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PLANT VARIETY PROTECTION

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

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GAZETTE

ACCESSION TO THE 1978 ACT OF THE UPOV CONVENTION

Austria

On June 14, 1994, the Government of Austria deposited its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, and on October 23, 1978, with the Secretary-General of UPOV. The Act of 1978 of the Convention entered into force in respect of Austria on July 14, 1994. On that date, Austria became the twenty-fifth member State of UPOV and the twenty-third State bound by the Act of 1978.

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

Belgium

By virtue of the Royal Decree of October 1, 1993, Fixing the Plant Species for Which a New Plant Variety Certificate may be Issued and Fixing the Duration of Protection for Those Species¹ (Moniteur belge - Belgisch Staatsblad of November 10, 1993), protection was extended to the following with effect from November 11, 1993 (the Latin, French and Flemish names appear in the Decree, whereas the English and German common names have been added, without guarantee of concordance, by the Office of the Union):

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Aeschynanthus Jack	Aeschynanthus	Aeschynanthus	Aeschynanthus	Aeschynanthus	20
Corynocarpus J.R. et G. Forst.	Corynocarpus	Corynocarpus	Karaka Nut	Karakabaum	20
Escallonia Mutis ex L. f.	Escallonia	Escallonia	Escallonia	Escallonia	20
Euonymus L.	Kardinaals- muts	Fusain	Spindle Tree	Pfaffenhüt- chen, Spin- delstrauch	25
Ficus elastica Roxb.	Rubberplant	Ficus, Caoutchouc	Rubber Plant	Gummibaum	20
Fittonia Coem.	Fittonia	Fittonia	Fittonia	Fittonia	20

¹ The Decree will not be published, like its predecessor, in the legislation subsection of "Plant Variety Protection"; its substantive provisions are reflected in the footnotes to the list starting on page 4.

* Duration of protection/Durée de la protection/Schutzdauer

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Fritillaria L.	Fritillaria	Fritillaria	Fritillaria	Fritillaria	20
Helichrysum Mill. corr. Pers.	Helichrysum	Helichrysum	Everlasting	Strohblume	20
Lathyrus odoratus L.	Reukerwt	Pois de senteur	Sweet Pea	Wohlrriechende Wicke	20
Nepenthes L.	Nepenthes	Nepenthes	Nepenthes, Pitcher Plant	Kannenstrauch	20
Pentas lanceolata (Forsk.) Deflers	Pentas	Pentas	Pentas	Pentas	20
Phacelia tanace- tifolia Benth.	Phacelia	Phacélie à feuilles de tanaïsie	Scorpion Weed	Phazelie	20
Scaevola aemula R. Br.	Scaevola aemula	Scaevola aemula	Scaevola aemula	Fächerblume	20
Schefflera J.R. et G. Forst.	Schefflera	Schefflera	Schefflera	Schefflera	25
Syngonium Schott	Syngonium	Syngonium	Syngonium	Syngonium	20
Syzygium Gaertn.	Syzygium	Syzygium	Syzygium	Syzygium	25

The availability of protection to foreigners is governed by Article 9 of the Law on the Protection of New Plant Varieties of May 20, 1975, which reads as follows:

"(1) If the variety has been bred outside Belgium, the new plant variety certificate shall be granted when Belgium is bound to do so under the [UPOV] Convention or any other international convention.

"(2) If the variety has been bred outside Belgium and paragraph (1) is not applicable, the new plant variety certificate shall be granted when the State in which it was bred grants equivalent protection to similar new varieties bred in Belgium.

"(3) If the variety has been bred outside Belgium without there being the obligation referred to in paragraph (1) or the reciprocity referred to in paragraph (2), the Minister may, on the advice of the Service, and after the Council has been heard, specify the conditions for the grant of a new plant variety certificate in respect of a variety bred outside Belgium which he considers to be beneficial to Belgian agriculture, horticulture or forestry. The Minister may impose limitations that are not provided for in the Convention."

Pursuant to Article 49 of the said Law, applications that relate to varieties of recent creation and which are to benefit from the transitional limitation of the requirement of novelty laid down in paragraph (2) of that Article, must be filed within the year following the extension of protection to the taxon concerned, i.e. before November 11, 1994.

The consolidated list of taxa covered by plant variety protection legislation is given below.

List of Taxa Covered by Plant Variety Protection Legislation in Belgium (with Effect from November 11, 1993)

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Abutilon Mill.	Abutilon	Abutilon	Abutilon	Abutilon	20
Achillea L.	Achillea	Achillée	Milfoil, Yarrow	Schafgarbe	20
Aconitum L.	Monnikskap	Aconit	Monkshood	Eisenhut	20
Actinidia chinensis Planch.	Kiwi	Kiwi	Kiwifruit	Kiwifrucht	20
Ageratum L.	Ageratum	Ageratum	Ageratum, Flossflower	Leberbalsam	20
Agrostis canina L.	Kruipend struisgras	Agrostide des chiens	Velvet Bent	Hundsstraussgras	20
Agrostis gigantea Roth	Hoog struisgras	Agrostide géante	Red Top (Black Bent)	Weisses Straussgras	20
Agrostis stolonifera L.	Fioringras	Agrostide stolonifère	Creeping Bent	Flechtstraussgras	20
Agrostis tenuis Sibth.	Gewoon struisgras	Agrostide commune	Brown Top, Common Bent	Rotes Straussgras	20
Allium L.	Prei, Sierui Sjalot, Ui, Bieslook	Poireau, Oignon géant Echalote, Oignon, Ciboulette	Leek; Giant Allium; Shallot; Onion; Chives, Asatsuki	Lauch, Zierlauch, Schalotte, Zwiebel, Schnittlauch	20
Alstroemeria L.	Incalelie	Alstroemère	Alstroemeria, Herb Lily	Inkalilie	20
Amelanchier Medik.	Krenteboom	Amélanchier	Serviceberry, Snowy Mespilus	Felsenbirne	20
Anemone L.	Anemoon	Anémone	Anemone	Anemone, Windröschen	20
Anethum graveolens L.	Dille	Aneth	Dill	Dill	20
Anigozanthos Labill.	Kangoeroepoot	Anigozanthos	Kangaroo Paw	Känguruhblume	20

