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# NEWSLETTER

INTERNATIONALER VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION  
FOR THE PROTECTION OF  
NEW VARIETIES OF PLANTS

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No. 3

December 1975

Geneva

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## CONTENTS

page

### Information from UPOV

Ninth Session of the Council . . . . . 2

UPOV Model Agreement for International Cooperation in  
the Testing of Varieties . . . . . 6

### Information from Member States

Denmark: Order of July 24, 1974, Containing the List of Species  
Eligible for Protection . . . . . 8

### Information from Non-Member States

Italy: Law of July 10, 1974, on the Protection of New Plant  
Varieties and Presidential Decree of August 8, 1975,  
on the Protection of New Plant Varieties . . . . . 12

### Publications

Publications of the Office of the Union . . . . . 12

### Calendar

UPOV Meetings . . . . . 14

Non-governmental Organizations . . . . . 14

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INFORMATION FROM UPOV

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Ninth Ordinary Session of the Council of UPOV

1. The ninth ordinary session of the Council of UPOV was held in Geneva, at the headquarters of UPOV, from October 7 to 9, 1975.
2. The session was opened by Mr. Bernard Laclavière (France), President of the Council, who welcomed representatives of the six member States (Denmark, France, Germany (Federal Republic of), the Netherlands, Sweden and the United Kingdom) and observers from two of the three signatory non-member States (Belgium and Switzerland) and from 12 other interested non-member States (Austria, Finland, Hungary, Ireland, Israel, Japan, New Zealand, Norway, Poland, South Africa, Spain and the United States of America.) It was the first time that Poland had sent observers to the UPOV Council session.
3. The Council agreed to invite Algeria and the African and Malagasy Industrial Property Office (OAMPI) to send observers to the next Council session.
4. The Council elected Mr. Skov (Denmark) as its new Vice-President. Mr. Skov succeeds Professor Esbo (Sweden) in this function. The Council also elected the new Chairmen of the five technical working parties for the coming three years.
5. Besides fulfilling other major tasks, such as the adoption of the program and budget of UPOV, the Council dealt with three items of substance which are of interest also to the general public.

I.

As in former years, a survey was made on the state of plant variety protection in member and non-member States. The statements made and the explanations given by the delegates and observers are reproduced below.

Exposés by the representatives of the different States on the present situation and on the problems arising and the progress achieved in the legislative, administrative and technical fields

(a) As far as the member States are concerned, the following information was given by their Delegations:

The lists of species eligible for protection has been extended: in the Federal Republic of Germany, by 26 botanical species with effect from December 31, 1974; in Denmark, by 50 species with effect from July 24, 1975; in the Netherlands, by 15 species with effect from March 15, 1975. The extension of the protection to about 20 more species was expected by the end of 1975 in France, and the inclusion of further species was being studied in Sweden and in the United Kingdom.

As far as cooperation between national offices in the field of examination is concerned, in the Federal Republic of Germany the amended Varieties Protection Law had created a legal basis for such cooperation, and that country was now prepared, on the one hand, to accept examination reports from other member States concerning varieties of 12 species, and, on the other hand, to carry out the examination of varieties at the request of other member States for 10 species; in Denmark, examination of some species newly made eligible for protection must be carried out abroad. The representative of the Netherlands reported that his country was co-operating with the Federal Republic of Germany, Denmark and the United Kingdom, and the President of the Council said that France was also relying on cooperation for the envisaged extension of the list of species.

Most member States announced that they had to revise and increase the level of their fees. The Federal Republic of Germany and Denmark were studying a revision of their fee systems. This might lead, in the Federal Republic of Germany to an increase in the fees for most crops, but possibly also to a reduction in the fees for some minor crops.

The representative of the Federal Republic of Germany said that the competent Committee of the German Parliament considered that the UPOV Guidelines for Variety Denominations went to some extent beyond the provisions of the Convention: the amended German law now permits, under certain conditions, the use of combinations of letters and figures as variety denominations. The representative of the same country also said that the ratification of the Additional Act of the UPOV Convention was being studied by the Parliament of his country and the deposit of the instrument of ratification could be expected during the first half of 1976.

The President of the Council, as representative of France, said that, on the initiative of French breeders, his Government was considering new ways of testing varieties of minor crops, such as ornamentals.

In reply to a question by the representative of the Federal Republic of Germany, the representative of the Netherlands gave explanations on the history and the meaning of the limited protection resulting from the registration, under Article 18(2) of the Netherlands Law, of varieties of cross-fertilized agricultural crops. He stated that it was intended gradually to replace the limited protection by full protection for the species in question.

The representative of the United Kingdom mentioned that, for the first time in ten years, there had been an appeal against the Controller's decision, and the President of the Council asked him to send the Court's decision to the Office of UPOV for publication in the UPOV Newsletter as this should be done with court decisions in general.

