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# PLANT VARIETY PROTECTION

Gazette and Newsletter  
of the  
International Union for the Protection of New Varieties of Plants (UPOV)

No. 58

October 1989

Geneva

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## GAZETTE

## EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

## Japan

By Executive Order No. 317 of November 1, 1988, Amending the Implementing Regulations to The Seeds and Seedlings Law (Executive Order No. 391 of December 22, 1978, as amended by Executive Order No. 305 of October 16, 1981, and No. 279 of October 1, 1985), protection was extended to the following with effect from November 1, 1988 (the Latin and English names appear in the communication made by the Japanese authorities, whereas the French and German common names have been added, without guarantee of concordance, by the Office of the Union).

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Agrocybe cylindracea</i> (Fr.) Gill.	-Yanagimatsutake	Pholiote du peuplier, Pivoulade	Südlicher Schüppling
<i>Aralia elata</i> (Miq.) Seem.	Japanese Angelica Tree	Angélique en arbre - du Japon	-
<i>Astragalus sinicus</i> L.	Chinese Milk Vetch -	-	Milchwicke
<i>Fatsia japonica</i> (Thunb. ex Murr.) Decne. et Planch.	Japanese Fatsia	"Aralia"	Zimmeraralie
<i>Larix</i> Mill.*	Larch	Mélèze	Lärche
<i>Pentas lanceolata</i> (Forsk.) K. Schum.	Pentas	Pentas	Pentas
<i>Podocarpus macrophyllus</i> (Thunb.) D. Don	Podocarpus Yew	-	-
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave
<i>Rumohra adiantiformis</i> (G. Forst.) Ching	Leather Leaf Fern	-	-
<i>Spathiphyllum</i> Schott	Spathiphyllum	Spathiphyllum	Spathiphyllum
<i>Zizania latifolia</i> (Griseb.) Turcz. ex Stapf	-	-	-

Pursuant to Section 12 of The Seeds and Seedlings Law (see Plant Variety Protection No. 41 (December 1984), page 33), a foreigner may obtain protection where his country provides Japanese nationals with the protection of varieties under the same conditions as its own nationals--or where his country is a State party to the 1978 Act of the UPOV Convention--and moreover makes available protection regarding the variety being the subject of the application.

Pursuant to Section 12-5(1)(ii), where the registered variety belongs to a genus or species that is specified by ordinance as being a genus or species of agricultural, forestry or aquatic plant which propagates extremely readily even when a part of the plant not commonly regarded as being a seedling is used, protection also extends to acts of transferring for a consideration the whole or a part of any plant obtained by propagating from such a part of the plant.

The list of taxa covered by plant variety protection legislation is given hereunder, starting on page 3.

\* Protection was available previously in respect of / La protection était disponible auparavant pour / Schutz stand zuvor zur Verfügung für Larix kaempferi (Lamb.) Carr.

Note on the list of genera and species: In the Japanese domestic legislation, the list of genera and species contains Japanese common names only. The eight groups are also divided into three subgroups each: the first subgroup contains the names of the genera, belonging to the group concerned, to which the plant variety protection system is applicable, and the second and third subgroups contain the names of the species and subspecies, respectively. The list published in this issue is not so subdivided, but the Latin names of the entries will indicate to which subgroup each particular entry belongs.

According to information received from the Japanese authorities, the inclusion of the name of a taxon in one of the eight groups has no limitative effect on the scope of the name (for example, the fact that *Camellia* L. is mentioned in Group 6--which lists the woody ornamental plants--does not exclude tea [*Camellia sinensis* (L.) O. Kuntze] from protection). In some cases, the Japanese common name indicated in a particular subgroup--and the corresponding English, French and German common names published in this issue--denotes a taxon of a lower rank than the one which would be expected on the basis of the title of the subgroup (for example, a name denoting a species or a subgenus is entered in the Subgroup "Genera"). In those cases, the scope of the name is the scope required by the title of the subgroup concerned (for example, the Japanese name equivalent to "cherry, flowering cherry" is mentioned in the subgroup "Genera" of Group 3: that name is meant to cover the whole genus *Prunus*--and not the subgenus *Cerasus* only). An exception to these principles is *Brassica napus* L. (Rape), which does not extend to *Brassica napus* L. var. *napobrassica* (L.) Rchb. (Swede).

An "X" in column A, in group 5 and group 6, means that the taxon concerned is mentioned in the ordinance under Section 12-5(1)(ii) of The Seeds and Seedlings Law.

Plant Variety Protection in Japan\*/  
Protection des obtentions végétales au Japon\*/  
Sortenschutz in Japan\*

Group 1/Groupe 1/Gruppe 1

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Achyranthes</i> L.	Achyranthes	Achyranthes	Achyranthes
<i>Aconitum</i> L.	Monkshood	Aconit	Eisenhut
<i>Atractylodes</i> DC.	Atractylodes	Atractylodes	Atractylodes
<i>Amorphophallus konjac</i> C. Koch ( <i>A. rivieri</i> Durieu)	Konnyaku, Devil's Tongue	-	-
<i>Angelica acutiloba</i> Kitagawa	Angelica	Angélique	Engelwurz
<i>Arachis hypogaea</i> L.	Peanut, Groundnut	Arachide	Erdnuss
<i>Artemisia</i> L.	Mugwort	Armoise	Beifuss
<i>Avena sativa</i> L.	Oats	Avoine	Hafer
<i>Beta vulgaris</i> L. var. <i>saccharifera</i> Alef.	Sugar Beet	Betterave sucrière	Zuckerrübe
<i>Brassica campestris</i> L.	Rape (Japanese local types)	Colza (types locaux japonais)	Raps (Japa- nische lokale Typen)
<i>Brassica napus</i> L.	Rape	Colza	Raps
<i>Bupleurum falcatum</i> L.	Bupleurum	Buplèvre	Hasenohr
<i>Cannabis sativa</i> L.	Hemp	Chanvre	Hanf

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Carthamus tinctorius</i> L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel
<i>Chrysanthemum cinerariaefolium</i> Bocc.	Dalmatian Pyrethrum	Pyrèthre de Dalmatie	Dalmatinsche Insektenblume
<i>Cinnamomum camphora</i> (L.) Sieb. var. <i>glaucescens</i> Kamikoti	Camphor Tree, Camphor Laurel	Camphrier, Laurier du Japon	Kampferbaum
<i>Coix Ma-yuen</i> Roman.	Coix	Coix	Coix
<i>Coptis japonica</i> Mak.	Goldthread	Coptis	Goldfaden
<i>Cyperus monophyllus</i> Vahl	Cyperus	Souchet	Zypergras
<i>Echinochloa utilis</i> Ohwi et Yabuno	Echinochloa	Echinochloa	Hühnerhirse
<i>Fagopyrum esculentum</i> Moench	Buckwheat	Sarrasin, Blé noir	Buchweizen
<i>Glehnia littoralis</i> Fr. Schmidt	Glehnia	Glehnia	Glehnia
<i>Glycine max</i> (L.) Merrill	Soybean, Soya Bean	Soja	Sojabohne
<i>Hordeum</i> L.	Barley	Orge	Gerste
<i>Humulus lupulus</i> L.	Hop	Houblon	Hopfen
<i>Ipomoea batatas</i> (L.) Poir.	Sweet Potato	Patate	Süsskartoffel, Batate
<i>Juncus decipiens</i> Nakai	Rush	Jonc	Binse
<i>Ledebouriella seseloides</i> Woll.	Ledebouriella	Ledebouriella	Ledebouriella
<i>Lithospermum erythrorhizon</i> Sieb. et Zucc.	Gromwell	Grémil	Steinsame
<i>Mentha</i> L.	Mint	Menthe	Minze
<i>Morus</i> L.	Mulberry	Mûrier	Maulbeerbaum
<i>Nicotiana</i> L.	Tobacco	Tabac	Tabak
<i>Oryza sativa</i> L.	Rice	Riz	Reis
<i>Panax ginseng</i> C.A. Mey.	Ginseng	Ginseng	Ginseng
<i>Panicum</i> L.	Panicum	Panic	Hirse
<i>Phaseolus angularis</i> (Willd.) W.F. Wight	Azuki Red Bean	Haricot Adzuki	Adzukibohne
<i>Phaseolus coccineus</i> L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne
<i>Pinellia ternata</i> (Thunb.) Breit.	Jack-in-the- culprit	Pinellia	Pinellia
<i>Pisum sativum</i> L.	Pea	Pois	Erbse
<i>Psophocarpus tetragonolobus</i> (L.) DC.	Winged Bean	Pois ailé	Goabohne
<i>Rehmannia glutinosa</i> (Gaertn.) Libosch	Rehmannia	Rehmannia	Rehmannia
<i>Rheum</i> L.	Rhubarb	Rhubarbe	Rhabarber
<i>Saccharum</i> L.	Sugar Cane	Canne à sucre	Zuckerrohr

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Secale cereale</i> L.	Rye	Seigle	Roggen
<i>Sorghum</i> Moench	Sorghum	Sorgho	Mohrenhirse
<i>Stevia rebaudiana</i> Bertoni	"Caa-ehe," "Azuca-caa"	Stevia	Stevia
<i>Triticum aestivum</i> L.	Soft Wheat	Blé tendre, Froment	Weichweizen
<i>Vareliana</i> L.	Vareliana	Vareliana	Vareliana
<i>Vicia faba</i> L.	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
<i>Vigna sinensis</i> (L.) Savi ex Hassk.	Gowpea	Dolique de Chine	Catjangbohne, Spargelbohne, Augenbohne
<i>Zea mays</i> L.	Maize	Maïs	Mais

Group 2/Groupe 2/Gruppe 2

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Abelmoschus esculentus</i> (L.) Moench	Okra, Gombo	Ambrette	Okra
<i>Allium bakeri</i> Regel	Rakyo	-	-
<i>Allium cepa</i> L.	Onion	Oignon	Zwiebel
<i>Allium fistulosum</i> L.	Welsh Onion	Ciboule	Winterzwiebel
<i>Allium sativum</i> L.	Garlic	Ail	Knoblauch
<i>Allium schoenoprasum</i> L.	Asatsuki, Chives	Ciboulette, Civette	Schnittlauch
<i>Allium tuberosum</i> Rottler ex Spreng.	Chinese Chives	-	-
<i>Apium graveolens</i> L.	Celery, Celeriac	Célieri, Célieri-rave	Sellerie
<i>Aralia cordata</i> Thunb.	Udo	-	-
<i>Aralia elata</i> (Miq.) Seem.	Japanese Angelica Tree	Angélique en arbre du Japon	-
<i>Arctium lappa</i> L.	Edible Burdock	Grande bardane comestible	Grosse essbare Klette
<i>Asparagus</i> L.	Asparagus	Asperge	Spargel
<i>Benincasa hispida</i> (Thunb.) Cogn.	Wax Gourd	Courge à cire	Wachskürbis
<i>Beta vulgaris</i> L. var. <i>vulgaris</i>	Swiss Chard, Mangel, Leaf Beet	Bette commune, Poirée	Mangold
<i>Brassica juncea</i> (L.) Czern. et Coss. in Czern.	Brown Mustard	Moutarde brune	Sareptasenf
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>botrytis</i> L.	Cauliflower	Chou-fleur	Blumenkohl
<i>Brassica oleracea</i> L. convar. <i>botrytis</i> (L.) Alef. var. <i>italica</i> Plenck	Broccoli	Brocoli	Brokkoli, Spargelkohl, Sprossenbrokkoli

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Brassica oleracea</i> L. convar. <i>capitata</i> (L.) Alef. var. <i>capitata</i> (L.) Alef.	Cabbage	Chou pommé	Kopfkohl
<i>Brassica oleracea</i> L. convar. <i>oleracea</i> var. <i>gemmifera</i> DC.	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
<i>Brassica pekinensis</i> (Lour.) Rupr.	Chinese Cabbage	Chou de Chine, Pé-tsai	Chinakohl
<i>Brassica rapa</i> L. emend. Metzg. ( <i>B. campestris</i> L.)	Turnip	Navet	Herbstrübe, Mairübe
<i>Capsicum annuum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Chrysanthemum coronarium</i> L.	Garland Chrysanthemum	Chrysanthème des jardins, Chrysanthème couronné	-
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
<i>Colocasia</i> Schott	Taro	Taro	Taro
<i>Cryptotaenia japonica</i> Hassk.	Japanese Honewort	-	Kanadische Rispendolde
<i>Cucumis melo</i> L.	Melon	Melon	Melone
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita</i> L.	Pumpkin, Squash	Potiron, Giraumon, Courge, Pâtisson, Citrouille	Kürbis
<i>Daucus carota</i> L.	Carrot	Carotte	Möhre
<i>Dioscorea</i> L.	Yam	Igname	Yamswurzel
<i>Fragaria</i> L.	Strawberry	Fraisier	Erdbeere
<i>Lactuca sativa</i> L.	Lettuce	Laitue	Salat
<i>Lagenaria siceraria</i> (Mol.) Standl. var. <i>hispida</i> Hara	Bottle Gourd, Calabash Cucumber	Courge calebasse, Calebasse du pèlerin	Flaschenkürbis, Kalebasse
<i>Luffa cylindrica</i> M.J. Roem.	Sponge Gourd, Dishcloth Gourd	Courge torchon	Schwammgurke
<i>Lycopersicon esculentum</i> P. Mill.	Tomato	Tomate	Tomate
<i>Momordica charantia</i> L.	Balsam Pear	Momordique à feuille de vigne, Margose	Balsambirne
<i>Nelumbo nucifera</i> Gaertn.	East Indian Lotus	Fleur de lotus	Indische Lotosblume
<i>Oenanthe javanica</i> (Bl.) DC.	Water Dropwort	Oenanthe	Rebendolde
<i>Perilla</i> L.	Perilla, Beefsteak Plant	Périlla, Plante-beefsteak	Schwarznessel
<i>Petasites japonicus</i> (Sieb. et Zucc.) Fr. Schmidt	Japanese Butter Bur	Pétasite du Japon	Japanische Pestwurz
<i>Petroselinum crispum</i> (Mill.) Nym. ex A.W. Hill	Parsley	Persil	Petersilie

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Raphanus sativus L.	Japanese Radish	Radis japonais	Japanischer Rettich
Solanum L.	Solanum	Solanum	Nachtschatten
Spinacia oleracea L.	Spinach	Épinard	Spinat
Wasabia japonica Matsum.	Wasabia	Wasabia	Wasabia
Zingiber officinale Rosc.	Ginger	Gingembre	Ingwer
Zizania latifolia (Griseb.) Turcz. ex Stapf	-	-	-

Group 3/Groupe 3/Gruppe 3

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Actinidia Lindl.	Actinidia	Actinidia	Strahlengriffel
Ananas comosus (L.) Merr.	Pineapple	Ananas	Ananas
Castanea Mill.	Chestnut	Châtaignier	Kastanie
Citrus L.	Citrus	Agrumes	Zitrus
Cydonia oblonga Mill.	Quince	Cognassier	Quitte
Diospyros L.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume
Eriobotrya Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
Feijoa sellowiana Berg	Feijoa	Feijoa	Feijoa
Ficus carica L.	Fig	Figuier	Echte Feige
Fortunella Swingle	Kumquat	Kumquat	Kumquat
Gingko biloba L.	Maidenhair Tree	Gingko, Arbre aux quarante écus	Gingko
Juglans L.	Walnut	Noyer	Walnuss
Malus Mill.	Apple	Pommier	Apfel
Myrica rubra Sieb. et Zucc.	Arbutus	-	-
Olea europaea L.	Olive	Olivier	Oelbaum, Olive
Prunus L.	Cherry, Flowering Cherry	Cerisier, Cerisier à fleurs	Kirsche, Zierkirsche
Psidium guajava L.	Guava	Goyavier	Guayave
Punica granatum L.	Pomegranate	Grenadier	Granatapfel, Granatbaum
Pyrus L.	Pear	Poirier	Birne
Vaccinium L.	Bilberry, Blueberry	Airelle, Myrtille	Heidelbeere, Preiselbeere, Moosbeere
Vitis L.	Vine	Vigne	Rebe



