and Future Work Plan

12. It was agreed that, in accordance with paragraph 19(b) of document WG-VD/02/01, the Office will:

(a) draft an updated version of UPOV/INF/12 Rev., in the form of “explanatory notes” clearly linked to the Convention. This will utilize the existing recommendations as far as possible, but will eliminate any inconsistencies with the Convention and, as appropriate, will be elaborated and clarified to take into account responses received from the questionnaire. In particular, it will address the matters raised in paragraphs 3 to 13 of document WG-VD/02/01. This draft will be presented to the Working Group four weeks in advance of its next meeting which, it is anticipated, will be held during the week commencing October 21, 2002.

(b) draft a questionnaire for all members of the Union and other interested organizations, seeking information on how the effectiveness of the UPOV-ROM (or similar web-based database) might be improved. It will also seek advice from members on how important and relevant they consider this mechanism to be for complying with Article 20(6) of the 1991 Act of the Convention. This draft questionnaire will be sent to the members of the Working Group for comment, with the aim of issuing a questionnaire by August 2002 in order that the responses can be analyzed by the Working Group and its recommendations reported to the Administrative and Legal Committee (hereinafter referred to as “the CAJ”) during its session in October 2002.

(c) draft a questionnaire for all members of the Union and other interested organizations, to seek advice on whether there is a need for a review of the classes of closely related species contained in Annex I of document UPOV/INF/12 Rev. and, if so, aspects which need to be considered. This draft questionnaire will be sent to the members of the Working Group for comment, with the aim of issuing a questionnaire by December 2002.

13. On the question of whether to consider establishing a “standing” group for ongoing review of matters concerning variety denominations, it was agreed that these meetings should be held at the same time as the UPOV sessions; however, it was thought that once the revised draft of the document UPOV/INF/12 Rev. was approved, the group would only need to meet on an *ad hoc* basis.

List of participants:

MEMBERS	NAME
Argentina	Mrs. Adelaida Harries
Argentina	Mr. Marcelo Labarta
Belgium	Mrs. Camille Vanslembrouck
Canada	Mrs. Valerie Sisson
China	Mr. Lü Bo
China	Mrs. Li Yanmei
Croatia	Mrs. Ruzica Ore
France	Ms. Nicole Bustin
France	Mr. Joël Guiard
Japan	Mr. Jun Koide
New Zealand	Mr. Bill Whitmore
Spain	Mr. Luis Salaices
EUROPEAN COMMUNITY (CPVO)	Mr. Bart Kiewiet
EUROPEAN COMMUNITY (CPVO)	Mr. Iain G. Forsyth
ASSINSEL	Mr. Huib Ghijsen
CIOPORA	Mr. René Royon
IUBS Commission	Mr. Piers Trehane, Rapporteur, International Code of Nomenclature for Cultivated Plants (ICNCP)

Office of the Union:

Mr. Rolf Jördens
Mr. Peter Button
Mr. Raimundo Lavignolle

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