(b) The Representatives of non-member States reported on the considerable progress made towards achieving plant variety protection, and some of them also informed the meeting of the steps being taken with a view to ratification of, or accession to, the UPOV Convention. They all underlined their country's interest in the introduction of effective international cooperation in examination and emphasized that they counted on the help of other offices to enable them to introduce plant variety protection on a broad scale. Statements to that effect were made in particular by the representatives of Belgium, Switzerland, Austria, Ireland, South Africa and New Zealand. The following information concerns individual countries.

(1) The representative of Austria stated that, in his country, two different laws concerning plant varieties were in force which dated back to the years following 1945. Whereas Austrian breeders had at first adopted a rather sceptical view with regard to plant variety protection, increasing interest in UPOV membership had been noted recently. The Government had been asked to prepare a plant variety protection law which would allow such membership. The adoption of that law would take several years.

(2) The representative of Belgium stated that the Belgian Parliament had adopted a law on the Protection of New Plant Varieties which has been promulgated by the King on May 20, 1975. The Bill for the Approval of the UPOV Convention had been approved by the Chamber of Representatives but had so far not passed before the Senate. This last step should be accomplished before November 15, 1975, and the deposit of the instrument of ratification could be expected by the beginning of 1976. The drafting of the implementing regulations was nearly completed. A technical working party was studying the list of species that would be eligible for protection.

(3) The representative of Finland said that membership in UPOV was at present being prepared in a Committee. That Committee had, amongst other things, contacted foreign plant breeders in order to profit from their experience. It was necessary to adopt a system which was practicable under Finnish conditions. It was thought that the Committee would present its conclusions next year.

(4) The representative of Hungary emphasized that his country was greatly interested in the work of UPOV since it had a protection law in conformity with the UPOV Convention. He drew attention to the fact that Hungary granted protection to foreigners, including nationals of UPOV member States, and accepted the examination results of those States. This had proved to be an advantage for both breeders and agriculture in Hungary. He further said that the Delegation of Hungary was authorized by the Minister of Agriculture and the President of the National Office of Inventions to inform the Council that both were about to propose to the Government that Hungary should accede to the UPOV Convention.

(5) The representatives of Ireland reported that there was a strong demand for the introduction of plant variety protection and subsequently for accession to the UPOV Convention. The facilities, such as personnel and premises, needed for the introduction of a system of protection were available, and a Bill was in course of preparation.

(6) The representative of Israel said that a plant breeder's rights law had entered into force in 1973. So far, 97 applications had been filed. Israel was not at present in a position to ask for accession to the UPOV Convention.

(7) In the absence of any representative of Italy, the President of the Council reported that the Italian law concerning plant variety protection and authorizing the Italian Government to ratify the UPOV Convention had been approved in July 1974 and published in January 1975. Recently, a Decree on the Protection of New Plant Varieties had also been adopted, which should enter into force 180 days after publication in the Official Gazette.

(8) The representative of Japan reported that his country was working on the elaboration of a new system of protection. He enumerated the reasons underlying the proposed new system, the problems which had to be solved and the incompatibilities between the proposed system and the UPOV Convention. He further proposed some amendments to that Convention which related to three points: examination, list of species and denomination. (In the same connection, the representative of the Federal Republic of Germany said that experience had shown in his country that the descriptions furnished by the breeders were very often not sufficient and that official descriptions were a better basis for protection; he also said that maintaining reference collections was a much heavier burden for the breeder than for the State.)

(9) The representative of Norway said that a proposal for a law on the protection of new plant varieties and seed certification was in course of preparation but was not yet before Parliament. With regard to examination, Norway would have to rely to a great extent on the technical facilities offered by other member States. Concerning royalties for foreign varieties, bilateral agreements had already been concluded.

(10) The representative of New Zealand stressed the great impact made by the meeting of member and non-member States in October 1974. He said that his country was starting to accumulate experience in plant variety protection since the protection scheme for roses had been applied on May 1, 1975. The scheme for barley was being studied and it would probably be introduced within 12 months. Instructions had been given by the Minister for Agriculture for the preparation of regulations for lucerne, peas, potatoes and rye-grass. Finally the representative of New Zealand thanked the United Kingdom and UPOV for their help in the preparation of the law and the regulations. He assured the Council of his country's continued interest in accession to the UPOV Convention.

(11) The representative of Poland recalled that the competent authorities of his country were contemplating accession by Poland to the UPOV Convention. A Bill had therefore been prepared within the framework of the Agricultural Code. It was hoped that, after preliminary acceptance by the Government, the Code would be presented to the Chamber of Deputies in 1976. The implementing regulations would then have to be prepared before accession to the UPOV Convention could be sought. Under the present law, the protection of new plant varieties was ensured within the framework of bilateral agreements with the competent authorities of interested States or through commercial contracts.