* Duration of protection/Durée de la protection/Schutzdauer

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
<i>Anthriscus cerefolium</i> (L.) Hoffm.	Kervel	Cerfeuil	Chervil	Kerbel	20
<i>Apium graveolens</i> L.	Bleekselder, Knolselder	Céleri- branche Céleri-rave	Celery, Celeriac	Blattsellerie, Knollensellerie	20
Araceae Juss.	Aronskelk- achtigen (Anthurium, Dieffenbachia, Philodendron, Spathiphyllum, Syngonium)	Aracées (Anthurium, Dieffenbachia, Philodendron, Spathiphyllum, Syngonium)	Araceae (Anthurium, Tailflower; Dieffenbachia; Philodendron; Spathiphyllum; Syngonium)	Aronstabgewächse (Flamingoblume, Dieffenbachia, Philodendron, Spathiphyllum, Syngonium)	20
Araliaceae Juss.	Aralia-achtigen (Fijnbladige vingerplant, Schefflera)	Araliacées (Dizygotheca, Schefflera)	Araliaceae (Dizygotheca, Schefflera)	Aralien- gewächse (Fingeralie, Schefflera)	25
<i>Arrhenatherum elatius</i> (L.) P. Beauv. ex J.S. et K.B. Presl	Frans raaigras	Fromental	Tall Oatgrass, False Oatgrass	Glatthafer	20
<i>Asparagus officinalis</i> L.	Asperge	Asperge	Asparagus	Spargel	20
<i>Aster</i> L.	Aster	Aster	Aster, Michaelmas Daisy	Aster	20
<i>Astilbe</i> Buch.-Ham. ex D. Don	Astilbe	Astilbe, Hoteia	Astilbe	Astilbe, Prachtspiere	20
<i>Avena byzantina</i> K. Koch	Byzantijnse haver	Avoine d'Algérie	Algerian Oat	Mittelmeer- hafer	20
<i>Avena nuda</i> L.	Naakte haver	Avoine nue	Naked Oat	Nackthafer	20
<i>Avena sativa</i> L.	Haver	Avoine	Oat	Hafer	20
<i>Begonia</i> L.	Elatior begonia, Knolbegonia, Begonia semperflorens	Bégonia elatior, Bégonia tubéreux, Bégonia semperflorens	Elatior Begonia, Tuberous Begonia, Perpetual Begonia	Elatior- Begonie, Knollensellerie, Begonie, Immerblühende Begonie	20
<i>Berberis</i> L.	Berberis	Berberis, Epine-vinette	Berberis, Barberry	Berberitze	20
<i>Betula</i> L.	Berk	Bouleau	Birch	Birke	25
<i>Borago</i> L.	Bernagie	Bourrache	Borage	Boretsch	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Bougainvillea Comm.	Bougain- villier	Bougain- villea	Bougainvillea	Bougainvillea	20
Brassica napus L.	Bladkool, Koolraad onder de grond, Kool- zaad	Colza fourra- ger d'hiver, Chou-navet, Colza à huile	Winter Swede Rape, Swede, Oilseed Rape	Winterfutter- raps, Kohlrübe, Oelraps	20
Brassica oleracea L.	Broccoli, Raapkool, Mergkool, Boerenkool, Voederkool, Bloemkool, Witte kool, Rode kool, Savooiekool, Spruitkool	Broccoli (à jets), Chou- rave, Chou moellier, Chou frisé, Chou fourra- ger, Chou- fleur, Chou cabus, Chou rouge, Chou de Milan, Chou de Bruxelles	Broccoli, Kohlrabi, Marrow-stem Kale Curly Kale, Fodder Kale, Cauliflower, White Cabbage, Red Cabbage, Savoy Cabbage, Brussels Sprouts	Brokkoli, Kohlrabi, Markkohl, Grünkohl, Futterkohl, Blumenkohl, Weisskohl, Rotkohl, Wirsing, Rosenkohl	20
Brassica rapa L.	Raap, Raap- zaad	Navet, Navette	Turnip, Turnip Rape	Herbstrübe, Mairübe; Rübsen	20
Bromeliaceae Juss.: Aechmea Ruiz et Pav., Cryptanthus Otto et A. Dietr., Guzmania Ruiz et Pav., Neoregelia L.B. Sm., Tillandsia L., Vriesea Lindl.	Bromelia- achtigen behorende tot de geslachten en hun onderlinge hybriden	Broméliacées appartenant aux genres et à leurs hybrides mutuels	Bromeliaceae belonging to the genera and to their mutual hybrids	Ananas- gewächse, die zu den Gattun- gen und ihren wechselseitigen Hybriden gehören	20
Bromus cathar- ticus Vahl	Paardegras	Brome de Schrader	Rescue Grass	Horntrespe	20
Buddleja L.	Herfstsering, Buddleia	Buddleia	Buddleia, Butterfly- bush	Buddleie, Schmetter- lingsstrauch	20
Callistephus chinensis (L.) Nees	Zomeraster	Aster, Reine- marguerite	China Aster	Sommeraster	20
Calluna Salisb.	Struikheide	Bruyère, Callune	Heather, Ling	Besenheide	20
Capsicum annuum L.	Spaanse peper	Piment, Poivron	Sweet Pepper, Capsicum, Chili	Paprika	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Carum carvi L.	Karwij	Carvi, Cumin des prés	Caraway	Kümmel	20
Celosia L.	Hanekam	Célosie, Crête de coq	Cockscomb	Hahnenkamm, Federbusch- Celosie	20
Chaenomeles Lindl.	Japane dwergkwee	Cognassier du Japon	Flowering Quince	Japanische Quitte	25
Chamaecyparis Spach	Dwergcipres	Chamaecyparis	Chamaecyparis	Schein- zypresse	25
Chrysanthemum L.	Chrysant, Struik- margriet	Chrysanthème, Marguerite	Chrysanthemum, Marguerite, Paris Daisy	Chrysantheme, Strauch- margerite	20
Cichorium endivia L.	Andijvie	Chicorée frisée, Scarole	Endive	Winterendivie	20
Cichorium intybus L.	Witloof, Rood loof, Groen loof, Koffie- cichorei	Chicorée amère, Chi- con; Chicorée rouge; Chi- corée verte; Chicorée à café	(Salad) Chicory, Large-rooted Chicory	Salat- zichorie, Wurzel- zichorie	20
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermeloen	Pastèque	Watermelon	Wassermelone	20
Clematis L.	Clematis	Clématite	Clematis	Waldrebe	20
Clivia Lindl.	Clivia	Clivia	Clivia, Kaffir-lily	Klivie, Riemenblatt	20
Cordyline Comm. ex. Juss.	Cordyline	Cordyline	Cordyline	Cordyline, Keulenlilie, Keulenbaum	20
Corynocarpus J.R. et G. Forst.	Corynocarpus	Corynocarpus	Karaka Nut	Karakabaum	20
Cotoneaster Medik.	Cotoneaster	Cotoneaster	Cotoneaster	Cotoneaster	20
Crocus L.	Crocus	Crocus	Crocus	Krokus	20
Cucumis melo L.	Meloen	Melon	Melon	Melone	20
Cucumis sativus L.	Komkommer, Augurk	Concombre, Cornichon	Cucumber, Gherkin	Salatgurke, Essiggurke	20
Cucurbita L.	Courgette, Pompoen	Courge, Courgette; Potiron, Giraumon	Marrow, Courgette; Pumpkin	Gartenkürbis, Zucchini; Riesenkürbis	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
x Cupressocyparis Dallim.	Leyland cipres	Cyprès de Leyland	Leyland Cypress	Leyland- zypresse	25
Cupressus L.	Arizona cipres, Duprez cipres, Echte cipres	Cyprès de l'Arizona, Cyprès de Duprez, Cyprès de Provence	Arizona Cypress, Duprez Cypress, Mediterranean Cypress,	Arizona- zypresse, Duprez- zypresse, Echte Zypresse	25
Cyclamen L.	Cyclamen	Cyclamen	Cyclamen	Alpenveilchen	20
Cydonia Mill.	Kweeper ¹	Cognassier ¹	Quince ¹	Quitte ¹	25
Cynosurus cristatus L.	Kamgras	Crételle	Crested Dog's-Tail	Kammgras	20
Dactylis glomerata L.	Kropaar	Dactyle	Cocksfoot, Orchard Grass	Knaulgras	20
Dahlia Cav.	Dahlia	Dahlia	Dahlia	Dahlie	20
Daucus carota L.	Peen	Carotte	Carrot	Möhre	20
Delphinium L.	Ridderspoor	Pied d'alouette	Delphinium, Larkspur	Rittersporn	20
Dianthus caryo- phyllus L.	Anjer	Oeillet	Carnation	Nelke	20
Erica L.	Dopheide	Bruyère	Heath	Glockenheide	20
Eryngium L.	Kruisdistel	Panicaut	Eryngo	Edeldistel, Mannstreu	20
Escallonia Mutis ex L. f.	Escallonia	Escallonia	Escallonia	Escallonia	20
Euonymus L.	Kardinaals- muts	Fusain	Spindle Tree	Pfaffenhüt- chen, Spin- delstrauch	25
Euphorbia fulgens Karw.	Koraalrank	Euphorbia fulgens	Euphorbia fulgens	Korallenranke	20
Euphorbia-Milii- Hybridi	Christusdoorn	Epine du Christ	Christ's Thorn, Crown of Thorns	Christusdorn	20
Euphorbia pul- cherrima Willd. ex Klotzsch	Kerstster	Poinsettia	Poinsettia	Poinsettie, Weihnachts- stern	20

¹ Except ornamental varieties, but including rootstocks/Sauf variétés ornementales, mais y compris les porte-greffes/Ausser Ziersorten, aber einschliesslich Unterlagen