Group 4/Groupe 4/Gruppe 4

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Agrostis L.	Bentgrass	Agrostis, Agrostide	Straussgras
Astragalus sinicus L.	Chinese Milk Vetch -		Milchwicke
Bromus inermis Leyss.	Smooth Brome (Awnless Brome)	Brome inerme	Wehrlose Trespe
Chloris gayana Kunth	Rhodesgrass	Herbe de Rhodes	Rhodes-gras
Dactylis glomerata L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
Festuca arundinacea Schreb.	Tall Fescue	Fétuque élevée	Rohrschwengel
Festuca pratensis Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwengel
Festuca rubra L.	Red Fescue, Creeping Fescue	Fétuque rouge	Rotschwengel
Lolium multiflorum Lam.	Italian Ryegrass, Westerwold Ryegrass	Ray-grass d'Italie	Welsches Weidel- gras, Italieni- sches Raygras
Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidel- gras
Medicago L.	Alfalfa, Lucerne	Luzerne	Schneckenklee
Paspalum dilatatum Poir.	Dallisgrass	Herbe de Dallis, Paspale dilaté	"Dallis grass", Brasilianische Futterhirse
Paspalum notatum Fluegge	Bahia Grass	Herbe de Bahia	Bahiagrass
Phalaris L.	Phalaris	Alpiste, Phalaris	Glanzgras
Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
Poa pratensis L.	Kentucky Blue- grass, Smooth Stalked Meadow- grass	Pâturin des prés	Wiesenrispengras
Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee
Trifolium repens L.	White Clover	Trèfle blanc	Weissklee
Zoysia Willd.	Lawn Grass	Zoysia	Zoysia

Group 5/Groupe 5/Gruppe 5

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Achillea L.	Yarrow, Milfoil	Achillée	Schafgarbe	
Adiantum L.	Maidenhair Fern	Capillaire	Frauenhaarfarn	
Aechmea Ruiz et Pav.	Aechmea	Aechmea	Aechmea	
Aërides Lour.	Aërides	Aërides	Aërides	X
Agapanthus L'Hér.	Agapanthus, African Lily	Agapanthe, Fleur d'amour	Agapanthus, Schmucklilie	

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Ageratum L.	Ageratum, Flossflower	Ageratum	Leberbalsam	
Allium giganteum Regel	Giant Allium	Oignon géant	-	
Alocasia (Schott) G. Don	Alocasia	Alocasia	Alocasia, Pfeil- wurz, Tropenwurz	X
Alstroemeria L.	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie	
Althaea rosea (L.) Cav.	Hollyhock	Rose trémière	Stockmalve, Stockrose	
Amaranthus tricolor L.	Gangea Amaranth	Amarante trico- lore, Amarante du Gange	Dreifarbiger Fuchsschwanz	
Ammobium alatum R. Br.	Winged Everlasting	Ammobium élevé	Papierknöpfchen, Sandimmortelle	
Anemone L.	Anemone	Anémone	Anemone, Windröschen	
Angraecum Bory	Bourbon Tea Orchid	Angraecum, Angrec	Angraecum, Tropensporn	X
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume	
Antirrhinum majus L.	Common Snapdragon	Muflier, Gueule de loup, Gueule de lion	Gartenlöwenmaul	
Aquilegia L.	Columbine	Ancolie, Colombine	Akelei	
Armeria (DC.) Willd.	Sea Pink, Thrift	Arméria	Grasnelke	
Asclepias L.	Milkweed, Silk- weed, Bloodflower	Asclépiade	Seidenpflanze	
Ascocentrum Schlechter	Ascocentrum	Ascocentrum	Ascocentrum	X
Aspidistra elatior Bl.	Aspidistra, Cast-iron Plant	Aspidistra	Schusterpalme	
Aster L.	Aster, Michaelmas Daisy	Aster	Aster	X
Astilbe Buch.-Ham. ex D. Don	Astilbe	Astilbe, Hoteia	Astilbe, Prachtspiere	
Babiana stricta (Ait.) Ker-Gawl.	Babiana	Babiana	Babiana	
Begonia L.	Begonia	Bégonia	Begonie	X
Belamcanda chinensis (L.) DC.	Blackberry Lily	Iris tigre	Leopardenblume	
Bellis perennis L.	True Daisy, English Daisy	Pâquerette	Gänseblümchen, Tausendschön	
Bletilla Rchb. f.	Bletilla	Bletilla	Bletilla	
Boltonia asteroides (L.) L'Hér.	False Chamomile	Boltonie blanche	Boltonie	
Brassavola R. Br.	Brassavola	Brassavola, Orchidée dame de la nuit	Brassavola	X
Brassica oleracea convar. acephala	Ornamental Cabbage	Chou ornamental	Zierkohl	

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
<i>Caladium bicolor</i> (Ait.) Vent.	Caladium	Coeur saignant, Caladium bicolore, Caladion bicolore	Kaladie, Buntwurz	
<i>Calanthe</i> R. Br.	Calanthe	Calanthe	Calanthe	
<i>Calathea</i> G.F.W. Mey.	Calathea	Calathea	Calathea, Korbmaranthe	X
<i>Calceolaria</i> L.	Slipperwort, Slipper Flower	Calcéolaire	Pantoffelblume	
<i>Calendula officinalis</i> L.	Pot Marigold	Souci des jardins	Gartenringelblume	
<i>Callistephus chinensis</i> (L.) Nees	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster	
<i>Campanula</i> L.	Campanula, Bell Flower	Campanule	Glockenblume	X
<i>Canna</i> L.	Canna	Canna, Balisier	Blumenrohr	
<i>Caryopteris incana</i> (Thunb. ex Houtt.) Miq.	Blue Spirea, Blue Beard	Caryopteris, Barbe bleue	Blaubart	
<i>Cattleya</i> Lindl.	Cattleya	Cattleya	Cattleya	X
<i>Celosia</i> L.	Cockscomb	Célosie, Crête de coq	Hahnenkamm, Federbusch-Celosie	
<i>Centaurea</i> L.	Cornflower, Blue Bottle	Centaurée	Flockenblume	
<i>Cheiranthus cheiri</i> L.	Wallflower	Giroflée des murailles	Goldlack	
<i>Chrysanthemum frutescens</i> L.	Marguerite, Paris Daisy	Marguerite	Strauchmarguerite	X
<i>Chrysanthemum leucanthemum</i> L.	Oxeye Daisy	Marguerite	Wiesenmargerite	X
<i>Chrysanthemum maximum</i> Ram.	Shasta Daisy	Grande marguerite	-	X
<i>Chrysanthemum L. morifolium</i> Ramat.	Chrysanthemum	Chrysanthème	Chrysantheme	X
<i>Cirsium</i> Mill. emend. Scop.	Cirsium, Plumed Thistle	Cirse, Chardon plumeux	Kratzdistel	
<i>Clematis</i> L.	Clematis	Clématite	Waldrebe	X
<i>Cleome</i> L.	Spider Flower	Cléome, Fleur araignée	Cleome, Spinnenpflanze	
<i>Clivia</i> Lindl.	Clivia, Kaffir-lily	Clivia	Klivie, Riemenblatt	
<i>Colchicum</i> L.	Autumn-crocus	Colchique	Zeitlose	
<i>Coleus</i> Lour.	Coleus, Flame Nettle	Coléus	Coleus, Buntnessel	
<i>Convallaria majalis</i> L.	Lily of the Valley	Muguet	Maiblume, Maiglöckchen	
<i>Coreopsis</i> L.	Tickseed	Coréopsis	Mädchenauge	
<i>Cosmos</i> Cav.	Cosmos	Cosmos	Schmuckkörbchen, Kosmee	

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Crocus L.	Crocus	Crocus	Krokus	
Cyclamen L.	Cyclamen	Cyclamen	Alpenveilchen	
Cymbidium Sw.	Cymbidium	Cymbidium	Cymbidie	X
Cyrtanthus L. f.	Ifafa Lily	Cyrtanthus	Cyrtanthus	
Dahlia Cav.	Dahlia	Dahlia	Dahlie	
Delphinium L.	Delphinium, Larkspur	Pied d'alouette	Rittersporn	
Dendrobium Sw.	Dendrobium	Dendrobium	Dendrobium, Baumwucherer	X
Dianthus L.	Carnation, Pink, Sweet William	Oeillet	Nelke	X
Digitalis L.	Foxglove	Digitale	Fingerhut	
Emilia Cass.	Emilia, Tassel Flower	Cacalie	Emilia	
Epidendrum L. 1763, non 1753	Epidendrum, Tree Orchid	Epidendrum, Orchidée coque	Epidendrum, Baumwurzler	X
Eschscholzia californica Cham.	California Poppy	Eschscholtzie de Californie, Pavot de Californie	Schlafmützchen, Kappenmohn	
Euphorbia milii Desmoulins	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn	X
Eustoma russellianum (Hook.) G. Don	Prairie Gentian	-	-	
Freesia Eckl. ex Klatt	Freesia	Freesia	Freesia	
Fuchsia L.	Fuchsia	Fuchsia	Fuchsie	X
Gaillardia Foug.	Blanket-flower	Gaillarde	Kokardenblume	
Gentiana L.	Gentian	Gentiane	Enzian	X
Gerbera L.	Gerbera	Gerbera	Gerbera	
Geum L.	Avens	Benoîte	Nelkenwurz	
Gladiolus L.	Gladiolus	Glaïeul	Gladiole	
Godetia Spach	Godetia	Godétie	Godetie, Atlasblume	
Gomphrena globosa L.	Common Globe-amaranth	Amarantoïde violette	Kugelamarant	
Guzmania Ruiz et Pav.	Guzmania	Guzmania	Guzmania	
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut	
Hedychium J.G. Koenig	Ginger-lily, Butterfly Lily	Hedychium	Hedychium, Kranzblume	
Helenium L.	Sneezeweed	Hélénium	Sonnenkraut	
Helianthus L.	Sunflower	Hélianthus	Sonnenblume	
Helichrysum Mill. corr. Pers.	Everlasting	Immortelle	Strohblume	

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Heliopsis Pers.	Heliopsis, North American Ox-eye	Héliopsis	Sonnenauge	
Hemerocallis L.	Day-lily	Hémérocalle	Taglilie	
Hippeastrum-Hybrids	Amaryllis	Amaryllis	Ritterstern, Amaryllis	
Hosta Tratt.	Hosta, Plantain Lily, Funkia	Hémérocalle du Japon, Funkia	Funkie	
Hyacinthus orientalis L.	Common Hyacinth	Jacinthe	Hyazinthe	
Iberis L.	Candytuft	Ibéris, Thlaspi	Schleifenblume	
Impatiens L.	Touch-me-not, Balsam, Busy Lizzie	Balsamine, Impatiente	Springkraut, Balsamine	X
Ipomoea tricolor Cav.	Tricolor Ipomoea	Ipomée volubilis	Prunkwinde	
Iris L.	Iris	Iris	Iris, Schwertlilie	
Ixia L. 1762, non 1753	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel	
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë	X
Kniphofia Moench	Torch-lily, Red Hot Poker	Tritoma, Faux-aloès	Fackellilie, Tritome	
Lachenalia Jacq. f. ex Murr.	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia	
Laelia Lindl.	Laelia	Laelia	Laelia	X
Lathyrus odoratus L.	Sweet Pea	Pois de senteur, Gesse odorante	Wohlrriechende Wicke	
Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtschärte	
Lilium L.	Lily	Lis	Lilie	
Limonium Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel	
Linaria Mill.	Toadflax	Linaire	Leinkraut	
Lobelia L.	Lobelia, Cardinal Flower	Lobélie	Lobelia	
Lupinus L.	Lupin	Lupin	Lupine	
Lycaste Lindl.	Lycaste	Lycaste	Lycaste	X
Lychnis coronaria (L.) Desr.	Mullein Pink, Rose Campion	Coquelourde des jardins	Vexiernelke	
Lycoris Herb.	Lycoris, Cluster-amaryllis	Lycoride	Lycoris	
Maranta L.	Maranta	Maranta, Dormeuse	Maranta, Pfeilwurz	X
Matthiola incana (L.) R. Br.	Common Stock	Giroflée d'hiver	Levkoje	
Miltonia Lindl.	Pansy-orchid	Miltonia	Miltonia	X

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Mirabilis jalapa L.	Marvel of Peru, Common Four O'clock	Belle de nuit	Wunderblume	
Monstera Adans.	Monstera	Monstera, Ananas du pauvre	Monstera	X
Myosotis L.	Forget-me-not	Myosotis	Vergissmeinnicht	
Narcissus L.	Narcissus, Jonquil, Daffodil	Narcisse, Jonquille	Narzisse	
Neoregelia L.B. Sm.	Neoregelia	Neoregelia	Neoregelia	
Nephrolepis Schott	Sword-fern, Ladder Fern	Nephrolepis	Nephrolepis	
Nerine Herb.	Nerine	Nerine	Nerine	
Nigella damascena L.	Love-in-a-mist, Devil-in-a-bush	Nigelle de Damas, Cheveux de Vénus	Braut in Haaren, Jungfer im Grünen	
Nopalxochia Britt. et Rose	Nopalxochia	Nopalxochia	Nopalxochia	X
Nymphaea L.	Water-lily	Nénuphar	Seerose	
Odontoglossum H. B. K.	Odontoglossum	Odontoglossum, Orchidée muguet	Odontoglossum	X
Oncidium Sw.	Oncidium	Oncidium, Orchidée danseuse	Oncidium	X
Ophiopogon Ker.	Snake's Beard	Barbe de serpent	Schlangenbart	X
Oxalis L.	Oxalis, Wood-sorrel	Oxalis	Sauerklee	
Paeonia albiflora Pall.	Chinese Paeony	Pivoine de Chine	Chinesische Päonie	
Paeonia officinalis L.	Common Paeony	Pivoine des jardins	Korallenpäonie	
Papaver L.	Poppy, Oriental Poppy	Pavot	Mohn	
Paphiopedilum Pfitz.	Lady's Slipper	Sabot de Vénus	Venusschuh	X
Pelargonium L'Hér. ex Ait.	Geranium, Pelargo- nium, Stork's Bill	Géranium, Pelargonium	Pelargonie	X
Penstemon Schmidel	Beard Tongue	Penstemon, Galane barbue	Bartfaden	X
Pentas lanceolata (Forsk.) K. Schum.	Pentas	Pentas	Pentas	
Peperomia Ruiz et Pav.	Peperomia	Peperomia	Peperomie, Zwergpfeffer	X
Petunia Juss.	Petunia	Pétunia	Petunie	
Phalaenopsis Bl.	Moth Orchid	Orchidée papillon	Phalaenopsis	X
Pharbitis nil Chois.	Morning Glory	Volubilis	Japanische Kaiserwinde	
Philodendron Schott corr. Schott	Philodendron	Philodendron	Philodendron	X
Phlox L.	Phlox	Phlox	Phlox, Flammen- blume	X

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
<i>Physalis</i> L.	Husk-tomato, Chinese Lantern Plant, Cape Gooseberry, Tomatillo	Coqueret, Amour en cage, Alkékenge	Lampionblume, Blasenkirsche	
<i>Physostegia virginiana</i> (L.) Benth.	Obedient Plant	Physostégie de Virginie	Gelenkblume	
<i>Platycodon grandiflorus</i> (Jacq.) A. DC.	Balloon Flower, Chinese Bell- flower	Platycodon, Campanule à grandes fleurs bleues	Ballonblume	
<i>Portulaca grandiflora</i> Hook.	Rose-moss, Sun Plant	Pourpier à grande fleur, Chevalier d'onze heures	Grossblumiger Portulak	
<i>Primula</i> L.	Primrose, Auricula, Oxlip, Cowslip	Primevère	Primel, Schlüsselblume	
<i>Quamoclit</i> Mill.	Star-glory, Star Ipomoea, Cypress Vine	Quamoclit	Sternwinde	
<i>Ranunculus</i> L.	Ranunculus, Buttercup	Renoncule	Hahnenfuss	
<i>Renanthera</i> Lour.	Renanthera	Renanthera	Renanthera	
<i>Rhodohypoxis baurii</i> (Bak.) Nel	Rhodohypoxis	Rhodohypoxis	Rhodohypoxis	
<i>Rhynchostylis</i> Bl.	Fox Tail Orchid	Rhynchostylis	Rhynchostylis	X
<i>Ricinus communis</i> L.	Castor-bean	Ricin	Wunderbaum, Palma Christi	
<i>Rohdea japonica</i> (Thunb.) Roth	Rohdea	Rohdea	Rohdea	
<i>Rudbeckia</i> L.	Cone Flower	Rudbeckia	Sonnenhut	
<i>Rumohra adiantiformis</i> (G. Forst.) Ching	Leather Leaf Fern	-	-	
<i>Saintpaulia</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen	X
<i>Salvia</i> L.	Sage	Sauge	Salbei	
<i>Sansevieria</i> Thunb.	Bowstring Hemp	Sansevière	Bogenhanf	X
<i>Sarracenia</i> L.	Pitcher Plant, Side-saddle Flower	Sarracenia	Schlauchpflanze, Krugblatt	
<i>Saxifraga</i> L.	Saxifrage	Saxifrage	Steinbrech	X
<i>Scabiosa</i> L.	Scabious	Scabieuse	Grindkraut, Skabiose	
<i>Schizanthus pinnatus</i> Ruiz et Pav.	Wingleaf Butterfly Flower	Schizanthe papil- lon	Spaltblume, Schlitzblume	
<i>Scilla</i> L.	Squill, Wild Hyacinth	Scille	Blaustern	
<i>Scindapsus</i> Schott	Ivy-arum, Silver Vine	Pothos	Scindapsus	X
<i>Selaginella</i> P. Beauv.	Club Moss	Sélaginelle	Mooskraut	X