(12) The representative of Spain said that a Plant Variety Protection Law which was in accordance with the Convention had been approved on March 12, 1975. Spain would apply for membership in UPOV once the implementing decrees (which had to be published within a period of one year after the publication of the law, i.e., in March 1976) had been issued. It was hoped that Spain's application could be submitted in April 1976.

(13) The representative of South Africa said that his country was already applying a number of UPOV test guidelines. His Department had in principle decided in favor of South Africa's accession to the UPOV Convention. Amendments to the Plant Breeders' Rights Act had been prepared in order to bring it into line with the UPOV Convention: the amendments would be submitted to the next session of Parliament during the first quarter of 1976. He therefore hoped that South Africa would be in a position to apply for UPOV membership during 1976.

(14) The representative of Switzerland said that the Swiss Federal Assembly had approved the Convention and the Additional Act on March 20, 1975, and had authorized the Federal Council to ratify them. The Law on the Protection of New Plant Varieties had also been adopted on the same date. Before that Law entered into force by decision of the Federal Council, the regulations still had to be established and some practical measures had to be taken. For all those reasons, ratification would probably take another year. Concerning the fees, the representative of Switzerland said that, as in Sweden, the entire cost had to be covered by fees.

(15) The representative of the United States of America recalled that his country had two laws providing for plant variety protection: the Patent Act for asexually reproduced plants (about which he had no authority to say anything) and the Plant Variety Protection Act. He stated that in 4½ years, 575 applications concerning 55 species had been filed with the Plant Variety Protection Office: 50% for agricultural crops, 25% for vegetables and 25% for flowers. Two hundred and twenty certificates had been issued. He described the computer search system which was based on descriptions by the breeder. It was to be hoped that, soon, only three to six months would be needed for issuing a certificate on a properly filed application. With regard to fees, he indicated that the full cost would have to be covered by them in the future; at the moment, however, coverage amounted to only 25%.

## II.

The Council was informed of the progress made by the Committee of Experts on International Cooperation in Examination (see the report on the third and most recent session of this Committee on pages 2 to 4 of Newsletter 1975, No. 2). The UPOV Model Agreement for International Cooperation in the Testing of Varieties was approved by the Council. It is reproduced on pages 6 and 7 of this Newsletter. A list of genera and species which might be the subject of the envisaged international cooperation in the examination of varieties by way of bilateral agreements between offices will be published in a special issue of the Newsletter.

## III.

The Council heard a first report on the outcome of the mission of the UPOV delegation to North America which took place from September 2 to 17, 1975. This delegation, consisting of six governmental representatives of member States and of the Secretary General and the Vice-Secretary General of the Office of the Union, visited and had discussions with authorities and private firms in the United States of America and Canada. The aim of the mission was to study the two systems of protecting plant varieties in the United States--vegetatively reproduced plants by plant patents issued by the US Patent and Trademark Office and generatively reproduced plants by certificates issued by the US Plant Variety Protection Office--with a view to the possible future accession of the United States to the UPOV Convention, if necessary after adaptation of the law of the United States or of some--non-basic--provisions of the UPOV Convention. In Canada the aim was to discuss with the competent official and private Canadian bodies the introduction of plant variety protection in that country, which is envisaged for the near future. The impressions gained by the delegation will be the subject of the discussions of the second and the third sessions of the Committee of Experts on the Interpretation and Revision of the Convention, to be held from December 2 to 5, 1975, and February 17 to 20, 1976, the latter in the presence of observers of non-member States and non-governmental international organizations (AIPH, AIPPI, ASSINSEL, CIOPIRA and FIS). A full report on this important mission will be given in a future issue of this Newsletter. As to the Newsletter itself, the Council expressed its great appreciation of the generous assistance given to the Office of UPOV by AIPH, ASSINSEL, CIOPIRA and FIS in the distribution of this new medium of information on plant variety protection.

UPOV MODEL AGREEMENT  
FOR INTERNATIONAL COOPERATION  
IN THE TESTING OF VARIETIES

Article 1

Authority A agrees to carry out, at the request of Authority B, the technical work associated with the testing of new varieties in respect of applications for plant breeders' rights filed with Authority B for the species listed in the Annex to this Agreement.

Article 2

By agreement between Authority A and Authority B, species may be added to those listed in the Annex.

Article 3

Where Guidelines for the conduct of tests have been adopted, by the Council of UPOV, the testing shall be conducted according to such Guidelines. Where no such Guidelines have been adopted, the two Authorities shall agree on the methods to be applied for the conduct of the tests and on any changes to be made in those methods.

Article 4

(1) For each variety, Authority A shall submit to Authority B reports after each testing period and a final examination report.

(2) On submitting its final report, Authority A will state whether in its opinion the variety may be regarded as distinct, homogeneous and stable. If the opinion is that the variety is distinct, homogeneous and stable, the variety description will also be given.

(3) Reports and descriptions shall be written in one of the three official UPOV languages--English, French and German--on the understanding that Authority A shall be entitled to choose among these languages.