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Exacum L.	Exacum	Exacum	Exacum	Exacum	20
Festuca arundinacea Schreb.	Rietzwenkgras	Fétuque élevée	Tall Fescue	Rohrschwengel	20
Festuca ovina L. sensu lato	Hardzwenkgras, Schapegras	Fétuque durette, Fétuque ovine	Hard Fescue, Sheep's Fescue	Schafschwengel	20
Festuca pratensis Huds.	Beemdlangbloem	Fétuque des prés	Meadow Fescue	Wiesenschwengel	20
Festuca rubra L.	Roodzwenkgras	Fétuque rouge	Red Fescue, Creeping Fescue	Rotschwengel	20
Ficus L.	Waringin, Rubberplant	Ficus benjamina; Ficus, Caoutchouc	Ficus benjamina, Rubber Plant	Birkenfeige, Gummibaum	20
Fittonia Coem.	Fittonia	Fittonia	Fittonia	Fittonia	20
Foeniculum vulgare P. Mill.	Venkel	Fenouil	Fennel	Fenchel	20
Forsythia Vahl	Chinees klokje, Forsythia	Forsythia	Forsythia, Golden Bell	Forsythie, Goldflieder, Goldglöckchen	20
Fragaria L.	Aardbei	Fraisier	Strawberry	Erdbeere	20
Fraxinus excelsior L.	Es	Frêne élevé	Ash	Esche	25
Freesia Eckl. ex Klatt	Freesia	Freesia	Freesia	Freesie	20
Fritillaria L.	Fritillaria	Fritillaria	Fritillaria	Fritillaria	20
Fuchsia magellanica Lam. var. macrostemma (Ruiz et Pav.) Munz	Fuchsia	Fuchsia arbustif	Fuchsia	Fuchsie	20
Gentiana L.	Gentiaan	Gentiane	Gentian	Enzian	20
Gerbera L.	Gerbera	Gerbera	Gerbera	Gerbera	20
Gesneriaceae: Kohleria Regel, Aeschynanthus Jack	Gloxiniaachtigen, waarvan Kohleria, Aeschynanthus	Gesnériacées dont Kohleria, Aeschynanthus	Gesneriaceae, comprising Kohleria, Aeschynanthus	Gesnerien-gewächse darunter Kohleria, Aeschynanthus	20
Gladiolus L.	Gladool	Glaïeul	Gladiolus	Gladiole	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Gloriosa L.	Gloriosa	Gloriosa	Gloriosa	Gloriosa	20
Gypsophila L.	Gipskruid	Gypsophile	Gyp, Gypsophila, Baby's Breath	Gipskraut, Schleierkraut	20
Helianthus annuus L.	Zonnebloem	Tournesol	Common Sunflower	Sonnenblume	20
Helichrysum Mill. corr. Pers.	Helichrysum	Helichrysum	Everlasting	Strohblume	20
Helleborus L.	Kerstroos	Hellébore, Rose de Noël	Hellebore, Christmas Rose, Lenten Rose	Nieswurz, Schneerose, Christusrose	20
Hippeastrum Herb.	Amaryllis	Amaryllis	Amaryllis	Ritterstern, Amaryllis	20
Hordeum vulgare L. sensu lato	Gerst	Orge	Barley	Gerste	20
Humulus lupulus L.	Hop ¹	Houblon ¹	Hop ¹	Hopfen ¹	25
Hyacinthus orientalis L.	Hyacint	Jacinthe	Common Hyacinth	Hyazinthe	20
Hydrangea L.	Hortensia	Hortensia	Hydrangea	Hortensie	20
Ilex L.	Hulst	Houx	Holly	Ilex, Stechpalme	25
Impatiens-Neu- Guinea-Hybridi	Nieuw-Guinea- Impatiens	Impatiente de Nouvelle- Guinée	New Guinea Impatiens	Neu-Guinea- Impatiens	20
Iris L.	Iris	Iris	Iris	Iris	20
Juniperus L.	Jeneverbes	Genévrier	Juniper	Wacholder	25
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë	20
Lactuca sativa L.	Sla	Laitue	Lettuce	Salat	20
Larix Mill.	Lork	Mélèze	Larch	Lärche	25
Lathyrus odoratus L.	Reukerwt	Pois de senteur	Sweet Pea	Wohlrriechende Wicke	20
Lepidium sativum L.	Tuinkers	Cresson alénois	Cress	Gartenkresse	20

¹ Except ornamental varieties, but including rootstocks/Sauf variétés ornementales, mais y compris les porte-greffes/Ausser Ziersorten, aber einschliesslich Unterlagen

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Liatris Gaertn. ex Schreb.	Liatris	Liatris	Liatris, Blazing Star, Gayfeather	Prachtscharte	20
Lilium L.	Lelie	Lis	Lily	Lilie	20
Linum usita- tissimum L.	Vlas	Lin	Flax, Linseed	Lein	20
Lobelia L.	Lobelia	Lobélie	Lobelia, Car- dinal Flower	Lobelie	20
Lolium L.	Raaigras	Ray-grass	Ryegrass	Weidelgras	20
Lupinus albus L.	Witte lupine	Lupin blanc	White Lupin	Weisslupine	20
Lupinus angusti- folius L.	Blauwe lupine	Lupin bleu	Blue Lupin	Blaue Lupine	20
Lupinus luteus L.	Gele lupine	Lupin jaune	Yellow Lupin	Gelbe Lupine	20
Lycopersicon lycopersicum L.	Tomaat	Tomate	Tomato	Tomate	20
Mahonia Nutt.	Mahonia	Mahonia	Mahonia	Mahonie	20
Malus Mill.	Appel, onder- stammen en sierrassen inbegrepen	Pommier, y compris les porte-greffes et variétés ornementales	Apple, includ- ing rootstocks and ornamental varieties	Apfel, ein- schliesslich Unterlagen und Ziersorten	25
Marantaceae Petersen	Maranta- achtigen	Marantacées	Marantaceae	Maranten- gewächse	20
Matthiola R. Br. corr. Spreng.	Violier	Giroflée	Stock	Levkoje	20
Medicago lupulina L.	Hopperups klaver	Luzerne lupuline	Black Medick, Yellow Trefoil	Gelbklee (Hopfenklee)	20
Medicago sativa L., Medicago x varia Martyn	Luzerne	Luzerne	Lucerne	Luzerne	20
Narcissus L.	Narcis	Narcisse, Jonquille	Narcissus, Daffofil, Jonquil	Narzisse	20
Nepenthes L.	Nepenthes	Nepenthes	Nepenthes, Pitcher Plant	Kannen- strauch	20
Oenothera L.	Teunisbloem	Onagre	Oenothera, Evening Primrose	Nachtkerze	20
Orchideae Juss.	Orchideeën	Orchidées	Orchids	Orchideen	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Papaver somniferum L.	Blauwmaanzaad	Oeillette, Pavot	Opium Poppy	Mohn	20
Pelargonium- Grandiflorum- Hybridi	Franse geranium	Pelargonium des fleuristes	Show and Fancy Pelargoniums	Edel- pelargonie	20
Pelargonium- Peltatum-Hybridi	Hanggeranium	Géranium- lierre	Ivy-leaved Pelargonium	Efeu- pelargonie	20
Pelargonium- Zonale-Hybridi	Tuingeranium	Géranium, Pelargonium zonale	Zonal Pelargonium	Zonal pelargonie	20
Pelargonium- Peltatum x P.- Zonale-Hybridi	Hybriden van Pelargonium- Peltatum x P.-Zonale	Hybrides de Pelargonium- Peltatum x P.-Zonale	Hybrids of Pelargonium- Peltatum x P.-Zonale	Hybriden von Pelargonium- Peltatum x P.-Zonale, Halbpeltaten	20
Pentas lanceo- lata (Forsk.) Deflers	Pentas	Pentas	Pentas	Pentas	20
Petroselinum crispum (Mill.) Nym. ex A.W. Hill	Peterselie	Persil	Parsley	Petersilie	20
Petunia Juss.	Petunia	Pétunia	Petunia	Petunie	20
Phacelia tanace- tifolia Benth.	Phacelia	Phacélie à feuilles de tanaïsie	Scorpion Weed	Phazelie	20
Phaseolus coccineus L.	Pronkboon	Haricot d'Espagne	Runner Bean, Kidney Bean	Prunkbohne	20
Phaseolus vulgaris L.	Boon	Haricot	French Bean	Gartenbohne	20
Phleum bertolonii DC.	Kleine timothee	Fléole diploïde	Timothy	Zwiebelliesch- gras	20
Phleum pratense L.	Lammerstaart	Fléole des prés	Timothy	Wiesenliesch- gras	20
Phlox L.	Vlambloem	Phlox	Phlox	Phlox, Flammenblume	20
Picea A. Dietr.	Spar	Epicéa	Spruce	Fichte	25
Pisum sativum L. sensu lato	Erwt	Pois	Pea	Erbse	20
Poa annua L.	Tuintjesgras	Pâturin annuel	Annual Meadow- grass	Einjähriges Rispengras	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
<i>Poa compressa</i> L.	Plat beemdgras	Pâturin comprimé	Canada Bluegrass, Flattened Meadow-grass	Flaches Rispengras	20
<i>Poa nemoralis</i> L.	Schaduwgras	Pâturin des bois	Wood Meadow- grass	Hainrispen- gras	20
<i>Poa palustris</i> L.	Moeras beemdgras	Pâturin des marais	Swamp Meadow- grass	Sumpfrispen- gras	20
<i>Poa pratensis</i> L.	Veldbeemdgras	Pâturin des prés	Kentucky Blue- grass, Smooth Stalked Meadow-grass	Wiesenrispen- gras	20
<i>Poa trivialis</i> L.	Ruwbeemdgras	Pâturin commun	Rough Stalked Meadow-grass	Gemeines Rispengras	20
<i>Populus</i> L.	Populier	Peuplier	Poplar	Pappel	25
<i>Potentilla fruticosa</i> L.	Potentilla	Potentille ligneuse	Shrubby Cinquefoil	Fingerstrauch	20
<i>Primula</i> L.	Sleutelbloem	Primevère	Auricula, Ox- lip, Cowslip, Primrose	Primel, Schlüsselblume	20
<i>Prunus</i> L.	Kers, Pruim, Abrikoos, Kerspruim, Perzik; voor deze soorten onderstammen en sierrassen inbegrepen	Cerisier, Prunier, Abricotier, Myrobolan, Pêcher; pour ces espèces, y compris les porte-greffes et variétés ornementales	Cherry, Plum, Abricot, Myro- balan, Peach; for these species, in- cluding root- stocks and ornamental varieties	Kirsche, Aprikose, Myrobalane, Pfirsich; für diese Arten, ein- schliesslich Unterlagen und Ziersorten	25
<i>Prunus lauro- cerasus</i> L.	Laurierkers	Laurier- cerise	Cherry-laurel	Kirschlorbeer	25
<i>Pseudotsuga</i> Carr.	Douglasspar	Sapin de Douglas	Douglas Fir	Douglasie	25
<i>Pyracantha</i> M.J. Roem.	Vuurdoorn	Pyracantha	Firethorn	Feuerdorn	20
<i>Pyrus</i> L.	Peer, onder- stammen en sierrassen inbegrepen	Poirier, y compris les porte-greffes et variétés ornementales	Pear, includ- ing rootstocks and ornamen- tal varieties	Birne, ein- schliesslich Unterlagen und Ziersorten	25
<i>Quercus</i> L.	Eik	Chêne	Oak	Eiche	25