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Senecio cruentus (L'Hér.) DC.	Florists' Cineraria	Cinéraire hybride	Kreuzkraut	
Silene L.	Catchfly	Silène	Leimkraut	
Sinningia Nees	Gloxinia	Gloxinia	Gloxinie	X
Sophranitis Lindl.	Sophranitis	Sophranitis	Sophranitis	X
Spathiphyllum Schott	Spathiphyllum	Spathiphyllum	Spathiphyllum	
Strelitzia Ait.	Bird of Paradise Flower	Strelitzia, Oiseau du paradis	Strelitzie, Paradiesvogelblume	
Streptocarpus Lindl.	Streptocarpus, Cape Primrose	Streptocarpus	Drehfrucht	X
Tagetes L.	Marigold	Tagète, Oeillet d'Inde, Rose d'Inde	Sammetblume	
Tillandsia L.	Tillandsia	Tillandsia, Fille de l'air	Tillandsia	
Trachelium caeruleum L.	Throatwort	Trachélie bleue	Blaues Halskraut	
Tricyrtis Wall.	Toad-lily	Tricyrtis	Krötenlilie	X
Tritonia Ker-Gawl.	Tritonia, Montbretia	Monbretia	Tritonia, Montbretie	
Tropaeolum majus L.	Garden Nasturtium, Indian Cress	Grande capucine	Grosse Gartenkresse	
Tulipa L.	Tulip	Tulipe	Tulpe	
Vanda Jones	Vanda	Vanda	Vanda	X
Verbena L.	Vervain	Verveine	Verbene, Eisenkraut	
Veronica L.	Speedwell	Véronique	Ehrenpreis	
Vinca L.	Periwinkle	Pervenche	Immergrün	
Viola L.	Violet, Pansy	Violette, Pensée	Veilchen, Stiefmütterchen	
Vriesea Lindl. corr. Beer	Vriesea	Vriesea	Vriesea	
Zantedeschia Spreng.	Calla, Arum-lily	Calla	Zantedeschia, Kalla	
Zinnia elegans Jacq.	Youth-and-old-age, Youth and Age	Zinnia élégant	Zinnie	
Zygocactus K. Schum.	Crab Cactus, Christmas Cactus	Cactus de Noël	Weihnachtskaktus	X

Group 6/Groupe 6/Gruppe 6

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Abelia R. Br.	Abelia	Abelia	Abelia	X
Abies sachalinensis (Fr. Schmidt) Mast.	Sachalin Fir	Sapin de Sakhaline	Tanne der Insel Sachalin	



<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Acacia Mill.	Acacia	Acacia	Akazie	X
Acer L.	Maple	Erable, Sycomore	Ahorn	X
Albizia julibrissin Durazz.	Silk-tree	Acacia de Constantinople, Arbre de soie	Schirmakazie	X
Ardisia crispa A. DC.	Ardisia	Baie corail	Spitzenblume	
Aucuba japonica Thunb.	Aucuba	Aucuba	Aukube	X
Berberis L.	Barberry, Berberis	Berberis, Epine-vinette	Berberitze	X
Bougainvillea spectabilis Willd.	Great Bougainvillea	-	-	X
Bouvardia Salisb.	Bouvardia	Bouvardia	Bouvardie	X
Buddleja L.	Buddleia, Butterfly-bush	Buddleia	Buddleie, Schmetterlingsstrauch	X
Buxus L.	Box	Buis	Buchsbaum	X
Callistemon R. Br.	Bottle-brush	Callistemon	Zylinderputzer	X
Camellia L.	Camellia	Camélia	Kamelie	X
Chaenomeles Lindl.	Flowering Quince	Cognassier du Japon	Japanische Quitte	X
Chamaecyparis obtusa (Sieb. et Zucc.) Sieb. et Zucc. ex Endl.	Hinoki Cypress	Cyprès japonais	-	
Chloranthus glaber Mak.	Chloranthus	Chloranthus	Chloranthus, Pflaumenpfeffer	
Codiaeum variegatum (L.) A. Juss.	Croton	Croton	Wunderstrauch, Croton	X
Cordyline Comm. ex Juss.	Cordyline	Cordyline	Cordyline, Keulenlilie, Keulenbaum	X
Cornus L.	Dogwood, Cornel	Cornouiller	Hartriegel	X
Corylopsis Sieb. et Zucc.	Corylopsis, Winter Hazel	Corylopsis	Scheinhasel	X
Cryptomeria japonica (L. f.) D. Don	Japanese Cedar	Cryptomeria, Cèdre du Japon	Sicheltanne	
Cytisus L.	Broom	Genêt	Geissklee	X
Daphne odora Thunb. ex Murray	Winter Daphne	Daphné odorant	Duftender Seidelbast	X
Deutzia Thunb.	Deutzia	Deutzia	Deutzie	X
Dracaena Vand. ex L.	Dragon Tree, Dracena	Dragonnier, Dracaena	Drachenbaum	X
Enkianthus Lour.	Enkianthus	Enkianthus	Prachtglocke	X
Erica L.	Heath	Bruyère	Glockenheide	X
Euonymus japonicus L. f.	Evergreen Spindle-tree	Fusain du Japon	Japanischer Spindelstrauch	X

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern	X
<i>Fatsia japonica</i> (Thunb. ex Murr.) Decne. et Planch.	Japanese Fatsia	"Aralia"	Zimmeraralie	
<i>Ficus elastica</i> Roxb.	Rubber Plant	Ficus, Caoutchouc	Gummibaum	X
<i>Forsythia</i> Vahl	Forsythia, Golden Bell	Forsythia	Forsythie, Goldflieder, Goldglöckchen	X
<i>Gardenia</i> Ellis	Gardenia	Gardénia	Gardenia	X
<i>Hamamelis</i> L.	Witch-hazel	Hamamélis	Zaubernuss	X
<i>Hedera</i> L.	Ivy	Lierre	Efeu	X
<i>Hibiscus</i> L.	Rose-mallow	Hibiscus	Eibisch	X
<i>Hydrangea</i> L.	Hydrangea	Hortensia	Hortensie	X
<i>Hypericum</i> L.	Rose of Sharon, Saint John's Wort	Millepertuis	Johanniskraut	X
<i>Ilex</i> L.	Holly	Houx	Ilex, Stechpalme	X
<i>Ixora</i> L.	Ixora	Ixora	Ixora	X
<i>Juniperus</i> L.	Juniper	Genévrier	Wacholder	X
<i>Kalmia</i> L.	Calico Bush, Mountain Laurel, American Laurel	Kalmia	Kalmie, Berglorbeer, Lorbeerrose	X
<i>Kerria japonica</i> (L.) DC.	Jew's Mallow, Kerria	Corète du Japon	Kerrie, Ranunkelstrauch	X
<i>Lagerstroemia</i> L.	Crape Myrtle	Lagerstroemia	Lagerstroemia	X
<i>Lantana</i> L.	Lantana	Lantana	Wandelröschen	X
<i>Larix</i> Mill.	Larch	Mélèze	Lärche	
<i>Leptospermum</i> Forst.	Tea Tree, Manuka	Leptospermum	Südseemyrte	X
<i>Lonicera</i> L.	Honeysuckle, Lonicera	Lonicéra, Chèvrefeuille	Heckenkirsche, Geissblatt	X
<i>Magnolia</i> L.	Magnolia	Magnolia	Magnolie	X
<i>Mahonia</i> Nutt.	Mahonia	Mahonia	Mahonie	X
<i>Meratia</i> ( <i>Chimonanthus</i> Lindl.)	Winter Sweet, Japanese Allspice	Chimonanthe	Winterblüte	X
<i>Nandina domestica</i> Thunb.	Nandina, Sacred Bamboo	Nandina fruitière	Nandina	X
<i>Nerium</i> L.	Oleander, Rose Bay	Laurier rose	Oleander	X
<i>Osmanthus</i> Lour.	Osmanthus	Osmanthus	Duftblüte	X
<i>Paeonia suffruticosa</i> Andr.	Tree Paeony, Moutan Paeony	Pivoine en arbre	Strauchpäonie	X
<i>Paulownia</i> Sieb. et Zucc.	Royal Paulownia	Paulownia	Paulownia	
<i>Phellodendron</i> Rupr.	Cork Tree	Phellodendron	Korkbaum	

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Philadelphus L.	Mock Orange	Seringa	Pfeifenstrauch, Falscher Jasmin	X
Phormium tenax J.R. et G. Forst.	New Zealand Flax	Lin de Nouvelle- Zélande	Neuseeländer Flachs	
Photinia Lindl.	Photinia	Photinia	Glanzmispel	X
Phyllostachys Sieb. et Zucc.	Phyllostachys	Phyllostachys	Blattähre	
Picea glehnii (Fr. Schmidt) Mast.	Sachalen Spruce	Pin de Sakhaline, Epicéa de Glehn	Japanische Sachalinfichte, Glehn's Fichte	
Picea jezoensis (Sieb. et Zucc.) Carr.	Yezo Spruce, Hondo Spruce	Pin de Hondo, Epicea de Yeso	Yedofichte	
Pieris japonica (Thunb.) D. Don ex G. Don	Japanese Andromeda	Andromède du Japon	Japanisches Bitterkraut	X
Pinus densiflora Sieb. et Zucc.	Japanese Red Pine	Pin rouge du Japon	Japanische Rotkiefer	
Pinus luchuensis Mayr	-	-	-	
Pinus thunbergii Parl.	Japanese Black Pine	Pin noir du Japon, Pin des temples	Japanische Schwarzkiefer	
Pittosporum Banks et Soland. ex Gaertn.	Pittosporum	Pittosporum	Klebsame	
Podocarpus macrophyllus (Thunb.) D. Don	Yew Podocarpus	-	-	
Poncirus Raf.	Trifoliolate Orange, Golden Apple	Oranger trifolié	Bitterorange	
Populus L.	Poplar	Peuplier	Pappel	
Pseudocydonia sinensis Schneid.	Chinese Quince	Cognassier de Chine	Chinesische Quitte	
Pyracantha M.J. Roem.	Firethorn	Pyracantha, Buisson ardent	Feuerdorn	X
Quercus L.	Oak	Chêne	Eiche	
Rhapis L. f.	Lady Palm	Rhapis	Steckenpalme, Rutenpalme	
Rhododendron L.	Rhododendron, Azalea, Azaleodendron	Rhododendron, Azalée	Rhododendron, Azalee	X
Rosa L.	Rose	Rosier	Rose	X
Salix L.	Willow	Saule	Weide	X
Sophora L.	Sophora, Pagoda Tree	Sophora	Schnurrbaum	X
Spiraea L.	Bridal Wreath, Spiraea	Spirée	Spierstrauch	X
Syringa vulgaris L.	Common Lilac	Lilas	Flieder	X
Taxus L.	Yew	If	Eibe	X
Thuja orientalis L.	Chinese Arborvitae	Thuya d'Orient	Orientalischer Lebensbaum	X

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>
Weigela Thunb.	Diervilla	Weigela	Weigelia	X
Wisteria Nutt.	Wisteria	Glycine	Glyzine, Wistarie	X
Yucca L.	Yucca	Yucca	Palmlilie	X
Zelkova serrata Makino	Zelkova	Orme du Caucase	Zelkove	

Group 7/Groupe 7/Gruppe 7

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Porphyra tenera Kjellmann	Purple Laver	Porphyre	Purpurtang
Porphyra yezoensis Ueda	Purple Laver	Porphyre	Purpurtang

Group 8/Groupe 8/Gruppe 8

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Agaricus bisporus (Lange.) Sing.	Mushroom	Champignon de couche	Champignon
Agrocybe cylindracea (Fr.) Gill.	Yanagimatsutake	Pholiote du peuplier, Pivoulade	Südlicher Schüppling
Auricularia auricula-judae (Fr.) Quel.	Jew's Ear	Oreille de Judas	Judasohr
Auricularia polytricha (Mont.) Sacc.	Jew's Ear	Oreille de Judas	Judasohr
Flammulina volutipes (Fr.) Sing.	Enokitake, Velvet- footed Collybia	Patte-de-velours, Collybie à pied velouté	Samtfusstrübling
Grifola frondosa (Fr.) S.F. Gray	Hen of the Woods	Poule de bois	-
Lentinus elodes (Berk.) Sing.	Shiitake	Shiitake	Korkschwamm
Lyophyllum ulmarium (Fr.) Kühn	Shirotamogitake	-	-
Naematoloma sublateritium (Fr.) Karst.	Kuritake, Brick Tops	-	-
Panellus serotinus (Fr.) Kühn	Mukitake, Late Fall Oyster, Green Oyster	-	-
Pholiota nameko (T. Ito) S. Ito et Imai	Nameko	Pholiote du peuplier	Nameko
Pleurotus cornucopiae (Pers.) Rolland.	Tamagitake	Pleurote corne d'abondance, Pleu- rote de l'orme, Oreille d'orme	-
Pleurotus ostreatus (Fr.) Quel.	Hiratake, Oyster Mushroom	Pleurote en forme d'huitre, Pleu- rote écailleux, Pleurote en coquille	Austernseitling

## Netherlands

By Order No. 678 of November 29, 1988 (Staatsblad 1988 : 678, issued on January 17, 1989), Amending the Plant Breeders' Rights Order 1975, protection was extended to the following with effect from February 6, 1989 (the Latin and Dutch names appear in the above-mentioned Order, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latine</u>	<u>Nederlands</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Abutilon Mill.	Abutilon	Abutilon	Abutilon	Abutilon
Amelanchier Medik.	Krenteboom	Serviceberry, Snowy Mespilus	Amélanchier	Felsenbirne
*Begonia L.	Begonia	Begonia	Bégonia	Begonie
Berberis L.	Zuurbes	Berberis, Barberry	Berberis, Epine-vinette	Berberitze
Betula L.	Berk	Birch	Bouleau	Birke
**Brassica rapa L.	Raapzaad Chinese kool	Turnip Rape Chinese Cabbage	Navette Chou de Chine, Pé-tsai	Rübsen Chinakohl
	Paksoi	Chinese Cabbage, Pak-choi	Pak-choi	Chinakohl, Pak-choi
	Broccoletto	-	-	-
Bromus catharticus Vahl	Paardegras	Rescue Grass	Brome de Schrader	Horntrespe
Buddleja L.	Buddleia	Buddleia, Butterfly-bush	Buddleia	Buddleie, Schmet- terlingsstrauch
Celosia L.	Hanekam	Cockscomb	Célosie, Crête de coq	Hahnenkamm, Federbusch-Celosie
**Cichorium intybus L.	Groenlof	Green Chicory	Chicorée verte	Grüne Salat- zichorie
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermeloen	Watermelon	Pastèque	Wassermelone
Cordyline Comm. ex Juss.	Cordyline	Cordyline	Cordyline	Cordyline, Keulen- lilie, Keulenbaum
Cucurbita L.	Courgette	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini
	Pompoen	Pumpkin	Potiron, Giraumon	Riesenkürbis
Dysodia tenuiloba B.L. Rob.	Dysodia	Dysodia	Dysodia	Dysodia
Eustoma Salisb.	Eustoma	Eustoma	Eustoma	Eustoma
Lantana L.	Lantana	Lantana	Lantana	Wandelröschen
*Lolium L.	Raaigras	Ryegrass	Ray-grass	Weidelgras
*Malus Mill.	Appel Sierappel	Apple Crab Apple, Flowering Crab	Pommier Pommier ornemental	Apfel Zierapfel
Musa L.	Banaan	Banana	Bananier	Banane
x Pardancanda norrisii Lenz	Pardancanda	Pardancanda	Pardancanda	Pardancanda
Pentas Benth.	Pentas	Pentas	Pentas	Pentas
Quercus L.	Eik	Oak	Chêne	Eiche
Ranunculus L.	Ranunculus	Ranunculus, Buttercup	Renoncule	Hahnenfuss

<u>Latine</u>	<u>Nederlands</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Stephanandra Sieb. et Zucc.	Stephanandra	Stephanandra	Stephanandra	Kranzspiere
Symphoricarpos Duham.	Sneeuwbes	Snowberry	Symphorine	Schneebeere
Tilia L.	Linde	Lime	Tilleul	Linde
Trifolium incarnatum L.	Inkarnaat klaver	Crimson Clover	Trèfle incarnat	Inkarnatklee
Viburnum L.	Sneewubal	Snowball Tree	Viorne	Schneeball

The extension of protection to the taxa marked with one asterisk has entailed deletion of the following entries from the list of taxa covered by plant variety protection:

<u>Latine</u>	<u>Nederlands</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Begonia L.	Begonia elatior hybriden	Elatior Begonia	Bégonia elatior	Elatior-Begonie
Lolium multiflorum Lam.	a. Italiaans raaigras b. Westerwolds raaigras	Italian Ryegrass Westerwold Rye-grass	Ray-grass d'Italie Ray-grass de Westerwold	Italienisches Raygras Welsches Weidelgras
Lolium perenne L.	Engels raaigras	Perennial Rye-grass	Ray-grass anglais	Deutsches Weidelgras
Malus Mill.	Appel, voor zover geen sier-gewas	Apple, excluding ornamental varieties	Pommier, sauf variétés ornementales	Apfel, ausser Ziersorten

Furthermore, the following entry has been deleted from the list of taxa under Article 18(2) of the Seeds and Planting Material Act (see below):

<u>Latine</u>	<u>Nederlands</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Lolium X hybridum Hausskn.	Gekruist raaigras	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras

The extension of protection to the taxa marked with two asterisks has entailed an addition to existing entries in the list of taxa covered by plant variety protection. In the case of Brassica rapa L., the first Dutch common name ("raap" - [vegetable] turnip) has furthermore been amended to read "meiraap".