Article 5

Authority A shall be entitled to seek the advice of technical experts or panels of experts.

Article 6

Authority A shall give access to the tests and to all details concerning the tests only to the applicant, his accredited agent and persons duly authorized by Authority B. Where any test was or is carried out under a similar agreement, also for the purposes of an authority other than Authority B, access shall likewise be granted in accordance with the rules applicable by such other authority.

Article 7

Authority A undertakes to maintain a reference collection of varieties of the species listed in the Annex or to procure such material of those varieties as may be required for purposes of comparison.

Article 8

Authority A shall take all reasonable steps to safeguard the propagating material provided under this Agreement by Authority B or pursuant to the instructions of Authority B and material derived therefrom. Authority A shall not furnish such propagating material or material derived therefrom to third persons except with the specific authorization of Authority B.

Article 9

Authority B shall pay to Authority A the amount of the fee payable in the State of Authority A for testing a variety for distinctness, homogeneity and stability. Payments shall become due following the receipt of test reports, whether interim or final, and will be made by Authority B within (time to be agreed upon by the two authorities) of receiving the account from Authority A.

Article 10

If apart from the normal testing and reporting arrangements the services of an expert or experts are required by Authority B, Authority A undertakes to make available such services at the expense of Authority B.

Article 11

Details arising out of this Agreement, including application forms, technical questionnaires, seed requirements and the form of reports and descriptions, shall be settled between the two Authorities.

Article 12

The provisions of this Agreement shall apply mutatis mutandis where Authority A submits to Authority B, at the latter's request, reports on and a description of a variety of a species whether or not it is listed in the Annex for which reports and a description are already available or under preparation.

Article 13

The provisions of this Agreement shall apply also for purposes other than the protection of new varieties of plants in so far as the tests undertaken are comparable to those conducted for the purpose of the protection of plant breeders' rights.

Article 14

This Agreement shall enter into force on . . . . . (and shall be regarded as a memorandum for guidance for any cases dealt with, or in the course of being dealt with, before that date).

Article 15

Proposals for the amendment or revocation of this Agreement may be made by either of the Authorities. It is understood, however, that (a) neither Authority shall seek to revoke the Agreement as a whole or for a species listed in the Annex without giving two years' notice to the other Authority and that the first Authority shall enter into consultation with the other Authority before serving such notice, and that (b) if the application of the Agreement to a species listed in the Annex is revoked, the tests initiated on a variety of that species prior to the revocation shall be finalized and reported on by Authority A.



# INFORMATION FROM MEMBER STATES

## Denmark: Order of July 24, 1975, Containing the List of Species Eligible for Protection

The list of species eligible for protection in Denmark was considerably extended by the new Order of July 24, 1975, which entered into force on August 9, 1975, since 56 genera or species were newly included in the list. The list now contains 113 different taxonomic units.

Paragraph (3) of Section 1 of the Order provides that protection can be granted only on the basis of examinations carried out in another member State of UPOV for the following genera and species: *Alstroemeria* spp., *Begonia* spp., *Fuchsia* spp., *Helleborus niger* L., *Ribes nigrum* L., *Ribes niveum* Lindl., *Ribes sylvestre* (Lam) Mert. & W.D.J. Koch, *Ribes uva-crispa* L. and *Saintpaulia ionantha* H. Wendl. Their inclusion was made possible through the efforts of the UPOV member States to introduce international cooperation in examination.

## List of species eligible for protection

The English, French and German common names have been added by the Office of the Union, to the best of its knowledge, for the convenience of the reader and do not form part of the Order.

<u>I Danish</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
hvene, alle arter	<i>Agrostis</i> spp.	Bentgrass (all species)	<i>Agrostis</i> , <i>Agrostide</i> (toutes espèces)	Straussgras (alle Arten)
allamanda	<i>Allamanda cathartica</i> L.			
skalotteløg	<i>Allium ascalonicum</i> L.	Shallot	Echalote	Schalotte
kepaløg	<i>Allium cepa</i> L.	Onion	Oignon	Zwiebel
porre	<i>Allium porrum</i> L.	Leek	Poireau	Poree
purløg	<i>Allium schoenoprasum</i> L.	Chives	Ciboulette, Civette	Schnittlauch
inkalilje (alstroemeria)	<i>Alstroemeria</i> spp.	Peruvian lily	Alstroemère, Lis des Incas	Inkalilie, Belladonnalilie
dild	<i>Anethum graveolens</i> L.	Dill	Aneth	Dill
kørvel	<i>Anthriscus cerefolium</i> (L.) Hoffm.	Chervil	Cerfeuil	Kerbel
selleri (knold-og bladselleri)	<i>Apium graveolens</i> L.	Celery, Celeriac	Céleri, Céleri-rave	Blattsellerie, Knollensellerie
peberrod	<i>Armoracia rusticana</i> Gaertn., Mey. & Scherb.	Horse radish	Raifort sauvage	Meerrettich
asparges	<i>Asparagus officinalis</i> L.	Asparagus	Asperge	Spargel
plumosus-snitgrøn	<i>Asparagus plumosus</i> Baker		Asparagus	
havre	<i>Avena sativa</i> L., <i>Avena byzantina</i> C. Koch	Oat, Algerian oat	Avoine, Avoine d'Algérie	Hafer, Mittelmeerhafer
begonie	<i>Begonia</i> spp.	Begonia	Bégonia	Begonie
berberis	<i>Berberis</i> spp.	Barberry	Berberis, Epine- vinette	Berberitze
foderbede	<i>Beta vulgaris</i> var. <i>alba</i> DC.	Fodder beet	Betterave fourragère	Runkelrübe
bladbede	<i>Beta vulgaris</i> L. var. <i>cycla</i> (L.) Ulrich	Mangel	Bette commune, Poirée	Mangold
rødbede	<i>Beta vulgaris</i> L. var. <i>esculenta</i> L.	Red beet, Garden beet Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
bougainvillea	<i>Bougainvillea</i> spp.		Bougainvillier	
kålroe	<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rehb.	Swede	Chou-navet, Rutabaga	Kohlrübe
raps	<i>Brassica napus</i> L. ssp. <i>oleifera</i> (Metzg.) Sinsk	Rape	Colza	Raps