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Radermachera Zoll. et Mor.	Radermachera	Radermachera	Radermachera	Radermachera	20
Ranunculus L.	Ranonkel	Renoncule	Ranunculus, Buttercup	Hahnenfuss	20
Raphanus sativus L. var. niger (Mill.) S. Kerner	Ramenas	Radis d'été, d'automne et d'hiver	Black Radish	Rettich	20
Raphanus sativus L. var. olei- formis Pers.	Bladramenas	Radis oléifère fourrager	Fodder Radish	Oelrettich	20
Raphanus sativus L. var. sativus	Radijs	Radis de tous les mois	Radish	Radieschen	20
Rheum rhabarbarum L.	Rabarber	Rhubarbe	Rhubarb	Krauser Rharbarber	20
Rhododendron L.	Azalea, Rhododendron	Azalée, Rhododendron	Azalea, Rhododendron	Azalee, Rhododendron	20
Ribes L.	Zwarte aal- bes, witte en rode Trosbes, Kruisbes en hybriden van deze soorten; sierrassen inbegrepen voor al deze soorten	Cassis, Groseilliers blanc et rouge, Gro- seillier à maquereau et hybrides de ces espèces; les variétés ornementales y comprises pour toutes ces espèces	Black, Red and White Currants, Gooseberry and hybrids of these species; including ornamental varieties for all these species	Schwarze, Weisse und Rote Johannis- beeren, Stachelbeere und Hybriden dieser Arten; einschliesslich Ziersorten für all diese Arten	25
Robinia pseudo- acacia L.	Acacia	Robinier faux-acacia	False Acacia	Robinie	25
Rosa L.	Roos	Rosier	Rose	Rose	20
Rubus L.	Framboos ¹ ; Braambes (fruit- en sierrassen)	Framboi- sier ¹ ; Ronce frui- tière et ornementale	Raspberry ¹ ; Bramble (fruit and ornamental varieties)	Himbeere ¹ ; Brombeere (Obst- und Ziersorten)	20
Saintpaulia ionan- tha H. Wendl.	Kaaps viooltje	Saintpaulia	African Violet	Usambara veilchen	20
Salix L.	Wilg	Saule	Willow	Weide	25

¹ Except ornamental varieties, but including rootstocks/Sauf variétés ornementales, mais y compris les porte-greffes/Ausser Ziersorten, aber einschliesslich Unterlagen

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Salvia L.	Salie	Sauge	Sage	Salbei	20
Scabiosa caucasica M.B.	Scabiosa caucasica	Scabiosa caucasica	Scabiosa caucasica	Scabiosa caucasica	20
Scaevola aemula R. Br.	Scaevola aemula	Scaevola aemula	Scaevola aemula	Fächerblume	20
Scorzonera hispanica L.	Scorseneer	Scorsonère	Black Salsify	Schwarzwurzel	20
Secale cereale L.	Rogge	Seigle	Rye	Roggen	20
Senecio L.	Kruiskruid	Séneçon	Senecio	Kreuzkraut	20
Sinapis alba L.	Gele mosterd	Moutarde blanche	White Mustard	Weisser Senf	20
Solanum melongena L.	Aubergine	Aubergine	Eggplant, Aubergine	Eierfrucht, Aubergine	20
Solanum tuberosum L.	Aardappel	Pomme de terre	Potato	Kartoffel	25
Solidago L.	Guldenroede	Verge d'or	Golden Rod	Goldrute	20
Spinacia oleracea L.	Spinazie	Epinard	Spinach	Spinat	20
Streptocarpus Lindl.	Draaivrucht	Streptocarpus	Streptocarpus	Drehfrucht	20
Symphoricarpos Duham.	Sneeuwbes	Symphorine	Snowberry	Schneebeere	20
Syringa L.	Sering	Lilas	Lilac	Flieder	25
Syzygium Gaertn.	Syzygium	Syzygium	Syzygium	Syzygium	25
Tagetes L.	Afrikaan, Tagetes	Tagète, Oeillet d'Inde, Rose d'Inde	Marigold	Sammetblume	20
Thuja L.	Thuja	Thuja	Thuja	Lebensbaum	25
Tilia L.	Linde	Tilleul	Lime	Linde	25
Trifolium L.	Bastaard- klaver, Inkarnaat klaver, Rode klaver, Witte klaver	Trèfle hybri- de, Trèfle incarnat, Trèfle violet, Trèfle blanc	Alsike Clover, Crimson Clover, Red Clover, White Clover	Schwedenklee, Inkarnatklee, Rotklee, Weissklee	20
x Triticosecale Wittmack	Triticale	Triticale	Triticale	Triticale	20

<u>Latine</u>	<u>Vlaams</u>	<u>Français</u>	<u>English</u>	<u>Deutsch</u>	<u>*</u>
Triticum aestivum L. emend. Fiori et Paol.	Zachte tarwe	Blé tendre	Wheat, Soft Wheat, Bread Wheat	Weichweizen	20
Triticum durum Desf.	Harde tarwe	Blé dur	Durum Wheat, Macaroni Wheat, Hard Wheat	Hartweizen	20
Triticum spelta L.	Spelt	Epeautre	Spelt	Spelz	20
Tulipa L.	Tulp	Tulipe	Tulip	Tulpe	20
Ulmus L.	Iep	Orme	Elm	Ulme	25
Vaccinium corymbosum L.	Bosbes	Myrtille	Blueberry	Kultur- heidelbeere	20
Valerianella locusta (L.) Laterrade	Veldsla	Mâche	Cornsalad, Lamb's Lettuce	Feldsalat	20
Verbena L.	IJzerhard	Verveine	Vervain	Verbene, Eisenkraut	20
Viburnum L.	Sneeuwbal	Viorne	Snowball Tree	Schneeball	20
Vicia faba L. var. major Harz	Tuinboon	Fève	Broad Bean, Horse Bean	Dicke Bohne (Puffbohne)	20
Vicia faba L. var. minor Harz	Veldboon	Féverole	Field Bean, Tick Bean	Ackerbohne	20
Vicia sativa L.	Voederwikke	Vesce commune	Common Vetch	Saatwicke	20
Viola L.	Viooltje	Violette, Pensée	Violet, Pansy	Veilchen, Stiefmütter- chen	20
Vitis L.	Wijnstok	Vigne	Grapevine	Rebe	25
Weigela Thunb. (Diervilla Mill.)	Weigelia	Weigela	Diervilla	Weigelia	20
Zea mays L.	Maïs	Maïs	Maize	Mais	20
Zygocactus K. Schum., Schlumbergera Lem., Epiphyllopsis Berger, Rhipsalidopsis Britt. et Rose	Lidcactussen behorende tot de geslachten en hun onderlinge hybriden	Cactus à tiges à articles appartenant aux genres et à leurs hybrides mutuels	Cacti with jointed stems belonging to the genera and to their mutual hybrids	Gliederkaktus, die zu den Gattungen und ihren wechselseitigen Hybriden gehören	20

Denmark

By virtue of Order No. 318 of April 27, 1994, of the Plant Directorate on the Amendment of the Order on Plant Novelties (List of Genera and Species), protection was extended to the following, with effect from May 7, 1994 (the Danish and Latin names appear in the 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>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Catharanthus roseus (L.) G. Don	Purpurøje	Cape Periwinckle	Pervenche de Madagascar	Jungfernblume
Malus toringo (Sieb.) Sieb. ex de Vriese var. sargentii (Rehd.) Schneid.	Sargent-aeble	Toringo Crabapple	Pommier de Siebold	Toringo-Apfel, Siebolds-Apfel

By virtue of Order No. 407 of May 25, 1994, protection was further extended to the following, with effect from June 4, 1994:

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Pogonatherum paniceum (Beauv.) Hack.	Stuebambus	-	-	-

A list of the other taxa protected in Denmark is reproduced in "Plant Variety Protection" No. 71, starting on page 7.