Pursuant to Article 2 of the Plant Breeders' Rights Order 1975, the duration of the breeder's right is 20 years for varieties of the above species.

As regards the availability of protection to foreigners, reference is made to the item "Netherlands: Amendment of the Ministerial Decision Concerning Reciprocity" published on page 5 of Plant Variety Protection No. 42 (March 1985).

The list of taxa covered by plant variety protection legislation is given below, starting overleaf (the Dutch and Latin names appear in the above-mentioned Order, as amended, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union).

A limited form of protection is also available for varieties of the taxa listed on page 34 below. Those varieties may be the subject of an entry in the Dutch Register of Varieties under Article 18(2) of the Seeds and Planting Material Act. According to Section 85 of the Act, the effect of such entry is that propagating material of the variety may only be offered for sale, further commercialized or exported by the breeder or by any person who has obtained from the breeder foundation stock suitable for the production of propagating material.

List of Taxa Covered by Plant Variety Protection Legislation in the Netherlands

Liste des taxons couverts par la législation sur la protection des obtentions végétales aux Pays-Bas

Liste der Taxa, die in den Niederlanden der Sortenschutzgesetzgebung unterliegen

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Abutilon	Abutilon Mill.	Abutilon	Abutilon	Abutilon
Achillea	Achillea L.	Milfoil, Yarrow	Achillée	Schafgarbe
Monnikskap	Aconitum L.	Monkshood	Aconit	Eisenhut
Champignon	Agaricus L.	Mushroom	Champignon de couche	Champignon
Ageratum	Ageratum L.	Ageratum, Flossflower	Ageratum	Leberbalsam
a. Heidestruisgras	Agrostis canina L.	-	Agrostide des bruyères	Heidestraussgras
b. Kruipend struisgras		Velvet Bent	Agrostis des chiens	Hundsstraussgras
Hoog struisgras	Agrostis gigantea Roth	Red Top (Black Bent)	Agrostide blanche, Agrostide géante	Weisses Straussgras
Wit struisgras	Agrostis stolonifera L.	Creeping Bent	Agrostide blanche, Agrostide stoloni- fère	Flechtstraussgras
Gewoon struisgras	Agrostis tenuis Sibth.	Brown Top, Common Bent	Agrostide commune	Rotes Straussgras
a. Prei	Allium L.	Leek	Poireau	Porree
b. Sierui		Ornamental Allium	Allium ornamental	Zierlauch
c. Sjalot		Shallot	Echalote	Schalotte
d. Ui		Onion	Oignon	Zwiebel
Incalelie	Alstroemeria L.	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie
Krenteboom	Amelanchier Medik.	Serviceberry, Snowy Mespilus	Amélanchier	Felsenbirne
Anemoon	Anemone L.	Anemone	Anémone	Anemone, Windröschen

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Dille	Anethum graveolens L.	Dill	Aneth	Dill
Kangoeroepoot	Anigozanthos Labill.	Kangaroo Paw, Kangaroo's-foot	-	Känguruhblume
Kervel	Anthriscus cerefolium (L.) Hoffm.	Chervil	Cerfeuil	Kerbel
Leeuwebek	Antirrhinum majus L.	Common Snapdragon	Muflier, Gueule de loup, Gueule de lion	Löwenmaul
Selderij	Apium graveolens L.	Celery, Celeriac	Céleri, Céleri-rave	Sellerie
Aronskelk-achtigen	Araceae Juss.	Araceae	Aracées (Aroïdées)	Aronstabgewächse
Aralia-achtigen	Araliaceae Juss.	Araliaceae	Araliacées	Araliengewächse
Frans raaigras	Arrhenatherum elatius (L.) Beauvois ex J.S. et K.B. Presl	Tall Oatgrass, False Oatgrass	Fromental, Avoine élevée	Glatthafer
Asperge	Asparagus officinalis L.	Asparagus	Asperge	Spargel
Aster	Aster L.	Aster, Michaelmas Daisy	Aster	Aster
Astilbe	Astilbe Buch.-Ham. ex D. Don	Astilbe	Astilbe, Hoteia	Astilbe, Prachtspiere
Haver	Avena sativa L.	Oats	Avoine	Hafer
Begonia	Begonia L.	Begonia	Bégonia	Begonie
Zuurbes	Berberis L.	Berberis, Barberry	Berberis, Epine-vinette	Berberitze
a. Kroot	Beta vulgaris L.	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
b. Snijbiet		Mangel, Leaf Beet, Swiss Chard	Bette commune, Poirée	Mangold
Berk	Betula L.	Birch	Bouleau	Birke
Boltonia	Boltonia L'Hér.	Boltonia	Boltonie	Boltonie
Bernagie	Borago L.	Borage	Bourrache	Boretsch



<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Bougainville	Bougainvillea Comm.	Bougainvillea	Bougainvillier	Bougainvillea
Bouvardia	Bouvardia Salisb.	Bouvardia	Bouvardia	Bouvardie
a. Bladkool	Brassica napus L.	Swede Rape	Colza fourrager	Futterraps
b. Koolraap		Swede	Chou-navet, Rutabaga	Kohlrübe
c. Koolzaad		Oilseed Rape	Colza oléagineux	Oelraps
a. Bloemkool	Brassica oleracea L.	Cauliflower	Chou-fleur	Blumenkohl
b. Boerenkool		Curly Kale	Chou frisé	Grünkohl
c. Broccoli		Sprouting Broccoli, Calabrese	Brocoli	Brokkoli, Spargelkohl, Sprossenbrokkoli
d. Koolrabi		Kohlrabi	Chou-rave	Kohlrabi
e. Rode kool		Red Cabbage	Chou rouge	Rotkohl
f. Savooiekool		Savoy Cabbage	Chou de Milan	Wirsing
g. Spruitkool		Brussels Sprouts	Chou de Bruxelles	Rosenkohl
h. Witte kool		White Cabbage	Chou cabus	Weisskohl
a. Meiraap	Brassica rapa L.	(Vegetable) Turnip	Navet (potager)	Mairübe, Herbstrübe
b. Stoppelknol		(Fodder) Turnip	Navet (fourrager)	Stoppelrübe
c. Raapzaad		Turnip Rape	Navette	Rübsen
d. Chinese kool		Chinese Cabbage	Chou de Chine, Pé-tsai	Chinakohl
e. Paksoi		Chinese Cabbage, Pak-choi	Pak-choi	Chinakohl, Pak-choi
f. Broccoletto		-	-	-
Brodiaea	Brodiaea Sm.	Brodiaea	Brodiaea	Brodiaea
Bromelia-achtigen	Bromeliaceae Juss.: Aechmea Ruiz et Pav., Cryptanthus Klotzsch ex O. et D., Guzmania Ruiz et Pav., Neoregelia L.B. Sm., Tillandsia L., Vriesea Lindl.	Bromeliaceae	Broméliacées	Ananasgewächse
Paardegras	Bromus catharticus Vahl	Rescue Grass	Brome de Schrader	Horntrespe
Buddleia	Buddleja L.	Buddleia, Butterfly-bush	Buddleia	Buddleie, Schmetterlingsstrauch
Pantoffelplant	Calceolaria L.	Slipperwort, Slipper Flower	Calcéolaire	Pantoffelblume

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Zomeraster	Callistephus Cass.	China Aster	Aster, Aster de Chine, Reine-marguerite	Sommeraster
Struikheide	Calluna Salisb.	Heather, Ling	Callune	Besenheide
Bloemriet	Canna L.	Canna	Canna, Balisier	Blumenrohr
a. Paprika	Capsicum annum L.	Sweet Pepper	Poivron	Paprika
b. Spaanse peper		Chili	Piment	Spanischer Pfeffer
Hanekam	Celosia L.	Cockscomb	Célosie, Crête de coq	Hahnenkamm, Federbusch-Celosie
Japanse dwergkwee	Chaenomeles Lindl.	Flowering Quince	Cognassier du Japon	Japanische Quitte
Chryasant	Chrysanthemum L. sensu lato	Chrysanthemum	Chrysanthème	Chrysantheme
Andijvie	Cichorium endivia L.	Endive	Chicorée frisée, Scarole	Winterendivie
a. Witlof	Cichorium intybus L.	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
b. Roodlof		Red Chicory	Chicorée rouge	Rote Salatzichorie
c. Groenlof		Green Chicory	Chicorée verte	Grüne Salatzichorie
Watermeloen	Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
Clematis	Clematis L.	Clematis	Clématite	Waldrebe
Tijloos	Colchicum L.	Autumn-crocus	Colchique	Zeitlose
Conanthera	Conanthera Ruiz et Pav.	Conanthera	Conanthera	Conanthera
Coprosma	Coprosma J.R. et G. Forst.	Coprosma	Coprosma	Coprosma
Cordyline	Cordyline Comm. ex Juss.	Cordyline	Cordyline	Cordyline, Keulen- lilie, Keulenbaum
Cotoneaster	Cotoneaster Med.	Cotoneaster	Cotoneaster	Cotoneaster
Montbretia	Crocsmia Planch.	Crocsmia	Crocsmia	Crocsmia
Crocus	Crocus L.	Crocus	Crocus	Krokus

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Meloen	Cucumis melo L.	Melon	Melon	Melone
a. Augurk	Cucumis sativus L.	Gherkin	Cornichon	Essiggurke
b. Komkommer		Cucumber	Concombre	Salatgurke
a. Courgette	Cucurbita L.	Vegetable Marrow, Squash	Courgette	Gartenkürbis, Zucchini
b. Pompoen		Pumpkin	Potiron, Giraumon	Riesenkürbis
Cyclamen	Cyclamen L.	Cyclamen	Cyclamen	Alpenveilchen
Kamgras	Cynosurus cristatus L.	Crested Dog's-tail	Crételle	Kammgras
Kropaar	Dactylis glomerata L.	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
Dahlia	Dahlia Cav.	Dahlia	Dahlia	Dahlie
Wortel	Daucus carota L.	Carrot	Carotte	Möhre
Ridderspoor	Delphinium L.	Delphinium, Larkspur	Pied d'alouette	Rittersporn
Anjer	Dianthus L.	Carnation	Oeillet	Nelke
Dysodia	Dysodia tenuiloba B.L. Rob.	Dysodia	Dysodia	Dysodia
Eremurus	Eremurus M.B.	Desert Candle, Foxtail Lily	Eremurus	Steppenkerze
Dopheide	Erica L.	Heath	Bruyère	Glockenheide
Kruisdistel	Eryngium L.	Eryngo	Panicaut	Edeldistel, Mannstreu
Kardinaalshoed	Euonymus L.	Spindle Tree	Fusain	Pfaffenhütchen, Spindelstrauch
Euphorbia	Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbia fulgens	Korallenranke
Christusdoorn	Euphorbia milii Desm.	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
Poinsettia	Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Eustoma	Eustoma Salisb.	Eustoma	Eustoma	Eustoma

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Exacum	Exacum L.	Exacum	Exacum	Exacum
Rietzwenkgras	Festuca arundinacea Schreb.	Tall Fescue	Fétuque élevée	Rohrschwengel
a. Hardzwenkgras	Festuca ovina L. sensu	Hard Fescue	Fétuque durette	Härtlicher Schwengel
b. Schapegras	lato	Sheep's Fescue	Fétuque ovine, Fétuque des moutons, Poil de chien	Schafschwengel
Beemdlangbloem	Festuca pratensis Huds.	Meadow Fescue	Fétuque des prés	Wiesenschwengel
Roodzwenkgras	Festuca rubra L.	Red Fescue, Creeping Fescue	Fétuque rouge	Rotschwengel
Waringin	Ficus benjamina L	-	-	-
Fittonia	Fittonia Coëm.	Fittonia	Fittonia	Fittonia
Venkel	Foeniculum vulgare P. Mill.	Fennel	Fenouil	Fenchel
Aardbei	Fragaria L.	Strawberry	Fraisier	Erdbeere
Es	Fraxinus excelsior L.	Common Ash	Frêne élevé	Gemeine Esche
Freesia	Freesia Klatt	Freesia	Freesia	Freesie
Fritillaria	Fritillaria L.	Fritillary	Fritillaire	Fritillarie
Gazania	Gazania Gaertn.	Gazania	Gazania	Gazanie
Gentiaan	Gentiana L.	Gentian	Gentiane	Enzian
Gerbera	Gerbera Cass.	Gerbera	Gerbera	Gerbera
Gloxinia-achtigen	Gesneriaceae Dum.	Gesneriaceae	Gesnériacées	Gesneriengewächse
Gladiool	Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Gloriosa	Gloriosa L.	Gloriosa	Gloriosa	Gloriosa
Gipskruid	Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Haemanthus	Haemanthus L.	Haemanthus, Blood Lily	Haemanthus	Blutblume
Kerstroos	Helleborus L.	Hellebore	Hellébore	Nieswurz

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Hibiscus	Hibiscus L.	Rose-mallow	Hibiscus	Eibisch
Amaryllis	Hippeastrum Herb.	Amaryllis	Amaryllis	Ritterstern, Amaryllis
Gerst	Hordeum vulgare L. sensu lato	Barley	Orge	Gerste
Hosta	Hosta Tratt.	Plantain Lily, Funkia, Hosta	Hémérocalle du Japon, Funkia	Funkie
Hyacint	Hyacinthus orientalis L.	Common Hyacinth	Jacinthe	Hyazinthe
Hydrangea	Hydrangea L.	Hydrangea	Hortensia	Hortensie
Balsemien	Impatiens L.	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Hulst	Ilex L.	Holly	Houx	Ilex, Stechpalme
Iris	Iris L.	Iris	Iris	Iris, Schwertlilie
Ixia	Ixia L.	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Juanulloo	Juanulloo aurantiaca Otto et A. Dietr.	Juanulloo	Juanulloo	Juanulloo
Kalanchoë	Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lachenalia	Lachenalia Jacq. f.	Lachenalia, Cape Cowslip	Lachenalia, Coucou du Cap	Lachenalia
Sla	Lactuca sativa L.	Lettuce	Laitue	Salat
Lantana	Lantana L.	Lantana	Lantana	Wandelröschen
Tuinkers	Lepidium sativum L.	Cress	Cresson alénois	Gartenkresse
Leptospermum	Leptospermum J.R. et G. Forst.	Leptospermum	Leptospermum	Südseemyrte
Leucocoryne	Leucocoryne Lindl.	Leucocoryne	Leucocoryne	Leucocoryne
Leucothoë	Leucothoë D. Don	Leucothoë	Leucothoë	Traubenheide