<u>I Danish</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
grønkål	Brassica oleracea (L.) var. acephala (DC.) subvar. sabellica (laciniata)L.	Kale	Chou fourrager, Chou vert à faucher	Grünkohl
blomkål	Brassica oleracea (L.) Alef. var. botrytis L.	Cauliflower	Chou-fleur	Blumenkohl
rosenkål	Brassica oleracea L. var. bullata DC. sub- var. gemmifera DC.	Brussels sprouts	Chou de Bruxelles	Rosenkohl
savoykål	Brassica oleracea L. var. bullata DC. & var. sabauda L.	Savoy cabbage	Chou de Milan	Wirsing
hvidkål	Brassica oleracea L. var. capitata L. f. alba DC.	White cabbage	Chou cabus	Weisskohl
rødkål	Brassica oleracea L. var. capitata L. f. rubra (L.) Thell.	Red cabbage	Chou rouge	Rotkohl
kålrambi	Brassica oleracea L. var. gongylodes L.	Kohlrabi	Chou-rave	Kohlrabi
fodermarvkål	Brassica oleracea L. var. medullosa Thell.	Marrow-stem kale	Chou moellier	Futterkohl
rybs	Brassica rapa L. var. oleifera	Rape	Navette	Rüben
majroe	Brassica rapa L. var.. rapa (L.) Thell.	Turnip	Navet	Herbstrübe, Mairübe
turnips	Brassica rapa L. var. rapifera	Turnip	Navet	
kommen	Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
cypres	Chamaecyparis spp.	Chamaecyparis False cypress	Chamaecyparis	Scheinzypresse
chrysanthemum	Chrysanthemum spp.	Chrysanthemum	Chysanthème	Chrysanthème
endivie	Cichorium endivia L.	Endive	Chicorée frisée, Scarole, Endive	Winterendivie
cikorie	Cichorium intybus L.	Chicory	Chicorée	Wurzelzichorie
melon	Cucumis melo L.	Melon	Melon	Melone
agurk	Cucumis sativus L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
centnergraeskar	Cucurbita maxima Duch.	Squash	Potiron, Giraumon	Riesenkürbis
mandelgraeskar	Cucurbita pepo L.	Marrow	Courge, Citrouille	Gartenkürbis, Olkürbis
kvaede, alle arter	Cydonia spp.	Quince (all species)	Cognassier (toutes espèces)	Quitte (alle Arten)
kamgræs	Cynosurus cristatus L.	Crested dog's tail	Crételle	Kamngras
hundegraes	Dactylis glomerata L.	Cocksfoot	Dactyle	Kraulgras
gulerod	Daucus carota L.	Carrot	Carotte	Möhre
nellike	Dianthus caryophyllus L.	Carnation	Oeillet	Nelke
koralranke	Euphorbia fulgens, Karw.	Euphorbia fulgens	Euphorbe	Korallenranke
julestjerne (poinsettia)	Euphorbia pulcherrima Willd. ex. Klotzsch.	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
svingel, alle arter	Festuca spp.	Fescue (all species)	Fétuque (toutes espèces)	Schwingel (alle Arten)
jordbaer	Fragaria ananassa Duch.	Strawberry	Fraisier	Gartenerdbeere
freesia	Freesia spp.	Freesia	Freesia	Freesie