Ireland

By virtue of the Plant Varieties (Proprietary Rights) (Amendment) (No. 2) Regulations, 1993, issued on November 11, 1993 (Statutory Instrument No. 332 of 1993), protection was extended, with effect from the same date, to the following (the Latin and English names appear in the Regulations, 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>	<u>*</u>
Chamaecyparis lawsoniana Parl.	Lawson Cypress	Cyprès de Lawson	Lawsons Scheinzypresse	20
Deutzia purpurascens (L. Henry) Rehd.	-	-	-	20
Euonymus L.	Spindle Tree	Fusain	Pfaffenhütchen, Spindelstrauch	20

* Duration of protection/Durée de la protection/Schutzdauer

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Ficus benjamina L.	-	Ficus benjamina	Birkenfeige	20
Loropetalum chinense (R. Br.) Oliv.	Chinese Witch Hazel	-	-	20
Rubus L.	Raspberry, Raspberry x Blackberry hybrids and Blackberry, including ornamental herbaceous perennials	Framboisier, Hybrides Framboi- sier x Ronce fruitière et Ronce fruitière, y compris les plantes ornemen- tales herbacées vivaces	Himbeere, Him- beere x Brom- beere Hybriden und Brombeere, einschliesslich überdauernde krautartige Zierpflanzen	20
Sorbus aria L.	Whitebeam	Alisier blanc, Allouchier	Mehlbeere	20

A consolidated list of the taxa now covered by plant variety protection legislation is given below.

List of Taxa Covered by Plant Variety Protection in Ireland (with Effect from November 11, 1993)

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Acer platanoides L.	Norway Maple	Erable plane	Spitzahorn	20
Agrostic tenuis Sibth.	Brown Top	Agrostide commune	Rotes Straussgras	20
Avena sativa L.	Oats	Avoine	Hafer	15
Beta vulgaris L. ssp. vulgaris var. alba DC.	Fodder Beet	Betterave fourragère	Runkelrübe	20
Betula L.	Birch	Bouleau	Birke	20
Brassica napus L. var. napobrassica Peterm.	Swede	Chou-navet, Rutabaga	Kohlrübe	20
Brassica napus L. ssp. oleifera (Metzg.) Sinsk	Swede Rape	Colza	Raps	20
Brassica oleracea L. convar. acephala (DC.)	Fodder Kale	Chou fourrager	Futterkohl	20

* Duration of protection/Durée de la protection/Schutzdauer

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Chamaecyparis lawsoniana Parl.	Lawson Cypress	Cyprès de Lawson	Lawsons Schein- zypresse	20
Choisya H.B.K.	Mexican Orange	Oranger du Mexique	Orangenblume	20
x Cupressocyparis leylandii (A.B. Jacks. et Dallim.) Dallim.	Leyland Cypress	Cyprès de Leyland	Leylandzypresse	20
Dactylis glomerata L.	Cocksfoot	Dactyle	Knaulgras	20
Dendranthema (DC.) Desmoul.	Chrysanthemum	Chrysanthème	Chrysantheme	15
Deutzia purpurascens (L. Henry) Rehd.	-	-	-	20
Escallonia laevis L.	Escallonia	Escallonia	Escallonia	20
Euonymus L.	Spindle Tree	Fusain	Pfaffenhütchen, Spindelstrauch	20
Festuca rubra L.	Red Fescue	Fétuque rouge	Rotschwingel	20
Ficus benjamina L.	-	Ficus benjamina	Birkenfeige	20
Fragaria L.	Strawberry	Fraisier	Erdbeere	20
Hebe Comm. ex Juss.	Shrubby Speed- well, Shrubby Veronica	Véronique	Strauchveronika	20
Helianthus annuus L.	Sunflower	Tournesol	Sonnenblume	15
Helipterum anthe- moides (Spreng.) DC.	Paper Daisy	-	-	20
Hordeum vulgare L.	Barley	Orge	Gerste	15
Houttuynia cordata Thunb.	-	-	-	20
Linum usitatissimum L.	Flax, Linseed	Lin	Lein	20
Lolium x hybridum Hausskn.	Hybrid Ryegrass	Ray-grass hybride	Bastardweidel- gras, Olden- burgisches Weidelgras	20
Lolium multiflorum Lam.	Italian Ryegrass	Ray-grass d'Italie	Welsches Weidel- gras, Italieni- sches Raygras	20
Lolium perenne L.	Perennial Ryegrass	Ray-grass anglais	Deutsches Weidelgras	20

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Loropetalum chinense (R. Br.) Oliv.	Chinese Witch Hazel	-	-	20
Lupinus albus L.	White Lupin	Lupin blanc	Weisse Lupine	20
Lupinus angustifolius L.	Blue Lupin	Lupin bleu	Blaue Lupine	20
Lupinus luteus L.	Yellow Lupin	Lupin jaune	Gelbe Lupine	20
Malus Mill.	Apple	Pommier	Apfel	20
Osteospermum L.	Osteospermum	Osteospermum	Osteospermum	20
Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras	20
Pisum sativum L. (partim)	Field Pea	Pois fourrager	Futtererbse	20
Potentilla fruticosa L.	Shrubby Cinquefoil	Potentille ligneuse	Strauchfinger- kraut	20
Rosa L.	Rose	Rosier	Rose	20
Rubus L.	Raspberry, Raspberry x Blackberry hybrids and Blackberry, including ornamental herbaceous perennials	Framboisier, Hybrides Framboi- sier x Ronce fruitière et Ronce fruitière, y compris les plantes ornemen- tales herbacées vivaces	Himbeere, Him- beere x Brom- beere Hybriden und Brombeere, einschliesslich überdauernde krautartige Zierpflanzen	20
Ruscus aculeatus L.	Butcher's Broom	Fragon piquant, Petit houx	Mäusedorn	20
Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel	25
Sorbus aria L.	Whitebeam	Alisier blanc, Allouchier	Mehlbeere	20
Trifolium pratense L.	Red Clover	Trèfle violet	Rotklee	20
Trifolium repens L.	White Clover	Trèfle blanc	Weissklee	20
x Triticosecale Wittmack	Triticale	Triticale	Triticale	15
Triticum aestivum L. emend. Fiori et Paol.	Wheat	Blé	Weizen	15
Vicia faba L. (partim)	Field Bean	Féverole	Ackerbohne	20
Zea mays L.	Maize	Maïs	Mais	15

South Africa

Protection has been extended to the following¹:

By virtue of the Regulations Relating to Plant Breeders' Rights: Amendment No. R. 1493 of May 29, 1992, to:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Cyrtanthus L. f.	Fire Lily	Cyrtanthus	Bogenlilie	15
Gerbera Cass.	Baberton Daisy	Gerbera	Gerbera	15
<i>Ipomoea batatas</i> (L.) Poir.	Sweet Potato	Patate	Süsskartoffel, Batate	20
Nerine Herb.	Nerine, Nerina	Nerine	Nerine	15
<i>Nicotiana tabacum</i> L.	Tobacco	Tabac	Tabak	15
<i>Phalaris stenoptera</i> Hack.	Phalaris	Herbe de Harding	Knolliges Glanz- gras	15
<i>Phoenix dactylifera</i> L.	Date Palm	Palmier dattier	Dattelpalme	25
<i>Secale cereale</i> L.	Rye	Seigle	Roggen	15

By virtue of the Regulations No. R. 1561 of August 20, 1993, to:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
<i>Brachiaria brizantha</i> (Hochst. ex A. Rich.) Stapf	Bread Grass	-	-	15
<i>Dieffenbachia</i> spp.	Dieffenbachia	Dieffenbachia	Dieffenbachia	15
<i>Panicum deustum</i> Thunb.	Broad-leaved Panicum	-	-	15
<i>Setaria nigrirostris</i> (Nees) Dur. et Schinz	Black-seed Bristle Grass	-	-	15
<i>Strelitzia</i> spp.	Strelitzia	Strelitzia, Oiseau du paradis	Strelitzie, Paradiesvogel- blume	15

¹ The Regulations have been published in the Government Gazette of the same day. The extension entered into force on the date of publication. The Latin and English names appear in the Gazette, whereas the French and German names have been added by the Office of the Union without guarantee of concordance.