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Liatris	Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
Lelie	Lilium L.	Lily	Lis	Lilie
Statice	Limonium Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel
Vlas	Linum usitatissimum L.	Flax, Linseed	Lin	Lein
Lobelia	Lobelia L.	Lobelia, Cardinal Flower	Lobélie	Lobelia
Lobularia	Lobularia Desv.	Lobularia, Sweet Alyssum	Lobularia, Alysse maritime, Corbeille d'argent	Lobularia, Duftsteinrich
Raaigras	Lolium L.	Ryegrass	Ray-grass	Weidelgras
Kamperfoelie	Lonicera L.	Honeysuckle, Lonicera	Lonicéra, Chèvrefeuille	Heckenkirsche, Geissblatt
Witte lupine	Lupinus albus L.	White Lupin	Lupin blanc	Weisslupine
Blauwe lupine	Lupinus angustifolius L.	Blue Lupin	Lupin bleu	Blaue Lupine
Gele lupine	Lupinus luteus L.	Yellow Lupin	Lupin jaune	Gelbe Lupine
Tomaat	Lycopersicon lycopersicum (L.) Karsten ex Farwell	Tomato	Tomate	Tomate
Mahonia	Mahonia Nutt.	Mahonia	Mahonia	Mahonie
a. Appel	Malus Mill.	Apple	Pommier	Apfel
b. Sierappel		Crab Apple, Flowering Crab	Pommier ornamental	Zierapfel
Maranta-achtigen	Marantaceae Petersen	Marantaceae	Marantacées	Marantengewächse
Kamille	Matricaria L.	Chamomile, Mayweed	Camomille, Matricaire	Kamille, Mutterkraut
Violier	Matthiola R. Br.	Common Stock	Giroflée d'hiver	Levkoje
Banaan	Musa L.	Banana	Banancier	Banane

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Narcis	Narcissus L.	Narcissus, Daffodil Jonquil	Narcisse, Jonquille	Narzisse
Nerine	Nerine Herb.	Nerine	Nerine	Nerine
Teunisbloem	Oenothera L.	Oenothera, Evening Primrose	Onagre	Nachtkerze
Orchidee-achtigen	Orchidaceae Juss.	Orchids	Orchidées	Orchideen
Blauwmaanzaad	Papaver somniferum L.	Opium Poppy	Oeillette, Pavot	Mohn
Pardancanda	x Pardancanda norrisii Lenz	Pardancanda	Pardancanda	Pardancanda
Geranium	Pelargonium L'Hér. ex Ait.	Geranium, Pelargonium, Stork's Bill	Géranium, Pelargonium	Pelargonie
Pentas	Pentas Benth.	Pentas	Pentas	Pentas
Peterselie	Petroselinum crispum (Mill.) Nyman ex A.W. Hill	Parsley	Persil	Petersilie
Petunia	Petunia Juss.	Petunia	Pétunia	Petunie
Pronkboon	Phaseolus coccineus L.	Runner Bean, Kidney Bean	Haricot d'Espagne	Pronkbohne
Boon	Phaseolus vulgaris L.	French Bean	Haricot	Gartenbohne
Kleine timothee	Phleum bertolonii DC.	Timothy	Fléole diploïde, Petite fléole	Zwiebellieschgras
Timothee	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
Vlambloem	Phlox L.	Phlox	Phlox	Phlox, Flammenblume
a. Kapucijner b. Erwt c. Peul	Pisum sativum L. sensu lato	Brown Marrow Fat Pea Pea Sugar Pea	Pois à écosser Pois Pois mangetout	Schalerbse Erbse Zuckererbse
Straatgras	Poa annua L.	Annual Meadow-grass	Pâturin annuel	Einjähriges Rispengras
Plathalmig beemdgras	Poa compressa L.	Canada Bluegrass, Flattened Meadow- grass	Pâturin comprimé	Flaches Rispengras

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Bosbeemdgras	<i>Poa nemoralis</i> L.	Wood Meadow-grass	Pâturin des bois	Hainrispengras
Moerasbeemdgras	<i>Poa palustris</i> L.	Swamp Meadow-grass	Pâturin des marais	Sumpfrispengras
Veldbeemdgras	<i>Poa pratensis</i> L.	Kentucky Bluegrass, Smooth Stalked Meadow-grass	Pâturin des prés	Wiesenrispengras
Ruwbeemdgras	<i>Poa trivialis</i> L.	Rough Stalked Meadow-grass	Pâturin commun	Gemeines Rispengras
Populier	<i>Populus</i> L.	Poplar	Peuplier	Pappel
Potentilla	<i>Potentilla</i> L.	Cinquefoil	Potentille	Fingerkraut
Sleutelbloem	<i>Primula</i> L.	Auricula, Oxlip, Cowslip, Primrose	Primevère	Primel, Schlüsselblume
a. Kers, voor zover geen siergewas	<i>Prunus</i> L.	Cherry, excluding ornamental varieties	Cerisier, sauf va- riétés ornementales	Kirsche, ausser Ziersorten
b. Laurierkers		Cherry-laurel	Laurier-cerise	Kirschlorbeer
c. Pruim, voor zover geen siergewas		Plum, excluding or- namental varieties	Prunier, sauf varié- tés ornementales	Pflaume, ausser Ziersorten
Pseudoranthemum	<i>Pseuderanthemum</i> Radlk.	<i>Pseuderanthemum</i>	<i>Pseuderanthemum</i>	<i>Pseuderanthemum</i>
Vuurdoorn	<i>Pyracantha</i> M.J. Roem.	Firethorn	<i>Pyracantha</i> , Buisson ardent	Feuerdorn
Peer	<i>Pyrus communis</i> L.	Pear	Poirier	Birne
Eik	<i>Quercus</i> L.	Oak	Chêne	Eiche
Ranunculus	<i>Ranunculus</i> L.	<i>Ranunculus</i> , Buttercup	Renoncule	Hahnenfuss
a. Bladramenas	<i>Raphanus sativus</i> L.	Fodder Radish	Radis oléifère, Radis chinois	Oelrettich
b. Radijs		Radish	Radis de tous les mois	Radieschen
c. Ramenas		Black Radish	Radis d'été, d'au- tomne et d'hiver	Rettich
Rabarber	<i>Rheum rhabarbarum</i> L.	Rhubarb	Rhubarbe	Krauser Rhabarber



<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Lidcactus	Rhipsalidopsis Britt. et Rose (incl. Epiphyllopsis Berger), Schlumbergera Lem., Zygocactus K. Schum	Cactus with jointed stems [Easter and Christmas Cactuses]	Cactus à articles [cactus de Pâques et de Noël]	Gliederkactus [Oster- und Weihnachtskactus]
a. Azalea b. Rododendron	Rhododendron L.	Azalea Rhododendron	Azalée Rhododendron	Azalee Rhododendron
Bes, voor zover geen siergewas	Ribes L.	Currants, Gooseberry, excluding ornamental varieties	Cassis, Groseilliers, sauf variétés ornementales	Johannisbeeren, Stachelbeere, ausser Ziersorten
Acacia	Robinia pseudoacacia L.	False Acacia	Robinier faux-acacia	Gemeine Robinie, Scheinakazie
Roos	Rosa L.	Rose	Rosier	Rose
Framboos	Rubus idaeus L.	Raspberry	Framboisier	Himbeere
Braam	Rubus L. sect. Morifera	Blackberry	Ronce fruitière	Brombeere
Wilg	Salix L.	Willow	Saule	Weide
Salie	Salvia L.	Sage	Sauge	Salbei
Duifkruid	Scabiosa columbaria L.	Dove Scabious	Scabieuse gorge de pigeon	Taubenskabiöse
Schorseneer	Scorzonera hispanica L.	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
Kruiskruid	Senecio L.	Groundsel, Ragwort	Séneçon	Kreuzkraut
Gele mosterd	Sinapis alba L.	White Mustard	Moutarde blanche	Weisser Senf
Aubergine	Solanum melongena L.	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
Sierpeper	Solanum pseudocapsicum L.	Jerusalem Cherry	Pommier d'amour	Korallenstrauch
Aardappel	Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
Guldenroede	Solidago L.	Golden Rod	Verge d'or	Goldrute
Spinazie	Spinacia oleracea L.	Spinach	Epinard	Spinat

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Sering	Syringa L.	Lilac	Lilas	Flieder
Stephanandra	Stephanandra Sieb. et Zucc.	Stephanandra	Stephanandra	Kranzspiere
Sneeuwbes	Symphoricarpos Duham.	Snowberry	Symphorine	Schneebeere
Afrikaan	Tagetes L.	Marigold	Tagète, Oeillet d'Inde, Rose d'Inde	Sammetblume
Linde	Tilia L.	Lime	Tilleul	Linde
Inkarnaat klaver	Trifolium incarnatum L.	Crimson Clover	Trèfle incarnat	Inkarnatklée
Triteleia	Triteleia Dougl. ex Lindl.	Triteleia	Triteleia	Triteleia
Tarwe	Triticum aestivum L. emend. Fiori et Paoletti; Triticum durum Desfontaines	Wheat	Blé	Weizen
Tulp	Tulipa L.	Tulip	Tulipe	Tulpe
Iep	Ulmus L.	Elm	Orme	Ulme
Veldsla	Valerianella locusta (L.) Laterrade	Cornsalad, Lamb's Lettuce	Mâche, Doucette	Feldsalat
Ijzerhard	Verbena L.	Vervain	Verveine	Verbene, Eisenkraut
Sneeuwbal	Viburnum L.	Snowball Tree	Viorne	Schneeball
a. Tuinboon	Vicia faba L.	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
b. Veldboon		Field Bean, Tick Bean	Féverole	Ackerbohne
Voederwikke	Vicia sativa L.	Common Vetch	Vesce commune	Saatwicke
Kouseband	Vigna unguiculata (L.) Walp. ssp. sesquipedalis (L.) Verdc.	Asparagus Bean, Yard Long Bean	Dolique asperge	Spargelbohne, Langbohne
Viooltje	Viola L.	Violet, Pansy	Violette, Pensée	Veilchen, Stiefmütterchen
Wijnstok	Vitis L.	Vine	Vigne	Rebe

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Weigelia	Weigela Thunb.	Diervilla	Weigela	Weigelie
Mais	Zea mays L.	Maize	Maïs	Mais

List of Taxa Whose Varieties may be the Subject of an Entry in the Dutch Register of Varieties under Article 18(2) of the Seeds and Planting Material Act

Liste des taxons dont les variétés peuvent faire l'objet d'une inscription dans le Registre néerlandais des variétés en vertu de l'article 18.2) de la loi sur les semences et plants

Liste der Taxa, deren Sorten gemäss Artikel 18 Absatz 2 des Saat- und Pflanzgutgesetzes in den Niederländischen Sortenregister eingetragen werden können

<u>Nederlands</u>	<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
1.a. Suikerbiet b. Voederbiet	Beta vulgaris L.	Sugar Beet Fodder Beet	Betterave sucrière Betterave fourragère	Zuckerrübe Runkelrübe
2. Mergkool	Brassica oleracea L.	Marrow-stem Kale	Chou moellier	Markkohl
3. Karwij	Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
4. Luzerne	Medicago sativa L. Medicago X varia Martyn	Lucerne, Alfalfa (Hybrid) Lucerne	Luzerne (cultivée) Luzerne hybride	Blaue Luzerne Bastardluzerne
5. Serradelle	Ornithopus sativus Brot.	Serradella	Serradelle	Serradella
6. Kanariezaad	Phalaris canariensis L.	Canary Grass, Canary Seed	Alpiste des Canaries Phalaris	Kanariengras
7. Rogge	Secale cereale L.	Rye	Seigle	Roggen
8. Spurrie	Spergula arvensis L.	Corn Spurry	Spergule des champs, Spargoute, Espargoute, Fourrage de disette	Ackerspörgel, Ackerspark
9. Alexandrijnse klaver	Trifolium alexandrinum L.	Berseem Clover	Trèfle d'Alexandrie	Alexandriner Klee
10. Rode klaver	Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee
11. Witte klaver	Trifolium repens L.	White Clover	Trèfle blanc	Weissklee

## NEW ZEALAND

## Plant Variety Rights Act 1987\*

Number 5 of 1987

## ANALYSIS

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Section 1

## Short Title and Commencement

1. This Act may be cited as the Plant Variety Rights Act 1987.
2. This Act shall come into force on a day to be fixed by the Governor-General by Order in Council.<sup>1</sup>

Section 2

## Interpretation

In this Act, unless the context otherwise requires,--

"Applicant", in relation to any application, means the person by whom or on whose behalf that application is made:

\* Full title: An Act to Consolidate and Amend the Law Relating to the Granting of Proprietary Rights in Respect of Plant Varieties [21 February 1987].

<sup>1</sup> Date of entry into force: June 16, 1988.

"Application", except in section 12 of this Act, means an application for a grant:

"Assistant Commissioner" means an Assistant Commissioner of Plant Variety Rights appointed under section 30(1)(b) of this Act:

"Commissioner" means the Commissioner of Plant Variety Rights appointed in accordance with section 30(1)(a) of this Act; and includes an Assistant Commissioner:

"Denomination", in relation to any protected variety, or any variety that was a protected variety until the grant made in respect of it expired, means the distinguishing name or identification approved for that variety by the Commissioner under section 10(2)(a) of this Act:

"Director-General" means the Director-General of Agriculture and Fisheries:

"Grant" means a grant of plant variety rights under this Act:

"Grantee" means the holder of a grant; and, in relation to a protected variety, means the holder of a grant in respect of that variety:

"International agreement" means any bilateral or multilateral treaty, convention, or agreement, to which New Zealand is a party, and any understanding concluded by the Government of New Zealand and the government of any other country:

"Journal" means the Plant Variety Rights Journal required to be published by section 34(1) of this Act:

"Minister" means the Minister of Agriculture:

"Ministry" means the Ministry of Agriculture and Fisheries:

"Office" means the Plant Variety Rights Office established under section 28(1) of this Act:

"Owner", in relation to any variety, means a person who bred or discovered that variety, and includes a successor of that person:

"Plant" includes an alga, a bacterium, and a fungus:

"Protected variety" means a variety in respect of which a grant is in force:

"Publication" means public notification; and includes publication in the Journal:

"Reproductive material", in relation to any variety, means any portion of a plant of that variety by means of which plants of that variety may be reproduced or propagated; and includes spores, seeds, and whole plants:

"Sale" includes any disposition for valuable consideration and any offer for sale; and "sell" and "sold" have corresponding meanings:

"UPOV country" means an overseas country that is a member State of the International Union for the Protection of New Varieties of Plants, constituted pursuant to the international agreement called the International Convention for the Protection of New Varieties of Plants:

"Variety" means a cultivar, or cultivated variety, of a plant to which this Act applies; and includes any clone, hybrid, stock, or line, of such a plant; but does not include a botanical variety of such a plant.

### Section 3

#### Application

This Act applies only to the plants described in the Schedule to this Act.

### Section 4

#### Act to Bind the Crown

This Act shall bind the Crown.

## Part I

GRANTS OF PLANT VARIETY RIGHTSSection 5

## Applications

- (1) Every application shall be made on a form provided by the Commissioner; and shall--
- (a) Be accompanied by the quantity of seed (if any) prescribed in respect of varieties of the kind concerned; and
  - (b) Be completed and signed by or on behalf of the applicant; and
  - (c) Nominate an address for service in relation to that application (being an address within New Zealand); and
  - (d) Be accompanied by the prescribed application fee.
- (2) Within the prescribed period after making an application, the applicant shall give to the Commissioner--
- (a) In such detail as the Commissioner requires, a description--
    - (i) Of the origin and breeding of the variety concerned; and
    - (ii) On a form provided by the Commissioner for the purpose, of the botanical features of that variety; and
    - (iii) Of those aspects of that variety that, in the opinion of that applicant, distinguish it from those other varieties whose existence was a matter of common knowledge at the time of that application; and
  - (b) A proposed denomination for that variety; and
  - (c) The prescribed trial or examination fee.
- (3) Within the prescribed period after being requested by the Commissioner to do so, an applicant shall give to the Commissioner either or both of the following in relation to the application concerned:
- (a) Such reproductive material of the variety concerned as the Commissioner specifies;
  - (b) Any other information that the Commissioner thinks relevant to that application and requests from that applicant.
- (4) An application that complies with subsection (1) of this section at the time it is received at the Office shall, for the purposes of this Act, be deemed to be made at that time.
- (5) An application that does not comply with subsection (1) of this section at the time it is received at the Office shall, for the purposes of this Act, be deemed to be made at the time at which it first complies with that subsection while being held at the Office.
- (6) If satisfied that an application complies with subsection (1) of this section, the Commissioner shall--
- (a) Notify in the Journal the making of that application; and
  - (b) Advise the applicant accordingly.
- (7) The Commissioner shall notify in the Journal every proposed denomination for a variety given to the Commissioner by any applicant that, in the opinion of the Commissioner, complies with the prescribed requirements.

Section 6

## Objections Before Grant

- (1) Any person who considers that the Commissioner should not approve a proposed denomination notified in the Journal may, within three months of its

notification, by notice in writing to the Commissioner, object to the approval of that name.

(2) Any person who considers that an application has been made by or on behalf of an applicant who is not an owner of the variety concerned may, at any time before a grant is made to the applicant in respect of that variety, by notice in writing to the Commissioner, object to the making of a grant in respect of that variety to the applicant.