<u>I Danish</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
fuchsia	Fuchsia spp.	Fuchsia	Fuchsia	Fuchsia
juleroase	Helleborus niger L.	Hellebore Christmas rose	Hellébore, Rose de Noël	Schnee- Christrose
byg	Hordeum vulgare L. sensu lato	Barley	Orge	Gerste
balsamin	Impatiens spp.	Balsam, Impatiens	Balsamine, Impatiente	Springkraut
ene	Juniperus spp.	Juniper	Genévrier	Juniperus (Wacholder)
salat	Lactuca sativa L.	Lettuce	Laitue	Salat
karse	Lepidium sativum L.	Cress	Cresson alénois	Gartenkresse
hør	Linum usitatissimum L.	Flax, Linseed	Lin	Lein
rajbgraes, alle arter	Lolium spp.	Ryegrass (all species)	Ray-grass (toutes espèces)	Weidelgras (alle Arten)
hvid lupin	Lupinus albus L.	White lupin	Lupin blanc	Weisslupine
blå lupin (smalbladet lupin)	Lupinus angustifolius L.	Blue lupin	Lupin bleu	Blaue Lupine
gul lupin	Lupinus luteus L.	Yellow lupin	Lupin jaune	Gelbe Lupine
tomat	Lycopersicon lycopersicum (L.) Karsten ex. Farw. (syn.: Lycopersicon esculentum Mill.)	Tomato	Tomate	Tomate
aeble	Malus domestica Borkh.	Apple	Pommier	Apfel
katost	Malvaceae	Mallow	Malvacées	Malvengewächse
levkøj	Matthiola spp.	Stock	Giroflée	Levkøje
humlesneglebaelg	Medicago lupulina L.	Black medick, Yellow trefoil	Luzerne lupuline, Minette	Gelbklee (Hopflenklee)
lucerne	Medicago sativa L. Medicago varia Martyn	Lucerne, Hybrid lucerne	Luzerne (cultivée), Luzerne hybride	Blaue Luzerne, Bastardluzerne
opiatvalmue (opium-valmue)	Papaver somniferum L.	Opium poppy	Oeillette, Pavot	Mohn
pastinak	Pastinaca sativa L.	Parsnip	Panais	Pastinak
pelargonie	Pelargonium L'Hér (incl. P. x domesticum L. H. Bail; P. x hortorum L. H. Bail & P. x peltatum (L.) Ait.)	Geranium, Pelargonium	Géranium, Pélargonium	Pelargonie
rodpersille	Petroselinum crispum (P. Mill.) Nyman ex A. W. Hill ssp. tuberosum (Bernh. ex Rohb.) Soó.	Turnip-rooted parsley	Persil à grosse racine	Wurzelpetersilie
kruspersille	Petroselinum crispum (P. Mill.) Nyman ex A. W. Hill ssp. crispum	Parsley	Persil	Petersilie
bønne (pralbønne og havebønne)	Phaseolus coccineus L., Phaseolus vulgaris L.	Runner bean, French bean	Haricot d'Espagne, Haricot	Prunkbohne, Garten Bohne
knoldrottehale	Phleum bertolonii DC. (syn: Phleum nodosum L.)	Timothy	Fléole à gazon, Petite fléole	Zwiebellieschgras
timothe (engrottehale)	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
aert	Pisum sativum L. sensu lato	Pea	Pois	Erbse
rapgraes, alle arter	Poa spp.	Meadow grass (all species)	Pâturin (toutes espèces)	Rispengras (alle Arten)
sødkirsebaer	Prunus avium (L.) L.	Sweet cherry (and rootstocks)	Cerisier (cerises douces: guignes, bigarreaux) (et porte=greffes)	Süsskirsche (und Unterlagen)