* Duration of protection/Durée de la protection/Schutzdauer

By virtue of the Regulations Relating No. R. 2534 of December 31, 1993, to:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
x Festulolium Aschers. et Graebn. (Festuca spp. x Lolium spp.)	Hybrid Ryegrass	Festulolium	Festulolium	15
Gardenia spp.	Gardenia	Gardenia	Gardenia	15
Lathyrus tingitanus L.	Tangier Scarlet Pea, Tangier Sweet Pea, Gypsy Sweet Pea	Gesse du Maroc	Purpurblühende Platterbse	15
Lolium x boucheanum Kunth (Lolium multiflorum Lam. x L. perenne L.)	Hybrid Ryegrass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras	15
Scaevola spp.	Scaevola	Scaevola	Fächerblume	15
Zantedeschia spp.	Arum Lily	Calla	Zantedeschia, Kalla	15

By virtue of the Regulations No. R. 368 of February 25, 1994, to:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Ribes spp.	Currant, Gooseberry	Cassis, Groseilliers	Johannisbeeren, Stachelbeere	20
Rubus spp.	Bramble, Raspberry	Ronce, Framboisier	Brombeere, Himbeere	20
Vaccinium spp.	Blueberry, Cranberry	Myrtille, Canneberge	Heidelbeere, Moosbeere	20

By virtue of the Regulations No. R. 1075 of June 10, 1994, to:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Alstroemeria L.	Peruvian Lily, Inca lily	Alstroèmère, Lis des Incas	Inkalilie	15
Bougainvillea Comm. ex Juss.	Bougainvillea	Bougainvillier	Bougainvillea	15
Canna L.	Canna	Canna, Balisier	Blumenrohr	15
Eucalyptus gunnii Hook. f.	Cider Gum	Eucalyptus de Gunn, Gommier cidre	Mostgummibaum, Gunns Eukalyptus	15
Hebe Comm. ex Juss.	Shrubby Veronica	Véronique	Strauchveronika	15

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>*</u>
Hemerocallis L.	Day-lily	Hémérocalle	Taglilie	15
Hosta Tratt.	Plantain Lily	Hémérocalle du Japon, Funkia	Funkie	15
Impatiens L.	Balsam	Balsamine, Impatiente	Springkraut, Balsamine	15
Koeleria Pers.	Hairgrass	Koelérie	Schillergras	15
Medicago truncatula Gaertn.	Barrel Medic	-	-	15
Petunia Juss.	Petunia	Pétunia	Petunie	15
Plumbago L.	Leadwort	Plombago	Bleiwurz	15
Rosmarinus L.	Rosemary	Romarin	Rosmarin	15
Scabiosa L.	Pincushion Flower	Scabieuse	Grindkraut, Skabiose	15

The consolidated list of taxa which are covered by plant variety protection legislation is given below together with some details on the fees payable and the duration of protection.

KINDS OF PLANTS, FEES AND PERIODS OF RIGHTS*

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Actinidia chinensis Planch.	Kiwifruit	Actinidia, Groseille de Chine	Kiwifrucht	820	18	90	8
x Agrotriticum	-	Agrotriticum	Agrotriticum	570	15	90	5
Allium cepa L.	Onion	Oignon	Zwiebel	570	20	90	8
Aloë spp.	Aloe	Aloès	Aloe, Bitterschopf	820	18	90	8
Alstroemeria L.	Peruvian Lily, Inca Lily	Alstroèmère, Lis des Incas	Inkalilie	820	15	90	5
Ananas comosus (L.) Merr.	Pineapple	Ananas	Ananas	820	18	90	8

* The abbreviations have the following meaning:
A = Examination fee (in Rands) (Regulation 10(1))
B = Period of plant breeder's right (in years) (Regulation 11)
C = Annual fee (in Rands) (Regulation 12(1))
D = Period of sole rights (in years) (Regulation 13)

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Anthurium spp.	Anthurium	Anthurium	Flamingo- blume	820	15	90	5
Arachis spp.	Groundnut	Arachide	Erdnuss	570	15	120	5
Aulax, Leucadendron, Leucospermum, Mimetes, Orothamnus, Paranomus, Protea, Serruria	Proteas	Protea	Protea	820	18	90	8
Avena spp.	Oats	Avoine	Hafer	820	15	120	5
Beta vulgaris L. var. esculenta L.	Garden Beet	Betterave rouge, Bette- rave potagère	Rote Bete, Rote Rübe	570	15	90	5
Bougainvillea Comm. ex Juss.	Bougainvillea	Bougainvillier	Bougain- villea	820	15	120	5
Brachiaria brizantha (Hochst. ex A. Rich.) Stapf	Bread Grass	-	-	570	15	90	5
Brassica napus L.	Rape	Colza	Raps	570	15	90	5
Brassica napus L. var. napobrassica (L.) Rchb.	Swede	Chou-navet, Rutabaga	Kohlrübe	570	15	90	5
Brassica oleracea L. convar. acephala (DC.) Alef.	Fodder Kale	Chou fourrager	Futterkohl	570	15	90	5
Brassica oleracea L. convar. acephala (DC.) Alef. var. sabellica	Borecole, Curly Kale	Chou frisé	Grünkohl	570	15	90	5
Brassica oleracea L. convar. botrytis (L.) Alef. var. botrytis	Cauliflower	Chou-fleur	Blumenkohl	570	15	90	5
Brassica oleracea L. convar. capitata (L.) Alef. var. capitata L.	Cabbage	Chou pommé	Kopfkohl	570	15	90	5
Brassica oleracea L. convar. capitata (L.) Alef. var. sabauda L.	Savoy Cabbage	Chou de Milan	Wirsing	570	15	90	5
Brassica rapa L.	Turnip	Navet	Herbstrübe, Mairübe	570	15	90	5

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Bromus catharticus Vahl	Rescue Grass	Brome de Schrader	Horntrespe	570	15	90	5
Canna L.	Canna	Canna, Balisier	Blumenrohr	820	15	120	5
Capsicum spp.	Sweet Pepper	Poivron, Piment	Paprika	570	15	60	5
Carica papaya L.	Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya	570	18	90	8
Carya illinoensis (Wangenh.) C. Koch	Pecan Nut	Pacancier	Pekan, Pekannuss	1090	20	90	8
Cenchrus ciliaris L.	Cenchrus	Cenchrus cilié	Büffelgras	570	15	90	5
Chloris gayana Kunth	Rhodes Grass	Herbe de Rhodes	Rhodesgras	570	15	90	5
Chrysanthemum spp.	Chrysanthemum	Chrysanthème	Chrysantheme	820	15	120	5
Citrullus lanatus (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone	570	15	90	5
Citrus spp.	Sweet Orange, Lemon, Grape- fruit, loose skin types, other (Bitter Seville, Lime, Kumquat)	Oranger, Citronnier, Pomélo, types à écorce lâche, autres types (Bigaradier, Limettier, Kumquat)	Orange, Zitrone, Grapefruit, Arten mit loser Schale, andere Arten (Pomeranze, Saure Limette, Kumquat)	1370	25	170	10
Clivia spp.	Bush-lily	Clivia	Klivie, Riemenblatt	820	15	90	5
Coffea arabica L.	Coffee	Caféier	Kaffee	820	18	90	8
Cucumis spp.	Sweet Melon, Cucumber	Melon, Concombre	Melone, Gurke	570	15	90	5
Cucurbita spp.	Pumpkin, Squash	Potiron, Giraumon, Courge, Pâtisson, Citrouille	Kürbis	570	15	90	5
Cydonia spp.	Quince	Cognassier	Quitte	820	18	90	8
Cyrtanthus L. f.	Fire Lily	Cyrtanthus	Bogenlilie	570	15	90	5
Dactylis glomerata L.	Cocksfoot	Dactyle	Knaulgras	570	15	90	5
Daucus carota L.	Carrot	Carotte	Möhre	570	15	90	5