(3) Any person who considers that an application has been made in respect of a variety that is not new, distinct, stable, and homogeneous (as required by section 10 of this Act) may, at any time before a grant is made in respect of that variety, by notice in writing to the Commissioner, object to the making of a grant in respect of that variety.

(4) If an objection is made under this section, the Commissioner shall not make a grant in respect of the variety concerned before giving the applicant concerned and the objector a reasonable opportunity to be heard.

#### Section 7

##### Withdrawal or Lapse of Applications

(1) Any application may be withdrawn by the applicant at any time before a grant is made in respect of it.

(2) The withdrawal of an application shall not affect the liability of the applicant for any fees that may have become payable up to the date of that withdrawal.

(3) If any information or material required to be given to the Commissioner under subsection (2) or subsection (3) of section 5 of this Act is not supplied within the prescribed period, the application concerned shall lapse upon the expiration of that period.

#### Section 8

##### Inspection of Applications

After an application is made, the Commissioner shall hold it and any document or instrument accompanying it or supplied subsequently pursuant to subsection (2) or subsection (3) of section 5 of this Act (or a copy of that document or instrument, certified by the Commissioner to be a true copy) available for public inspection during ordinary business hours of the Office.

#### Section 9

##### Provisional Protection

(1) Subject to subsection (2) of this section, on and after the day on which an application is made, the applicant shall have the same rights to take proceedings under this Act as if on that day a grant had been made to the applicant in respect of the variety concerned.

(2) The rights conferred by subsection (1) of this section shall be deemed never to have been conferred if--

(a) The application concerned is withdrawn or lapses; or

(b) The Commissioner declines to make a grant in respect of that application.

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Section 10

## Making of Grants

- (1) The Commissioner shall--
- (a) Subject to sections 11 and 31(2) of this Act, make a grant in respect of every application that is eligible for the making of a grant; and
  - (b) Decline to make a grant in respect of every application that is not eligible for the making of a grant.
- (2) An application shall be eligible for the making of a grant if, and only if, the applicant has given the Commissioner all reproductive material of the variety concerned requested by the Commissioner, and the Commissioner--
- (a) Has approved for that variety a denomination proposed by the applicant; and
  - (b) Is satisfied that that applicant is an owner of that variety; and
  - (c) Has received the prescribed fee; and
  - (d) Is satisfied that that variety is new, distinct, homogeneous, and stable.
- (3) The Commissioner shall approve a proposed denomination for a variety if, and only if, in the opinion of the Commissioner, it complies with the prescribed requirements.
- (4) For the purposes of subsection (2)(d) of this section,--
- (a) Subject to subsection (6) of this section, a variety is new if there has been no sale of that variety with the agreement of any relevant owner of that variety--
    - (i) In New Zealand, for more than 12 months before the date on which that application was made; and
    - (ii) Overseas, for more than six years before that date in the case of a woody plant, or for more than four years before that date in every other case:
  - (b) A variety is distinct if it is distinguishable by one or more characteristics from any other variety whose existence was a matter of common knowledge when the application concerned was made:
  - (c) A variety is stable if, in its essential characteristics, it remains true to its description--
    - (i) Where the applicant concerned has described particular cycles of reproduction or multiplication for that variety, at the end of each such cycle; and
    - (ii) In every other case, after repeated propagation or reproduction.
- (5) In determining, for the purposes of subsection (2)(d) of this section, whether or not the Commissioner is satisfied that a variety is homogeneous, the Commissioner shall have regard to the particular features of its sexual reproduction or vegetative propagation (whichever is applicable to it).
- (6) Where, to increase the stock of a variety or for evaluation trials or tests of a variety, its owner makes arrangements under which--
- (a) Reproductive material of that variety is to be sold to or used by some other person; and
  - (b) Any unused portion of that reproductive material, and all the material of any sort produced from that reproductive material, is--
    - (i) To be sold to that owner, by that other person; or
    - (ii) Otherwise to become the property of that owner,--
- for the purposes of subsection (4)(a) of this section, no account shall be taken of any sale under that arrangement of--
- (c) Reproductive material of that variety by that owner to that other person; or



(d) Material of any sort of that variety by that other person to that owner.

(7) For the purposes of subsection (2)(d) of this section, a variety does not cease to be new by virtue only of the sale at any time of--

(a) Material that is not reproductive material; or

(b) Reproductive material disposed of for purposes other than reproduction,--

that, having been produced during the breeding, increase of stock, tests, or trials, of that variety, is not (or no longer) required for any of those activities.

(8) For the purposes of subsection (4)(b) of this section, the characteristics by which a variety may be distinguished from others may be morphological, physiological, or of any other kind or description, so long as those characteristics are capable of precise description and recognition.

#### Section 11

##### Varieties Bred or Discovered by Two or More Persons Independently

Subject to section 12 of this Act, where--

(a) Before a grant is made in respect of a variety, two or more applications in respect of that variety have been made; and

(b) The Commissioner is satisfied that the two or more applicants concerned are persons who, or successors of persons who, bred or discovered that variety independently; and

(c) The Commissioner is satisfied that, but for this section, each of those two or more applicants is or would be entitled to a grant in respect of that variety,--

the Commissioner shall make a grant to that one of those two or more applicants whose application in respect of that variety was made first.

#### Section 12

##### Priorities Resulting From Earlier Overseas Applications

(1) Where--

(a) Any person makes an application for a grant in New Zealand in respect of a variety in respect of which that person has earlier in a UPOV country made an equivalent application under the law of that country that has been accepted; and

(b) That application for a grant in New Zealand is made not more than 12 months after that equivalent application (or, if more than one equivalent application has been made, whether in one or in several countries, the earliest of them) was made; and

(c) A claim for priority in relation to that equivalent application accompanies the application for a grant in New Zealand; and

(d) Within three months of the making of that application for a grant in New Zealand, a copy of any documents constituting that equivalent application, certified as correct by the authority to which it was made, is submitted to the Commissioner,--

sections 10(4)(b) and 11 of this Act shall apply to that application for a grant in New Zealand as if it had been made when that equivalent application was accepted.

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### Section 13

#### Cancellation of Grants Because of Earlier Overseas Applications

Where--

(a) After a grant is made to any person in respect of a variety, another person makes an application in respect of that variety; and

(b) The Commissioner is satisfied that, if that grant had not already been made, that other person would, by virtue of section 12 of this Act, be entitled to a grant in respect of that application,--

the Commissioner shall cancel that grant, and shall make a new grant to the person who would be entitled to it if the cancelled grant had never been made.

### Section 14

#### Date and Term of Grants

(1) The Commissioner shall seal every grant with the seal of the Office, and endorse it with the date of its making.

(2) Except as otherwise provided in this Act, every grant shall be in force for a term (commencing on the day it is made)--

(a) Of 23 years, or any longer period specified in that behalf by the Governor-General by Order in Council (made before, on, or after the day that grant is made, but before that grant expires), in the case of a woody plant or its rootstock; and

(b) Of 20 years in every other case;--

and, unless sooner cancelled, shall then expire.

(3) The Commissioner shall keep a register, and record in it the date and other prescribed particulars (if any) of every grant.

### Section 15

#### Objections After Grant

(1) Any person who considers that a grant has been made in respect of a variety that is not new, distinct, stable, and homogeneous (as required by section 10 of this Act) may at any time, by notice in writing to the Commissioner, object to the continuation in force of that grant.

(2) Any person who considers that a grant was made to a person who was not an owner of that variety may, by notice in writing to the Commissioner, object to the continuation in force of that grant.

(3) An objection under subsection (2) of this section may be accompanied by an application in respect of the variety concerned.

### Section 16

#### Cancellation of Grants

(1) The Commissioner may cancel a grant before the end of its term if so requested in writing by the grantee.

(2) Subject to subsection (3) of this section, the Commissioner shall cancel a grant at any time during its term if satisfied--

(a) That any information supplied in the application concerned or in relation to that application was incorrect and that if the correct information had been known before that grant was made, the Commissioner would have declined to make that grant; or

- (b) That the variety concerned was not, at the time of the application concerned, new and distinct within the meaning of section 10 of this Act; or
- (c) That that variety is not stable and homogeneous within the meaning of section 10 of this Act; or
- (d) That the grantee was not, at the time that grant was made, an owner of that variety; or
- (e) That the grantee of that variety, after being requested by the Commissioner to provide the Commissioner (within a period specified by the Commissioner) with reproductive material capable of producing that variety with its characteristics as described when the grant was made, has failed to do so; or
- (f) That that grantee, after being requested by the Commissioner to allow the Commissioner (within a period specified by the Commissioner) to inspect the measures taken for the maintenance of that variety, or to provide documents or information in relation to that variety, has failed to do so; or
- (g) That any annual grant fee in relation to the grant has not been paid within the prescribed period; or
- (h) That that grantee has failed to comply with any compulsory licence or compulsory sale order made against that owner under section 21 of this Act in relation to that variety.
- (3) Before cancelling a grant under subsection (2) of this section, the Commissioner shall give the grantee written notice of intention to do so and, unless that grantee shows sufficient cause within 28 days of the date of the notice why that grant should not be cancelled, shall cancel that grant on the expiration of that period.
- (4) Where--
- (a) The Commissioner has cancelled a grant under subsection (2)(d) of this section; and
- (b) Any application (other than the application in respect of which that grant was made) has at any time (whether before or after the making of that grant) been made in respect of the variety concerned,--
- the Commissioner shall deal with all applications in respect of that variety as if that grant had never been made.

### Section 17

#### Rights of Grantees

- (1) Subject to section 19 of this Act, a grantee shall have the exclusive right--
- (a) To produce for sale, and to sell, reproductive material of the variety concerned:
- (b) If that variety is a plant of a type specified by the Governor-General by Order in Council for the purposes of this paragraph, to propagate that variety for the purposes of the commercial production of fruit, flowers, or other products, of that variety:
- (c) Subject to any terms and conditions that grantee specifies, to authorise any other person or persons to do any of the things described in paragraph (a) or paragraph (b) of this subsection.
- (2) Notwithstanding subsection (1) of this section the Minister may, by notice in the Journal, and after ensuring that the grantee under the grant concerned will be adequately compensated, impose such restrictions on the exercise of the rights of that grantee in respect of any specified variety as the Minister thinks necessary in the public interest during a national emergency.

(3) A grant may be assigned, mortgaged, or otherwise disposed of; and may devolve by operation of law.

(4) The rights of a grantee under a grant are proprietary rights, and their infringement shall be actionable accordingly; and in awarding damages (including any exemplary damages) or granting any other relief, a Court shall take into consideration--

(a) Any loss suffered or likely to be suffered by that grantee as a result of that infringement; and

(b) Any profits or other benefits derived by any other person from that infringement; and

(c) The flagrancy of that infringement.

(5) Where there is imported into New Zealand any reproductive material of a protected variety, any propagation, sale, or use, of that material--

(a) As reproductive material; and

(b) Without the authority of the grantee concerned,--

constitutes an infringement of the rights of that grantee under this section.

(6) The importation into New Zealand--

(a) From a country that is not a UPOV country of produce of a protected variety; or

(b) From a UPOV country of produce of a protected variety in respect of which, under the law of that country, it is not possible to make the equivalent of a grant,--

without the consent of the grantee is an infringement of the grantee's rights under this section.

(7) The sale under the denomination of a protected variety of reproductive material of some other variety constitutes an infringement of the rights under this section of the grantee of that protected variety, unless the groups of plants to which those varieties belong are internationally recognised as being distinct for the purposes of denomination.

(8) Where, in any proceedings for the infringement of the rights under this section of a grantee, it is proved or admitted that an infringement was committed but proved by the defendant that, at the time of that infringement, the defendant was not aware and had no reasonable grounds for supposing that it was an infringement, the plaintiff shall not be entitled under this section to any damages against the defendant in respect of that infringement, but shall be entitled instead to an account of profits in respect of that infringement.

(9) Nothing in subsection (8) of this section affects any entitlement of a grantee to any relief in respect of the infringement of that grantee's rights under this section other than damages.

#### Section 18

##### Exceptions to Grantees' Rights

Notwithstanding section 17 of this Act, any person may--

(a) Propagate, grow, or use a protected variety, for non-commercial purposes; or

(b) If the production of the hybrid or new variety concerned does not require repeated use of that variety,--

(i) Hybridise, or produce a new variety from, a protected variety; or

(ii) Sell any hybrid of, or new variety produced from, a protected variety; or

(c) Use reproductive material from a protected variety for human consumption or other non-reproductive purposes.

### Section 19

#### Licences

The holder of a licence from a grantee shall have the same rights as that grantee to take proceedings in respect of any infringement of the rights of that grantee in respect of the variety concerned affecting the rights given under that licence and committed after it was granted.

### Section 20

#### Notice of Protection

(1) Any person who--

(a) Has acquired rights in respect of a variety under section 9(1) or section 17 of this Act; and

(b) Sells any reproductive material of that variety,--

shall take all reasonable steps, by means of suitable labelling or other identification of that material, to inform the purchaser concerned of those rights.

(2) In determining, for the purposes of section 17(8) of this Act, whether or not any person had reasonable grounds for supposing that any action was an infringement of the rights of a grantee, a Court may take into account the extent (if any) to which that grantee or, as the case requires, the licensee concerned had complied with subsection (1) of this section in respect of any material in respect of which, or in respect of material propagated from which, that infringement occurred.

### Section 21

#### Compulsory Licences and Sales

(1) Any person may at any time after the expiration of three years from the making of a grant, on payment of the prescribed fee request the Commissioner to consider whether or not reasonable quantities of reproductive material of a reasonable quality of the variety concerned are available for purchase by members of the public at a reasonable price.

(2) Where a request is made under subsection (1) of this section, the Commissioner shall give the grantee concerned notice of it and a reasonable time to be heard in relation to it, and if, after considering any submissions made to the Commissioner by that grantee within that time, the Commissioner is satisfied there are not available for purchase by members of the public at a reasonable price reasonable quantities of reproductive material of reasonable quality of the variety concerned, the Commissioner shall issue to the person who made that request one or both of the following:

(a) A compulsory licence for the reproduction and sale of reproductive material of that variety:

(b) An order requiring that grantee to sell to that person reproductive material of that variety.

(3) In considering whether or not there are available to members of the public at a reasonable price reasonable quantities of reproductive material of reasonable quality of a variety, the Commissioner shall not take into account any reproductive material that is available only subject to the condition that all or any of the produce from that material must be sold or offered to a specified person, or to one of a specified group of persons, or to a member of a specified class or description of person.

(4) A licence or order issued under subsection (2) of this section shall be in writing, and sealed with the seal of the Office.

(5) When issuing a licence or order under subsection (2) of this section, the Commissioner shall specify a royalty or payment, or a means of calculating a royalty or payment, payable by the licensee or purchaser concerned to the

grantee concerned (being, in the opinion of the Commissioner, a royalty or payment that is, or a means that will produce a royalty or payment that is, in all the circumstances, equitable) and--

(a) It shall be a condition of that licence or order that that licensee or purchaser shall pay to that grantee that royalty or payment or a royalty or payment so calculated (as the case requires); and

(b) That licence or order shall be subject to any other terms and conditions the Commissioner thinks fit.

(6) A licence or order issued under subsection (2) of this section shall have effect according to its tenor as if it were a contract voluntarily entered into by the grantee and the other person concerned.

(7) Subject to the provisions of this Act, the Commissioner may at any time--

(a) On the application of any person; and

(b) If the Commissioner thinks it appropriate,--

limit, vary, extend, or revoke, a licence or order issued under subsection (2) of this section.

(8) As soon as is possible after issuing a licence or order under subsection (2) of this section, or limiting, varying, extending, or revoking, any such licence or order, the Commissioner shall publish in the Journal brief details of the action taken.

## Section 22

### Use of Denomination

Any person who sells reproductive material of--

(a) A protected variety; or

(b) A variety that was a protected variety until the grant made in respect of it expired,--

shall use its denomination, and shall not associate any trade mark, trade name, or other similar indication with that denomination unless that denomination is clearly recognisable.

## Part II

### APPEALS

## Section 23

### Rights of Appeal

(1) Any person affected by a decision of the Commissioner to decline to make a grant may, within 28 days after being given notice of that decision by the Commissioner, appeal against that decision.

(2) Any person affected by a grant may, at any time, appeal against the making of that grant upon the ground that that grant was made in contravention of this Act.

(3) Where the Commissioner cancels a grant under section 13 of this Act, the grantee may, within 28 days after being given notice of the cancellation by the Commissioner, appeal against that cancellation on the ground that it has not been established that, if that grant had not already been made, some other person making an application in respect of the variety concerned would, by virtue of section 12 of this Act, be entitled to a grant in respect of that application.