<u>I Danish</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
surkirsebaer	<i>Prunus cerasus</i> L.	Morello, sour cherry (and rootstocks)	Cerisier (cerises acides: griottes, amarelles) (et porte-greffes)	Sauerkirsche (und Unterlagen)
blomme	<i>Prunus domestica</i> L.	Plum (and rootstocks)	Prunier (et porte-greffes)	Pflaume (und Unterlagen)
paere	<i>Pyrus communis</i> L.	Pear (and rootstocks)	Poirier (et porte-greffes)	Birne (und Unterlagen)
raeddike	<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Black radish	Radis noir	Rettich
foderraeddike (olieraed- dike)	<i>Raphanus sativus</i> L. ssp. <i>oleifera</i> (DC.) Metzg.	Fodder Radish	Radis oléifère Radis chinois	Olrettich
radis	<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radish	Radis	Radieschen
rabarber	<i>Rheum rhabarbarum</i> L.	Rhubarb	Rhubarbe	Rhabarber
rhododendron, herunder azalea	<i>Rhododendron</i> spp.	Rhododendron, Azalea	Rhododendron, Azalée	Rhododendron, Azalee
solbaer	<i>Ribes nigrum</i> L.	Black currant	Cassis	Schwarze Johannisbeere
ribs	<i>Ribes niveum</i> Lindl. <i>Ribes sylvestre</i> (Lam.) Hert. & W.D.J. Koch	Red and white currants	Groseillier à grappes	Rote und weisse Johannisbeere
stikkelsbaer	<i>Ribes uva-crispa</i> L.	Gooseberry	Groseillier à maquereau	Stachelbeere
rose	<i>Rosa hort.</i>	Rose	Rosier	Rose
brombaer	<i>Rubus fruticosus</i> L.	Blackberry	Ronce	Brombeere
hindbaer	<i>Rubus idaeus</i> L.	Raspberry	Framboisier	Himbeere
sanktpaulia	<i>Saintpaulia ionantha</i> H. Wendl.	African violet	Saint-paulia	Usambaraveilchen
skorsonerrod	<i>Scorzonera hispanica</i> L.	Black salsify	Scorsonère, Salsifis noir	Schwarzwurzel
rug	<i>Secale cereale</i> L.	Rye	Seigle	Roggen
gul sennep	<i>Sinapis alba</i> L.	White mustard	Moutarde blanche	Weisser Senf
kartoffel	<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
spatifyllum	<i>Spatiphyllum</i> spp.			Spatiphyllum
spinat	<i>Spinacia oleracea</i> L.	Spinach	Epinard	Spinat
streptokarpus	<i>Streptocarpus x hybridus</i> Voss	Streptocarpus	Streptocarpus	Drehfrucht
thuja, alle arter	<i>Thuja</i> spp.	Thuja (Arborvitae)	Thuya	Thuya, Lebensbaum
alsikekløver	<i>Trifolium hybridum</i> L.	Alsike clover	Trèfle hybride	Schwedeklee
rødkløver	<i>Trifolium pratense</i> L.	Red clover	Trèfle violet	Rotklee
hvidkløver	<i>Trifolium repens</i> L.	White clover	Trèfle blanc	Weissklee
hvede	<i>Triticum aestivum</i> L. ssp. <i>vulgare</i> (Vill., Host.) Mac Kay, <i>Triticum durum</i> Desf.	Soft wheat, Bread wheat, Hard wheat, Macaroni wheat, Durum wheat	Blé tendre, Froment, Blé dur	Weichweizen, Durumweizen, Hartweizen
blåbaer	<i>Vaccinium myrtillus</i> L.	Bilberry, Whortleberry	Airelle, Myrtille	Heidelbeere
valsk bønne (spisehestebonne)	<i>Vicia faba</i> L. var. <i>major</i> Harz.	Broad bean, Horse bean	Fève	Dicke Bohne, Puffbohne
hestebønne	<i>Vicia faba</i> L. var. <i>minor</i> (Peterm.) Beck.	Tick bean	Féverole	Ackerbohne
fodervikke	<i>Vicia sativa</i> L.	Common vetch	Vesce commune	Saatwicke
majs	<i>Zea mays</i> L.	Maize	Maïs	Mais

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INFORMATION FROM NON-MEMBER STATES

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Italy: Law of July 10, 1974, on the Protection of New Plant Varieties and Presidential Decree of August 8, 1975, on the Protection of New Plant Varieties

On July 10, 1974, a Law on the Protection of New Plant Varieties (Gazzetta Ufficiale of January 26-28, 1975) was adopted, which allows the President of the Republic to ratify the UPOV Convention (Article 1) and the Government to take, by means of a decree with force of law, the necessary steps for the implementation of the UPOV Convention and of its Additional Act (Article 3). It further indicated, in Articles 4 and 5, the principles with which the decree had to comply.

On August 8, 1975, the Council of Ministers approved the Presidential Decree on the Protection of New Plant Varieties, which is in line with the Convention. A particular feature of the Decree is that the new plant varieties of vascular plants capable of industrial or agricultural application are protected by patents (Article 1). Italy has made use of the possibility provided for in Article 5(4) of the Convention and extended the protection up to the marketed product in the case of ornamental plants (Article 4). Furthermore, Article 8 provides for a reduction or elimination of the examination where another examination has previously been carried out under sufficient guarantees in Italy or in another member State of UPOV.

The duration of protection is fixed at 15 years, except for vines and trees, where it is extended to 30 years from the date of the issue of the patent (Article 7). Article 24 lays down the species eligible for protection as from the entry into force of the decree; these are the following: wheat, barley, rice, maize, lucerne, clover, rose, carnation, vine and rootstock, poplar. The Decree will enter into force 180 days after its publication in the Gazzetta Ufficiale (Article 25).

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PUBLICATIONS

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Publications of the Office of the Union

The official Spanish translation of the International Convention for the Protection of New Varieties of Plants of December 2, 1961, and of the Additional Act of November 10, 1972, has been published by the Office of the Union in pursuance of Article 41(3) of the Convention. The Convention is now available in Dutch (273(D)), English (273(E)), French (273(F)), German (273(G)), Italian (273(I)) and Spanish (273(S)) from the Office of the Union at the price of 3 Swiss francs per copy, including surface mail.