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<i>Dianthus caryophyllus</i> L.	Carnation	Oeillet	Nelke	820	15	120	5
<i>Dieffenbachia</i> spp.	Dieffenbachia	Dieffenbachia	Dieffenbachia	820	15	90	5
<i>Digitaria eriantha</i> Steud.	Smuts Digitaria	-	-	570	15	90	5
<i>Eragrostis curvula</i> (Schrad.) Nees	Eragrostis	Eragrostis courbé	Behaartes Liebegras	570	15	90	5
<i>Eragrostis tef</i> (Zucc.) Trotter	Teff	Teff, Teff d'Abyssinie	Abessinische Zwerghirse, Teff	570	15	90	5
<i>Eucalyptus gunnii</i> Hook. f.	Cider Gum	Eucalyptus de Gunn, Gommier cidre	Mostgummi- baum, Gunns Eucalyptus	820	15	90	5
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachts- stern	820	15	90	5
<i>Festuca arundinacea</i> Schreb.	Tall Fescue	Fétuque élevée	Rohr- schwingel	570	15	90	5
x <i>Festulolium</i> Aschers. et Graebn. (<i>Festuca</i> spp. x <i>Lolium</i> spp.)	Hybrid Rye- grass	<i>Festulolium</i>	<i>Festulolium</i>	570	15	90	5
<i>Fragaria ananassa</i> Duch.	Strawberry	Fraisier	Erdbeere	570	15	90	5
<i>Freesia</i> spp.	Freesia	Freesia	Freesie	820	15	90	5
<i>Gardenia</i> spp.	Gardenia	Gardenia	Gardenia	820	15	90	5
<i>Gerbera</i> Cass.	Baberton Daisy	Gerbera	Gerbera	820	15	90	5
<i>Gladiolus</i> spp.	Gladiolus	Glaïeul	Gladiole	820	15	120	5
<i>Glycine max</i> (L.) Merrill	Soya Bean	Soja	Sojabohne	570	15	90	5
<i>Gossypium hirsutum</i> L.	Cotton	Cotonnier	Baumwolle	820	15	120	5
<i>Hebe</i> Comm. ex Juss.	Shrubby Veronica	Véronique	Strauch- veronika	820	15	90	5
<i>Helianthus annuus</i> L.	Sunflower	Tournesol, Soleil	Sonnenblume	570	15	120	5
<i>Hemerocallis</i> L.	Day-lily	Hémérocalle	Taglilie	820	15	90	5

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Hibiscus cannabinus L.	Kenaf	Kénaf, Chanvre de Guinée	Ambari, Dekkan-Hanf	570	15	90	5
Hordeum spp.	Barley	Orge	Gerste	820	15	150	5
Hosta Tratt.	Plaintain Lily	Hémérocalle du Japon, Funkia	Funkie	820	15	90	5
Humulus lupulus L.	Hops	Houblon	Hopfen	820	18	90	8
Impatiens L.	Balsam	Balsamine, Impatiente	Springkraut, Balsamine	820	15	90	5
Ipomoea batatas (L.) Poir.	Sweet Potato	Patate	Süsskartoffel, Batate	820	20	150	8
Koeleria Pers.	Hairgrass	Koelérie	Schillergras	570	15	90	5
Lachenalia spp.	Lachenalia	Lachenalia, Coucou du Cap	Lachenalia	820	15	90	5
Lactuca sativa L.	Lettuce	Laitue	Salat	570	15	60	5
Lathyrus tingitanus L.	Tangier Scarlet Pea, Tangier Sweet Pea, Gypsy Sweet Pea	Gesse du Maroc	Purpurblühende Platterbse	820	15	90	5
Lilium spp.	Lily	Lis	Lilie	820	15	90	5
Litchi chinensis Sonn.	Litchi	Litchi	Litschi	1090	20	90	8
Lolium spp.	Ryegrass	Ray-grass	Weidelgras	570	15	90	5
Lolium x boucheanum Kunth (Lolium multiflorum Lam. x L. perenne L.)	Hybrid Rye-grass	Ray-grass hybride	Bastardweidelgras, Oldenburgisches Weidelgras	570	15	90	5
Lupinus spp.	Lupin	Lupin	Lupine	570	15	90	5
Lycopersicon lycopersicum (L.) Karst. ex Farwell	Tomato	Tomate	Tomate	820	18	170	8
Macadamia spp.	Macadamia	Macadamia	Macadamia	820	20	150	8
Malus spp.	Apple	Pommier	Apfel	1090	25	150	8
Mangifera indica L.	Mango	Manguier	Mango	1090	20	120	8
Medicago sativa L.	Lucerne	Luzerne	Blaue Luzerne	820	15	120	5

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<i>Medicago truncatula</i> Gaertn.	Barrel Medic	-	-	820	15	90	5
<i>Musa acuminata</i> Colla	Banana	Bananier	Banane	820	18	90	8
<i>Narcissus</i> spp.	Narcissus	Narcisse	Narzisse	820	15	90	5
<i>Nerine</i> Herb.	Nerine, Nerina	Nerine	Nerine	820	15	90	5
<i>Nicotiana tabacum</i> L.	Tobacco	Tabac	Tabak	820	15	120	5
<i>Ornithogalum</i> spp.	Chinkerinchee	Ornithogale, Dame d'onze heures	Milchstern, Vogelmilch, Stern von Bethlehem	820	15	90	5
<i>Oryza sativa</i> L.	Rice	Riz	Reis	570	15	90	5
<i>Panicum deustum</i> Thunb.	Broad-leaved Panicum	-	-	570	15	90	5
<i>Panicum maximum</i> Jacq.	White Buffalo Grass	Herbe de Guinée	Guineagrass	570	15	90	5
<i>Passiflora edulis</i> Sims	Grenadilla	Barbadine	Purpur- granadilla	820	18	90	8
<i>Pelargonium</i> spp.	Geranium, Pelargonium	Géranium, Pélargonium	Pelargonie	820	15	90	5
<i>Pennisetum glaucum</i> (L.) R. Br.	Pearl Millet	Pénicillaire, Mil à chandelle	Feder- borstengras	570	15	90	5
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado	820	20	120	5
<i>Petunia</i> Juss.	Petunia	Pétunia	Petunie	820	15	90	5
<i>Phalaris stenoptera</i> Hack.	Phalaris	Herbe de Harding	Knolliges Glanzgras	570	15	90	5
<i>Phaseolus coccineus</i> L.	Kidney Bean	Haricot d'Espagne	Prunkbohne	570	15	120	5
<i>Phaseolus vulgaris</i> L.	Bean	Haricot	Gartenbohne	570	15	120	5
<i>Phoenix dactylifera</i> L.	Date Palm	Palmier dattier	Dattelpalme	820	25	90	8
<i>Pisum</i> spp.	Pea	Pois	Erbse	570	15	120	5
<i>Plumbago</i> L.	Leadwort	Plombago	Bleiwurz	820	15	90	5
<i>Prunus amygdalus</i> Batsch	Almond	Amandier	Mandel	820	20	120	8

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<i>Prunus armeniaca</i> Mill.	Apricot	Abricotier	Aprikose	820	18	120	8
<i>Prunus avium</i> (L.) L.	Sweet Cherry	Cerisier (cerises douces : guignes, bigarreaux)	Süsskirsche	820	18	90	8
<i>Prunus cerasus</i> L.	Sour Cherry	Cerisier (cerises acides : griottes, amarelles)	Sauerkirsche	510	18	90	8
<i>Prunus domestica</i> L.	Plum	Prunier	Pflaume	1090	20	150	8
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich	1090	25	150	8
<i>Prunus salicina</i> Lindl.	Japanese Plum	Prunier du Japon	Japanische Pflaume	1090	20	150	8
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave	1090	18	120	8
<i>Pyrus communis</i> L.	Pear	Poirier	Birne	1090	25	150	8
<i>Raphanus sativus</i> L. var. <i>oleiformis</i> Pers.	Fodder Radish	Radis oléifère, Radis chinois	Oelrettich	570	15	90	5
<i>Ribes</i> spp.	Currant, Gooseberry	Cassis, Groseilliers	Johannisbeeren, Stachelbeere	1090	20	90	8
<i>Ricinus communis</i> L.	Castor Bean	Ricin	Wunderbaum, Palma Christi	570	15	90	5
<i>Rosa</i> spp.	Rose	Rosier	Rose	820	15	120	5
<i>Rosmarinus</i> L.	Rosemary	Romarin	Rosmarin	820	15	90	5
<i>Rubus</i> spp.	Bramble, Raspberry	Ronce, Framboisier	Brombeere, Himbeere	1090	20	90	8
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambara- veilchen	820	15	90	5
<i>Scabiosa</i> L.	Pincushion Flower	Scabieuse	Grindkraut, Skabiose	820	15	90	5
<i>Scaevola</i> spp.	Scaevola	Scaevola	Fächerblume	820	15	90	5
<i>Secale cereale</i> L.	Rye	Seigle	Roggen	570	15	90	5
<i>Setaria nigrirostris</i> (Nees) Dur. et Schinz	Black-seed Bristle Grass	-	-	570	15	90	5