(4) Any person affected by any decision of the Commissioner (not being a decision referred to in any of subsections (1) to (3) of this section)--

- (a) Relating to an application or the cancellation of a grant; or
- (b) Imposing any condition in respect of a grant; or
- (c) Declining to modify any aspect of a grant; or
- (d) Refusing to issue a licence or order under section 21(2) of this Act,--

may, within 28 days after being given notice of that decision by the Commissioner, appeal against that decision.

(5) Subject to subsection (7) of this section, the owner of a protected variety may appeal against any decision of the Commissioner to issue a licence or order under section 21(2) of this Act in respect of that variety, or to extend or vary any such licence or order.

(6) Subject to subsection (7) of this section, the person to whom a licence or order was issued under section 21(2) of this Act may appeal against any decision of the Commissioner to limit, vary, or revoke that licence or order, or to issue it subject to any terms or conditions.

(7) No appeal under subsection (5) or subsection (6) of this section shall lie after the 28th day after the earlier of the following days:

- (a) The day on which the appellant is served with notice, or otherwise becomes aware, of the issue, extension, limitation, variation, or revocation, concerned;
- (b) The day on which notice of that issue, extension, limitation, variation, or revocation was first published in the Journal under section 21(8) of this Act.

#### Section 24

##### Appeals to be Made to District Court

Every appeal under section 23 of this Act shall be made to a District Court by--

- (a) Filing a notice of appeal in the prescribed form in the District Court nearest the Office; and
- (b) Servicing a copy of that notice on the Commissioner.

#### Section 25

##### Assessors

(1) If a District Court Judge is satisfied (whether or not on the application of any party to that appeal) that any appeal under section 23 of this Act involves the consideration of technical or specialised matters, and that it would be desirable for a person with expert knowledge of those matters to be an assessor in relation to that appeal, the following provisions shall apply:

- (a) The Judge shall consult the parties to the appeal as to a suitable person to be an assessor in relation to the appeal:
- (b) If the Judge and those parties agree on a suitable person, the Judge shall appoint that person to be an assessor in relation to that appeal:
- (c) If the Judge and those parties do not agree on a suitable person, the Judge may appoint to be an assessor in relation to that appeal any person the Judge thinks suitable:
- (d) An assessor appointed under this subsection shall sit with the Judge during the appeal, but shall have no power of decision in relation to the appeal.

(2) A District Court Judge may appoint two or more assessors under subsection (1) of this section in respect of a single appeal if satisfied that the nature of the technical or specialised matters concerned so warrants.

(3) No appointment of an assessor under subsection (1) of this section shall, in any proceedings, be called into question on the grounds that the occasion for that appointment had not arisen or had ceased.

(4) Every assessor appointed under subsection (1) of this section is entitled to receive--

(a) Remuneration by way of fees, salary, or allowances, for that assessor's services as assessor; and

(b) Payment of travelling allowances or expenses in respect of time spent travelling in connection with undertaking services as assessor,--

as if a District Court is a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(5) Subject to subsection (6) of this section, a District Court, after hearing an appeal under section 23 of this Act, may--

(a) Confirm the decision appealed against; or

(b) Modify or reverse that decision or any part of it.

(6) Nothing in subsection (5) of this section authorises a District Court to review any decision of the Commissioner, or any part of a decision of the Commissioner, if no appeal has been made against that decision or part.

#### Section 26

##### Procedure

In dealing with an appeal under section 23 of this Act,--

(a) A District Court may hear all evidence tendered and representations made by or on behalf of any party to that appeal that that Court considers relevant to that appeal, whether or not that evidence would be otherwise admissible in that Court:

(b) Subject to section 24 of this Act and to paragraph (a) of this section, the District Courts Rules 1948 shall apply to that appeal:

(c) Except as provided in this Act, a District Court shall determine its own procedure in relation to the determination of that appeal.

#### Section 27

##### Suspension of Decision While Appeal Pending

Where any person has appealed against any decision of the Commissioner, the operation of that decision shall be suspended until the appeal concerned has been finally disposed of.

#### Part III

##### PLANT VARIETY RIGHTS OFFICE

#### Section 28

##### Plant Variety Rights Office

(1) The Director-General may from time to time, by notice in the Gazette, appoint a place to be the Plant Variety Rights Office.

(2) The Director-General may from time to time, by notice in the Gazette, fix the hours during which the Office shall be open for the transaction of public business under this Act, and may authorise the closing of the Office for the transaction of public business on any day.



(3) Where the time prescribed for doing any act or taking any proceeding under this Act expires on a day on which the Office is not open and the act or proceeding cannot therefore be done or taken on that day, that act or proceeding shall be deemed to be in time if it is done or taken on the next day on which the Office is open.

#### Section 29

##### Seal of Office

(1) There shall be a seal of the Office, whose affixing to any document shall be authenticated by the signature of the Commissioner.

(2) Every Court and person acting judicially shall take judicial notice of--

(a) The seal of the Office; and

(b) The appointment and signature of the Commissioner and every Assistant Commissioner.

(3) For the purposes of subsection (2) of this section, the terms "Court" and "person acting judicially" shall have the meanings assigned to them by the Evidence Act 1908.

#### Section 30

##### Commissioner, Assistant Commissioners, and Officers

(1) There may from time to time be appointed under the State Services Act 1962--

(a) A Commissioner of Plant Variety Rights;

(b) One or more Assistant Commissioners of Plant Variety Rights, who shall be under the control and direction of the Commissioner.

(2) All persons appointed under subsection (1) of this section shall be officers or employees of the Ministry, and any such appointment under that subsection may be held either separately or in conjunction with any other office in the Ministry.

(3) The Director-General may from time to time designate any officer or employee of the Ministry an officer of the Office; and any person so designated may hold any other office in the Ministry at the same time.

#### Section 31

##### Officers and Employees not to Acquire Interests in Grants

(1) This subsection applies to every person who is, or during the previous 12 months was, the Commissioner, an Assistant Commissioner, or a person designated under section 30(3) of this Act.

(2) No person to whom subsection (1) of this section applies shall apply under this Act for a grant, or acquire any right or interest in any grant directly or indirectly, except under a will or on an intestacy.

#### Section 32

##### Advisory and Technical Committees, and Technical Advisors

(1) The Director-General may from time to time appoint advisory or technical committees of one or more persons as the Director-General thinks fit to advise or assist the Commissioner for such purposes and during such periods as the Director-General thinks desirable.

(2) A person may be appointed to be a member of any committee appointed under this section whether or not that person is an officer or employee of the Ministry or otherwise holds an appointment under the State Services Act 1962.

(3) Any person appointed under subsection (1) of this section who has an interest directly or indirectly connected with any application or matter to be considered by the committee of which that person is a member shall, as soon as is possible after the relevant facts have come to that person's knowledge, disclose the nature of that interest to the Commissioner and, except as otherwise allowed by the Commissioner, shall not take part after the disclosure in any deliberation or decision relating to that application or matter.

(4) The Director-General may appoint, or may authorise the Commissioner to appoint, persons who are not officers or employees of the Ministry as technical advisors to assist the Commissioner in carrying out any test or trials that the Commissioner considers necessary for the purposes of this Act or in assessing the results of any tests or trials (whether carried out by the Commissioner or not) that the Commissioner considers relevant to those purposes.

(5) The Director-General may, from money appropriated by Parliament for the purpose, pay to the member or members of any committee, or to any technical advisor, appointed under this section such fees, salary, allowances, and expenses as the Minister from time to time approves.

### Section 33

#### Delegations

(1) The Commissioner may from time to time, by writing under the Commissioner's hand, generally or particularly or subject to conditions, delegate to such officer or officers or employee or employees of the Ministry for the time being designated under section 30(3) of this Act as the Commissioner thinks fit all or any of the powers conferred on the Commissioner by or under this Act or any other Act, including any powers delegated under any other Act, but not including any power to appoint technical advisors under section 32(4) of this Act or this present power of delegation.

(2) Every delegation under this section shall be revocable, and no such delegation shall prevent the exercise of any power by the Commissioner.

(3) A delegation under this section shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Commissioner by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Commissioner; but if the holder of a specified office to whom any such delegation has been made ceases to hold office, it shall expire.

(4) Every person purporting to act pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of that delegation.

### Section 34

#### Plant Variety Rights Journal

(1) The Commissioner shall from time to time, as circumstances require, issue a journal, to be called the Plant Variety Rights Journal.

(2) The Commissioner shall publish in the Journal--

(a) Notice of every decision of the Commissioner to make or decline to make a grant, and all prescribed particulars relating to applications and grants; and

(b) Any other matters and information relating to plant varieties or plant variety rights whose publication appears to the Commissioner to be important or useful.

## Part IV

## MISCELLANEOUS PROVISIONS

Section 35

## Service of Notices, etc.

(1) Where any notice has to be given or any document has to be served under this Act, it may be given or served by--

- (a) Delivering it to the person to whom it has to be given or on whom it has to be served; or
- (b) Leaving it at the usual or last known place of abode or address for service in New Zealand of that person; or
- (c) Sending it by post in a registered letter addressed to that person at that person's usual or last known place of abode or address for service in New Zealand.

(2) Where a notice or document is sent by post in the manner described in subsection (1)(c) of this section, it shall be deemed to have been given or served at the time at which the letter would have been delivered in the ordinary course of post.

Section 36

## Fees and refunds

(1) Subject to this Act, there shall be paid in respect of grants and applications, and in respect of other matters relating to grants arising under this Act, the fees (if any) from time to time prescribed; and all such fees shall be paid into the Public Account to the credit of the Consolidated Account.

(2) Any sum paid to the Commissioner in error or in excess of the sum properly payable may be refunded by the Commissioner, and all money so refunded shall be paid out of the Consolidated Account without further appropriation than this Act.

Section 37

## Offences and Penalties

(1) Every person who, in an application or in an attachment to an application, supplies with intent to deceive any false or misleading information commits an offence.

(2) Every person who falsely represents that any person is the owner of a protected variety or that any person has applied for a grant in respect of any variety, commits an offence.

(3) Every person selling material of a variety who falsely represents--

- (a) That that variety is a protected variety or a variety in respect of which an application has been made; or
- (b) That that variety is material of some other variety (being a variety that is a protected variety or a variety in respect of which an application has been made)--

commits an offence.

(4) Every person who wilfully or negligently sells reproductive material in contravention of section 22 of this Act commits an offence.

(5) Every person who, by using on that person's place of business or on any document issued by that person or otherwise the words "Plant Variety Rights Office" or any other words, suggests that that person's place of business is or is officially connected with the Office commits an offence.

(6) Every person who acts in contravention of section 31(2) of this Act commits an offence.

(7) Every person who commits an offence against this Act shall be liable on summary conviction to a fine not exceeding \$1,000.

(8) Part II of the First Schedule to the Summary Proceedings Act 1957 (as amended by section 35(6) of the Plant Varieties Act 1973) is hereby consequentially amended by repealing the item that relates to the Plant Varieties Act 1973.

### Section 38

#### Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) Regulating the business of the Office:
- (b) Regulating any matters placed under the direction or control of the Commissioner by this Act:
- (c) Prescribing the form and manner of applications and the form of diagrams, photographs, and other documents that may be filed in the Office; and requiring copies to be furnished of any such applications, surrenders, diagrams, photographs, and documents; and authorising the rectification or amendment of any of them:
- (d) Prescribing the quantity of seed required to accompany an application; and--
  - (i) Different quantities may be prescribed in respect of applications in respect of varieties of different kinds; and
  - (ii) Quantities may be prescribed in respect of applications in respect of varieties of some kinds and not in respect of applications in respect of varieties of other kinds:
- (e) Regulating the procedure to be followed in connection with any application or request to the Commissioner or in connection with any proceeding before the Commissioner, and authorising the rectification of irregularities of procedure:
- (f) Providing for the forfeiture of any priority given in respect of an application:
- (g) Prescribing any requirements for the entry of particulars in the register kept under section 14(3) of this Act, and for corrections of recorded details:
- (h) Prescribing a form for appeals under section 23 of this Act:
- (i) Authorising the preparation, publication, sale, and exchange of copies of diagrams, photographs, and documents in the Office, and of indexes to and abridgments of them:
- (j) Prescribing the mode of publishing any matters required by this Act to be published:
- (k) Prescribing fees and charges for anything authorised by this Act:
- (l) Providing for the testing and treatment of varieties to which applications relate:
- (m) Prescribing the requirements to be met in selecting the denomination of varieties, and providing for the approval, rejection, or amendment of any denomination by the Commissioner:
- (n) Giving effect to the terms of any international agreement to which New Zealand is a party:
- (o) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.

Section 39

**Transitional Provisions**

- (1) The place appointed by the Minister as the Plant Varieties Office under the Plant Varieties Act 1973 shall be deemed to have been appointed the Office under section 28 of this Act on the commencement of this Act.
- (2) The person who, immediately before the commencement of this Act, was the Registrar of Plant Varieties under the Plant Varieties Act 1973 shall be deemed to have been appointed as the Commissioner on the commencement of this Act.
- (3) Every grant of plant selectors' rights made under the Plant Varieties Act 1973 and in force immediately before the commencement of this Act shall remain in force in all respects as if this Act had been in force when it was made.
- (4) For the purposes of any action or proceedings taken in relation to a grant subsisting pursuant to subsection (3) of this section, or any amendment or cancellation of such grant, the provisions of this Act shall apply as if that grant were a grant of plant variety rights under this Act.
- (5) Every application for a grant of plant selectors' rights made under the Plant Varieties Act 1973 and not determined before the commencement of this Act, shall be deemed to be an application under this Act, and shall be dealt with accordingly.
- (6) Every grant of protective direction made under the Plant Varieties Act 1973 and in force immediately before the commencement of this Act shall be deemed to be provisional protection given under section 9(1) of this Act, and shall be subject to the provisions of that section.

Section 40

**Consequential Amendment**

The Schedule to the Ministry of Agriculture and Fisheries Act 1953 (as substituted by section 4(1) of the Ministry of Agriculture and Fisheries Amendment Act 1972 and from time to time thereafter amended) is hereby amended by omitting the item "The Plant Varieties Act 1973" (as inserted by section 36 of that Act), and substituting the item "The Plant Variety Rights Act 1987".

Section 41

**Repeals and Revocations**

- (1) The Plant Varieties Act 1973 and the Plant Varieties Amendment Act 1979 are hereby repealed.
- (2) The Plant Varieties Appeal Authority established under section 25 of the Plant Varieties Act 1973 is hereby abolished.
- (3) The following Orders in Council are hereby revoked:
- (a) The Plant Varieties Act Commencement Order 1974:
  - (b) The Plant Varieties Act Extension Order 1981.
- (4) Section 2 of the Scientific and Industrial Research Act 1974 is hereby consequentially amended by repealing the definition of the term "breeder".

SCHEDULE

Section 3

PLANTS TO WHICH ACT APPLIES

All plants other than algae, bacteria and fungi.

## NEWSLETTER

UPOV

**The International Union for the Protection of New Varieties of Plants  
in 1988**State of the Union

There were no changes in 1988 as regards the state of the Union. As on December 31, 1988, it comprised 17 member States: Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All, except Belgium and Spain, are party to the Revised Act of October 23, 1978, of the Convention.

Under Article 32(3) of the above-mentioned Act, "any State which is not a member of the Union and which has not signed this Act shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." Two States asked for such advice from the Council in 1988: Australia, in its note of August 19, and Poland, by letter of March 28. The Council considered these two requests at its twenty-second ordinary session and, in both cases, took a positive decision constituting such advice, thus enabling Australia and Poland to deposit their instruments of accession.\*

The table at page 58 summarizes the position of the various States as regards the various Acts of the Convention, as at December 31, 1988.

Staff of the Office of the Union

The services of Dr. Walter Gfeller, Vice Secretary-General, came to an end on February 29, 1988. At an extraordinary session on February 19, the Council appointed Mr. Barry Greengrass to be his successor. Mr. Greengrass assumed his duties on June 1.

Sessions

During 1988, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

Council.- The Council held an extraordinary session (the eighth) on February 19, under the chairmanship of Mr. W.F.S. Duffhues (Netherlands), to appoint a new Vice Secretary-General.

It subsequently held its twenty-second ordinary session on October 18 and 19, also under the chairmanship of Mr. W.F.S. Duffhues (Netherlands). The session was attended by observers from ten non-member States (Argentina, Australia, Canada, Mexico, Morocco, Norway, Philippines, Poland, Portugal and Turkey). The European Economic Community (EEC) was also represented by an observer.