The French and the German versions of the UPOV General Information Brochure (408) have been issued and are available free of charge from the Office of the Union. The Brochure gives some details on the necessity of breeding new varieties of plants and of protecting the rights of the breeders. It also explains the protection under the UPOV Convention and describes the Union and its activities.

The Records of a Meeting of Member and Non-Member States' held from October 21 to 23, 1974, have been published by the Office of the Union in French (Compte rendu de la réunion entre Etats membres et Etats non membres - UPOV publication 330(F)) and German (Bericht über die Sitzung von Verbands- und Nichtverbandsstaaten - UPOV publication 330(G)). These publications are available from the Office of the Union at the price of 2 Swiss francs per copy, including surface mail.

The Test Guidelines for Carnations and Freesia have been adopted and will be published in the near future.

The following list shows the draft Test Guidelines which have been sent to international organizations for comment and indicates the deadlines fixed for communicating the remarks on these drafts.

Receiving Organization				Species	Deadlines for the mailing of comments
AIPH	ASSINSEL	CIOFORA	FIS		
	X		X	Bent (Agrostis L.) TG/30/1(proj.)	End of January, 1976
	X		X	Cocksfoot (Dactylis glomerata L.) TG/31/1(proj.)	End of January, 1976
	X		X	Common vetch (Vicia sativa L.) TG/32/1(proj.)	End of January, 1976
	X		X	Smooth stalked meadow grass (Poa pratensis L.) TG/33/1(proj.)	End of January, 1976
	X		X	Timothy (Phleum pratense L. + Phleum bertolinii D.C.) TG/34/1(proj.)	End of January, 1976
X	X		X	Tomato (Lycopersicon esculentum Mill.) TG/44/1(proj.)	February 15, 1976
X	X		X	Turnip (Brassica rapa L.) TG/37/1(proj.)	February 15, 1976
X	X			Black currant (Ribes nigrum L.) TG/40/1(proj.)	End of February, 1976
X	X			Cherries (sweet, sour and duke cherries) (Prunus avium (L.) L., Prunus cerasus L., + hybrids) TG/35/1(proj.)	End of February, 1976
X	X			European plums (Prunus domestica + Prunus insititia) TG/41/1(proj.)	End of February, 1976
X	X			Raspberries (Rubus ideaus L.) TG/43/1(proj.)	End of February, 1976
X	X	X	X	Rhododendron (Rhododendron L.) TG/42/1(proj.)	End of February, 1976
	X		X	Barley (Hordeum vulgare L. sensu lato) TG/19/1(proj.)	March 15, 1976
	X		X	Oats (Avena L.) TG/20/1(proj.)	March 15, 1976
	X		X	Wheat (revised version) (Triticum aestivum L.) TG/3/2(proj.)	March 15, 1976
	X		X	Meadow Fescue, Tall Fescue (Festuca pratensis Huds. + Festuca arundinacea) TG/39/1(proj.)	End of March, 1976
	X		X	Rape (forage rape included) (Brassica napus L.) TG/36/1(proj.)	End of March, 1976
	X		X	White clover (Trifolium repens L.) TG/38/1(proj.)	End of March, 1976

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CALENDAR

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1. UPOV Meetings

1976

February 17 to 20, Geneva, Committee of Experts on the Interpretation and Revision of the Convention

March 10 and 11, Geneva, Consultative Committee

March 23 to 25, Wageningen (Netherlands), Technical Working Party for Vegetables

May 5, Geneva, Committee of Experts on International Cooperation in Examination

May 6 and 7, Geneva, Technical Steering Committee

May 12 to 14, Melle (Belgium), Technical Working Party for Ornamental Plants (?)

May 24 to 26, Tystofte (Denmark), Technical Working Party for Agricultural Crops

June 16 to 18, Hanover (Federal Republic of Germany), Technical Working Party for Fruit Crops

August 17 to 19, Humlebak (Denmark), Technical Working Party for Forest Trees

September 14 to 17, Geneva, Committee of Experts on the Interpretation and Revision of the Convention

October 12 and 15, Geneva, Consultative Committee

October 13 to 15, Geneva, Council

November 15 to 17, Geneva, Committee of Experts on International Cooperation in Examination

November 18 and 19, Geneva, Technical Steering Committee

2. Non-Governmental Organizations

1976

January 23, Berlin, International Association of Horticultural Producers (AIPH), Meeting of Committee for Novelty Protection

May 31 to June 5, Amsterdam (Netherlands), International Federation of the Seed Trade (FIS), Congress

June 3 and 4, Amsterdam (Netherlands), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), General Assembly

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Headquarters

UPOV has its headquarters in Geneva, Switzerland, near the Place des Nations.

Address: 32, chemin des Colombettes, 1211 Geneva 20  
Office: 31, avenue Budé, 1211 Geneva 20  
Bank: Swiss Credit Bank, Geneva  
Telephone: (022) 34 63 00  
Telex: 22 376