At that session, the Council took the following main decisions:

(i) It elected Mr. W.F.S. Duffhues (Netherlands) as President of the Council for a term of three years expiring at the end of the twenty-fifth

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\* Australia deposited its instrument on February 1, 1989. In accordance with Article 33(2) of the 1978 Act of the Convention, Australia became a party to that Act on March 1, 1989, and thereby constitutes the eighteenth member State of the Union. (See Plant Variety Protection No. 57 (September 1989), page 2.)

ordinary session of the Council in 1991, to replace Mr. S.D. Schlosser (United States of America), who had resigned, and Mr. R. Lopez de Haro y Wood (Spain) as Vice-President for the same term of office.

(ii) As mentioned in paragraph 2 above, it took positive decisions on the conformity of the legislation of Australia and Poland with the provisions of the 1978 Act of the Convention.

(iii) It approved the Secretary-General's report on the activities of the Union in 1987 and the first nine months of 1988.

(iv) It approved the Secretary-General's report on his management during the 1986-87 biennium and on the financial situation of the Union as at December 31, 1987, and noted the report on the auditing of the accounts for the above-mentioned period.

(v) It approved the progress reports on the work of the various subsidiary bodies and their plans for future work.

(vi) It invited the Office of the Union to cooperate with the International Bureau of WIPO in preparing a document to serve as a basis for discussions at the meeting, to be held in January 1990 at the latest, of a joint UPOV/WIPO committee of experts to deal with the relationship between patent protection and plant variety protection.

(vii) It decided to admit international non-governmental organizations to ordinary sessions of the Council in accordance with certain principles whose practical application was entrusted to the Consultative Committee.

(viii) It drew the attention of the member States to the Recommendations on the Harmonization of the Lists of Protected Species, which it had adopted at its twentieth ordinary session on December 2, 1986, and to the distortion of competition in trade with plant material between member States that could result from non-harmonized lists.

(ix) It elected Mrs. C. Holtz (Sweden) as Chairman of the Administrative and Legal Committee and reelected Mr. F. Gougé (France) as Vice-Chairman for a term of three years expiring at the end of the twenty-fifth ordinary session of the Council, in 1991.

Consultative Committee.- The Consultative Committee held its thirty-seventh session on April 22 and its thirty-eighth session on October 17 under the chairmanship of Mr. W.F.S. Duffhues (Netherlands). Discussions at the thirty-seventh session were basically devoted to the distribution of tasks as between the Council and the Consultative Committee, the preparation of a mission of a UPOV delegation to Poland and participation by UPOV in EXPOFLORE, the international exhibition of new plant varieties in Geneva. The thirty-eighth session was mainly devoted to preparing the twenty-second ordinary session of the Council and to defining principles to govern UPOV participation in shows and exhibitions.

Administrative and Legal Committee.- The Administrative and Legal Committee held its twenty-second session from April 18 to 21 and its twenty-third from October 10 to 13 under the chairmanship of Mr. F. Espenhain (Denmark). Observers from the European Communities and from the European Free Trade Association participated in the twenty-second session; observers from Argentina, Australia, Canada and Finland, and from the European Economic Community, attended the twenty-third session.

The main item on the program of the Committee was the revision of the Convention. The twenty-third session was almost entirely devoted to that matter. At its twenty-second session, the Committee further:

(i) examined the harmonization of the lists of protected species and made a recommendation to the Council that was adopted by the latter (see paragraph 9 (viii) above);

(ii) invited the Secretary-General to accede to the request for assistance formulated by the Food and Agriculture Organization of the United Nations (FAO) in the elaboration of a concerted interpretation of FAO's International Undertaking on Genetic Resources and gave general pointers on that subject.

Technical Committee.- The Technical Committee held its twenty-fourth session on October 20 and 21 under the chairmanship of Dr. J.K. Doodson (United Kingdom). The session was attended by observers from Australia and Canada, and from the European Economic Community.

On the basis of preparatory work carried out by the Technical Working Parties, the Technical Committee adopted Test Guidelines for the following 15 taxa (\* denotes a revised version): (1) runner bean\*; (2) tuberous begonia hybrids; (3) blackberry\*; (4) eggplant; (5) endive; (6) Euphorbia fulgens\*; (7) Exacum; (8) Gladiolus; (9) lucerne\*; (10) vegetable marrow, squash; (11) black salsify; (12) tulip; (13) turnip, turnip rape\*; (14) common vetch\*; (15) durum wheat. An addendum to the Test Guidelines for Melon was also adopted.

The Committee considered the progress reports on the work of the Technical Working Parties and defined the main features of their future work. It also examined the matters raised by the Working Parties on the basis of the experience gained by the member States in carrying out the examination for distinctness, homogeneity and stability of new plant varieties. Of those matters, the following may be noted: use of statistical methods in variety examination; observation of colors; definition of resistance and tolerance of varieties to pests and diseases and the examination of such characteristics; the pilot project carried out by Denmark to evaluate variety examination carried out by breeders on the basis of official guidelines. It began discussions, without concluding however, on revision of the UPOV Model for a Report on Technical Examination.

Finally, the Committee examined reports on two series of workshops, that is to say on the examination of lettuce varieties and on the use of new technology in the examination of new varieties (see paragraphs 20 and 21 below).

Technical Working Parties.- The Technical Working Parties each held one session in 1988, outside Geneva, as follows:

(i) The Technical Working Party on Automation and Computer Programs (TWC) held its sixth session from June 7 to 9 in Edinburgh, United Kingdom, under the chairmanship of Dr. F. Laidig (Federal Republic of Germany).

(ii) The Technical Working Party for Vegetables (TWV) held its twenty-first session from June 13 to 15 in Wageningen, Netherlands, under the chairmanship of Mr. R. Brand (France).

(iii) The Technical Working Party for Ornamental Plants and Forest Trees (TWO) held its twenty-first session from June 20 to 24 in Melle, Belgium, under the chairmanship of Mr. C.J. Barendrecht (Netherlands).

(iv) The Technical Working Party for Fruit Crops (TWF) held its nineteenth session from June 28 to July 1 in Hanover, Federal Republic of Germany, under the chairmanship of Mr. B. Bar-Tel (Israel).

(v) The Technical Working Party for Agricultural Crops (TWA) held its seventeenth session from July 5 to 7 in Surgères, France, under the chairmanship of Mr. D. Feeley (Ireland).

The basic task of four of these Working Parties is to draw up test guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts, for the following taxa, to be submitted to the professional organizations for comment: Sorghum and Triticale (TWA); banana, chestnut, black currant and walnut (TWF); Chrysanthemum, Gerbera, Hydrangea, Lachenalia, Leucadendron, Leucospermum and Protea (TWO); pea (TWV).

In addition, the Technical Working Party for Agricultural Crops took note of the various electrophoresis methods used by some of the member States and of the need to harmonize such methods if they were to be used for variety examination for protection purposes. As for the Technical Working Party on Automation and Computer Programs, it pursued its work on the use of statistical methods in variety examination and also its work in the EDP field; it took note of a report on the progress achieved in the United Kingdom with machine vision techniques.



Workshops.- The Workshop on the Examination of Varieties of Lettuce, organized jointly by the Netherlands authorities and UPOV, was held on June 16 and 17 in Wageningen, Netherlands. It was opened by Mr. W.F.S Duffhues, the representative of the Netherlands in the Council. During the eight working sessions, papers were presented on the technical, taxonomic and legal aspects of minimum distances between varieties, on the present system of examination for distinctness, homogeneity and stability of lettuce, on new examination techniques (particularly the use of electrophoresis and machine vision), on the use of non-parametric statistical tests and on establishing variety descriptions. Demonstrations were also given in the laboratory and in the field, and breeders were able to put forward their points of view.

The Workshop on the Use of New Technology in the Examination of New Varieties, organized jointly by the United Kingdom authorities and UPOV, was held on September 27 and 28 in Cambridge, United Kingdom. It was opened by Dr. G.M. Milbourn, Director of the National Institute of Agricultural Botany of the United Kingdom, and closed by Mr. J. Harvey, Controller of the Plant Variety Rights Office and representative of the United Kingdom in the Council. The Workshop comprised two working sessions on biochemistry, two sessions on computer technology and a final round table. As concerns more specifically the new techniques, papers dealt in the main with electrophoresis, chromatography and fluorescence, DNA probes, machine vision and the use of computers.

#### Contacts with States and Organizations

From January 21 to 23, an official of the Office took part, in Huntingdon, United Kingdom, in the Fourth Conference on Intellectual Property for New Plant Varieties and Biotechnological Inventions, organized by the Intellectual Property Law Unit of Queen Mary College, London University. He gave a paper entitled "Intellectual Property for New Plant Varieties and Biotechnological Inventions: a View from UPOV."

On April 21, the participants at the twenty-second session of the Administrative and Legal Committee and the staff of the Office attended the official opening of EXPOFLORE, the international exhibition of new plant varieties, in Geneva.

From June 6 to 10, the Vice Secretary-General attended, in Brighton, United Kingdom, the 1988 World Congress of the International Federation of the Seed Trade (FIS) and of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).

From June 6 to 11, a UPOV delegation visited Poland for talks with the Polish authorities on the protection of new plant varieties in that country and to make technical visits. The delegation comprised Mr. John Ardley (United Kingdom), Mr. Jenö Bobrovsky (Hungary), Mr. Joël Guiard (France) and an official of the Office.

On June 27 and 28, the Vice Secretary-General paid an official visit to the Federal Plant Varieties Office in Hanover, Federal Republic of Germany.

From September 4 to 8, the Vice Secretary-General participated in Budapest, Hungary, in the International Conference on Recent Phenomena in the Protection of Industrial Property, organized by the Hungarian Group of AIPPI and the Hungarian Association for the Protection of Industrial Property. He presented a paper on the topic "Industrial Property in Agriculture and the Protection of New Plant Varieties."

From September 14 to 16, the Vice Secretary-General and an official of the Office attended, in Geneva, the WIPO Worldwide Forum on the Impact of Emerging Technologies on the Law of Intellectual Property, of which one session was devoted to biotechnology.

On September 19 and 20, the Vice Secretary-General attended in Munich, Federal Republic of Germany, as an observer, a meeting of the Ad hoc Working Party on Harmonisation of the European Patent Organisation. The aim of his participation was to follow the discussions on consideration of the revised solutions put forward by WIPO for the legal protection of biotechnological inventions.

On September 20 and 21, an official of the Office attended, in Geneva, a seminar held by the Centre for Applied Studies in International Negotiations, devoted to "The Release of Genetically Engineered Organisms in the Environment."

On September 26 and 30, the Vice Secretary-General paid an official visit to the United Kingdom Plant Variety Rights Office in Cambridge and to the Patent Office in London. He also visited a number of firms and institutes.

From October 24 to 28, the Vice Secretary-General and an official of the Office participated in the fourth session of the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property.

On November 14 and 15, the Vice Secretary-General paid an official visit to Norway where he met senior officials of the Ministry of Agriculture and the Patent Office.

On November 17 and 18, the Vice Secretary-General attended in Amsterdam (Netherlands) the commemoration of the fiftieth anniversary of ASSINSEL and gave a paper on "the Future Development of the UPOV System."

From November 22 to 27, an official of the Office attended the annual meeting of Austrian breeders held at Gumpenstein by the Austrian Breeders' Association and gave a paper on international standards for variety homogeneity. On the occasion of this meeting, he also had talks with officials of the Federal Ministry of Agriculture and Forestry on the draft law on the protection of new plant varieties that was in preparation.

On November 28 and 29, the Vice Secretary-General paid an official visit to Canada and met senior officials of the Ministry of Agriculture and the Patent Office in Ottawa.

From November 30 to December 9, the Vice Secretary-General visited the United States of America. During that period, he had talks with the United States Patent and Trademark Office, the Plant Variety Protection Office and the United States Department of Agriculture. He also met with the interested circles, particularly patent attorneys and breeder members of the American Seed Trade Association (ASTA). On December 5 and 6, he participated in a symposium on patents for animals held by Cornell University in Ithaca. He subsequently participated in ASTA conferences on soybean, maize and sorghum in Chicago.

On December 14, the Vice Secretary-General received the visit of an official of the National Institute of Industrial Property of Brazil.

On December 19, the Vice Secretary-General paid a visit to the Secretary-General of ASSINSEL to discuss matters of common interest.

#### Publications

In 1988, the Office of the Union published three issues of Plant Variety Protection and the English and German versions of a commemorative book on the twenty-fifth anniversary of the UPOV Convention (UPOV Publications Nos. 879(E) and 879(G)).

**Membership of the Union (as at October 1, 1989)**

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Belgium	December 2, 1961 November 10, 1972 October 23, 1978	November 5, 1976 November 5, 1976 -	December 5, 1976 February 11, 1977 -
Canada (not yet a member)	- - October 31, 1979	- - -	- - -
Denmark	November 26, 1962 November 10, 1972 October 23, 1978	September 6, 1968 February 8, 1974 October 8, 1981	October 6, 1968 February 11, 1977 November 8, 1981
France	December 2, 1961 November 10, 1972 October 23, 1978	September 3, 1971 January 22, 1975 February 17, 1983	October 3, 1971 February 11, 1977 March 17, 1983
Germany (Federal Republic of)	December 2, 1961 November 10, 1972 October 23, 1978	July 11, 1968 July 23, 1976 March 12, 1986	August 10, 1968 February 11, 1977 April 12, 1986
Hungary	- - -	- - March 16, 1983	- - April 16, 1983
Ireland	- - September 27, 1979	- - May 19, 1981	- - November 8, 1981
Israel	- - -	November 12, 1979 November 12, 1979 April 12, 1984	December 12, 1979 December 12, 1979 May 12, 1984
Italy	December 2, 1961 November 10, 1972 October 23, 1978	June 1, 1977 June 1, 1977 April 28, 1986	July 1, 1977 July 1, 1977 May 28, 1986
Japan	- - October 17, 1979	- - August 3, 1982	- - September 3, 1982

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<sup>1</sup> First Line: International Convention for the Protection of New Varieties of Plants of December 2, 1961.  
Second Line: Additional Act of November 10, 1972.  
Third Line: Revised Text of October 23, 1978.

<sup>2</sup> the instrument of ratification where the State has signed the Convention or the Additional Act or, depending on the case, the instrument of ratification, acceptance or accession where the State has signed the Revised Text of 1978; the instrument of accession if it has not signed the text concerned.

Membership of the Union (as at October 1, 1989) (Cont'd)

State	Date of signature <sup>1</sup>	Date of deposit of instrument <sup>1,2</sup>	Date of effect <sup>1</sup>
Mexico (not yet a member)	- - July 25, 1979	- - -	- - -
Netherlands	December 2, 1961 November 10, 1972 October 23, 1978	August 8, 1967 January 12, 1977 August 2, 1984	August 10, 1968 February 11, 1977 September 2, 1984
New Zealand	- - July 25, 1979	- - November 3, 1980	- - November 8, 1981
South Africa	- - October 23, 1978	October 7, 1977 October 7, 1977 July 21, 1981	November 6, 1977 November 6, 1977 November 8, 1981
Spain	- - -	April 18, 1980 April 18, 1980 -	May 18, 1980 May 18, 1980 -
Sweden	- January 11, 1973 December 6, 1978	November 17, 1971 January 11, 1973 December 1, 1982	December 17, 1971 February 11, 1977 January 1, 1983
Switzerland	November 30, 1962 November 10, 1972 October 23, 1978	June 10, 1977 June 10, 1977 June 17, 1981	July 10, 1977 July 10, 1977 November 8, 1981
United Kingdom	November 26, 1962 November 10, 1972 October 23, 1978	September 17, 1965 July 1, 1980 August 24, 1983	August 10, 1968 July 31, 1980 September 24, 1983
United States of America	- - October 23, 1978	- - November 12, 1980	- - November 8, 1981

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CALENDAR
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UPOV Meetings

October 2 and 3 Versailles (France)	Workshop on the Examination of Varieties of Maize
October 5 and 6	Technical Committee
October 9 and 10	Fourth Meeting with International Organizations
October 11 to 13	Administrative and Legal Committee
October 16	Consultative Committee
October 17 and 18	Council

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The International Union for the Protection of New Varieties of Plants (UPOV)--an international organization established by the International Convention for the Protection of New Varieties of Plants--is the international forum for States interested in plant variety protection. Its main objective is to promote the protection of the interests of plant breeders--for their benefit and for the benefit of agriculture and thus also of the community at large--in accordance with uniform and clearly defined principles.

"Plant Variety Protection" is a UPOV publication that reports on national and international events in its field of competence and in related areas. It is published in English only--although some items are trilingual (English, French and German)--at irregular intervals, usually at a rate of four issues a year. Subscription orders may be placed with:

The International Union for the Protection of New Varieties of Plants  
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