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<i>Setaria sphacelata</i> (Schumach.) Stapf et C.E. Hubb.	Common Setaria	-	-	570	15	90	5
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees	Egg-fruit	Aubergine	Eierfrucht, Aubergine	570	15	90	5
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel	820	20	150	8
<i>Sorghum</i> spp.	Grain Sorghum, Fodder Sorghum	Sorgho grain, Sorgho fourrager	Mohrenhirse (Korn- und Futter-)	820	15	120	5
<i>Strelitzia</i> spp.	Strelitzia	Strelitzia, Oiseau du paradis	Strelitzie, Paradisvogel- blume	820	15	120	5
<i>Thea sinensis</i> L.	Tea	Théier	Tee	820	18	90	8
<i>Trifolium hybridum</i> L.	Alsike Clover	Trèfle hybride	Schwedenklee	820	15	90	5
<i>Trifolium pratense</i> L.	Red Clover	Trèfle violet	Rotklee	820	15	90	5
<i>Trifolium repens</i> L.	White Clover	Trèfle blanc	Weissklee	820	15	90	5
<i>Trifolium resupinatum</i> L.	Persian Clover	Trèfle de Perse	Persischer Klee	820	15	90	5
<i>Trifolium sub- terraneum</i> L.	Subterranean Clover	Trèfle souterrain	Bodenfrüch- tiger Klee	820	15	90	5
x <i>Triticosecale</i> Wittmack	Triticale	Triticale	Triticale	1090	15	150	5
<i>Triticum</i> spp.	Wheat	Blé	Weizen	1090	15	150	5
<i>Vaccinium</i> spp.	Blueberry, Cranberry	Myrtille, Canneberge	Heidelbeere, Moosbeere	1090	20	150	8
<i>Vicia faba</i> L. var. <i>major</i> Harz	Broad Bean	Fève	Dicke Bohne (Puffbohne)	570	15	120	5
<i>Vigna unguiculata</i> (L.) Walp.	Cowpea	Dolique de Chine	Catjangbohne, Spargelbohne, Augenbohne	820	15	120	5
<i>Vitis</i> spp.	Grape	Vigne	Rebe	1090	20	150	8
<i>Zantedeschia</i> spp.	Arum Lily	Calla	Zantedeschia, Kalla	820	15	90	5
<i>Zea mays</i> L.	Grain maize	Maïs	Mais	1090	15	170	5
<i>Zea mays</i> L.	Sweet Corn, Popcorn	Maïs sucré, Popcorn	Zuckermais, Popkorn	570	15	90	5

NEWSLETTER

MEMBER STATES

Austria: Modification of Fees

Pursuant to the Ordinance of the Federal Minister for Agriculture and Forestry No. 948 on the Application Fee and Examination Fees under the Variety Protection Law, the tariff of fees was set, with effect from January 1, 1994, as follows (in Austrian Schillings):

	<u>Amount</u>
1. Application fee	2,080
2. Examination fees	
(1) if the examination is carried out by the Federal Institute of Plant Production or other testing centers in the country	
(i) for cereals, maize, potato, sugar beet, pea, oilseed rape and sunflower	3,640
(ii) for forestry species	520
(iii) for all other species	2,600
(2) if the Variety Protection Office is provided with complete examination results satisfying the requirements laid down in Section 5(2) to (4) of the Law and established either by the Variety Protection Office or another testing center in the country, or by a testing center of another EEA country, outside the procedure under the Variety Protection Law or on the basis of an application for entry of the variety into the Breeding Book for Cultivated Plants	2,080

Germany: New Telecommunication Numbers of the Federal Variety Office

The new telecommunication numbers of the Federal Variety Office (Bundes-sortenamt) are as follows:

Telephone: (49-511) 95.665
 Telex: 9.21.109 bsaha d
 Telefax: (49-511) 56.33.62

Norway: New Address of the Plant Variety Protection Office

The new address of the Plant Variety Protection Office is as follows:

Address: Plantesortsnemda,
The Plant Variety Board
Fellesbygget

N-1432 AS

Telephone: (47) 64-94.75.04

Telefax: (47) 64-94.02.08

Spain: Modification of Fees

By virtue of Article 83 of Law No. 21/1993 of December 29, 1993, Concerning the General Budgets for 1994 (Boletín Oficial del Estado of December 30, 1993), a new tariff of plant variety protection fees was laid down with effect from January 1, 1994. The main fees are now as follows (in pesetas):

Type of Fee	Group	1	2	3	4
1. Application fee		13,517	13,517	13,517	13,517
2. Examination fee (per year)		31,541	31,541	22,529	18,023
3. Grant fee		13,517	13,517	13,517	13,517
4. Maintenance fee					
- first year		11,264	6,760	4,505	4,505
- second year		15,769	11,264	9,013	6,760
- third year		22,529	18,023	13,517	11,264
- fourth year		27,033	22,529	18,023	13,517
- fifth and subsequent years		31,541	27,033	22,529	18,023
5. Fee for priority claim, change of denomination, sending copies, certificates and duplicates of documents as well as the registration of licences		4,505	4,505	4,505	4,505
6. Fee for reregistration of a cancelled title		13,517	13,517	13,517	13,517
7. Fee for sending copies of titles and certificates of rejection		2,252	2,252	2,252	2,252

Group 1: cereals, oil seeds, lucerne, cotton, sugar and fodder beet, vetch, potato, pea, broad bean and French bean.

Group 2: fruit trees, rose, carnation and strawberry.

Group 3: lettuce, tomato, onion, melon, sainfoin, red and white clover.

Group 4: all other species.

United Kingdom: Modification of Fees

By virtue of the Plant Breeders' Rights (Fees) (Amendment) Regulations 1994 (No. 675 of 1994), a new tariff of fees came into effect on April 1, 1994. The fees are now as follows (in Pounds):

1. <u>Fees Payable on an Application for a Grant of Plant Breeders' Rights</u>	
(a) A rose variety	45
(b) A chrysanthemum variety	245
(c) Any other decorative variety	120
(d) Any other variety	245
2. <u>Fees Payable in Respect of Tests or Examination of a Plant Variety Which is the Subject of an Application for a Grant of Plant Breeders' Rights</u>	
(a) A cereal (excluding maize) variety (tests in any one year)	665
(b) A maize variety (tests in any one year)	410
(c) A potato variety (tests in any one year)	620
(d) A beetroot, Brussels sprout, cabbage, celery, fenugreek, turnip or fodder variety (tests in any one year)	580
(e) A herbage variety (tests in any one year)	410
(f) A field pea, vegetable pea, field bean or broad bean variety (tests in any one year)	495
(g) An oil and fibre (including oilseed rape) variety (tests in any one year)	410
(h) A rose variety (tests in any one year)	75
(i) A year-round perennial chrysanthemum variety (tests in each flowering season)	165
(j) Any other chrysanthemum variety (tests in any one year)	165
(k) A cymbidium variety (each examination)	210
(l) A fruit variety (tests in any one year)	165
(m) Any other variety (tests in any one year)	210
3. <u>Renewal Fees</u>	
(a) A rose variety	45
(b) A chrysanthemum variety	295
(c) Any other decorative variety	155
(d) A vegetable variety (excluding a vegetable pea or broad bean variety)	150
(e) A fruit variety	295
(f) Any other variety (including a vegetable pea or broad bean variety)	390

4. <u>Fees Payable in Respect of Other Matters</u>	
(a) Application for a compulsory licence	50
(b) Application to extend, limit, vary or revoke a compulsory licence	50
(c) Making representations in writing to the Controller in connection with any application, or in connection with a proposal to terminate any plant breeders' rights or to revoke or terminate any extension of such rights	25
(d) Attending to be heard by the Controller or by a person appointed by him for the purpose	50
(e) Grant of plant breeders' rights in:	
(i) a rose variety	35
(ii) a decorative variety (excluding rose and chrysanthemum)	105
(iii) any other variety	130
(f) Giving a protective direction	25
(g) Payment of renewal fee after the expiration of 7 days from the date when it fell due, except in a case where an application has been made for the period for payment to be extended	25
(h) Application for the approval of a substituted name for a plant variety	25
(i) Registration of title and amendment of the register of plant varieties on a transfer of plant breeders' rights or a share in such rights	25
(j) Purchase of a report from a testing authority in another country	165

**United States of America: New Telecommunication Numbers
of the Patent and Trademarks Office**

The new telecommunication numbers of the Patent and Trademarks Office are as follows:

Telephone: 1-703-305.93.00
 Telefax: 1-703-305.88.85

N O R W A Y

ACT

of March 12, 1993,

Relating to the Plant Breeder's Right*

CHAPTER I

GENERAL PROVISIONS

Section 1The Plant Breeder's Right. Scope

Any person who has bred a plant variety or to whom the breeder's right has passed (the variety owner) may upon application be granted in accordance with this Act the sole right to exploit the variety commercially as specified in Section 3 (plant breeder's right).

The plant breeder's right is granted in respect of plant varieties belonging to those plant genera or plant species to which the King has determined that the Act shall apply.

The plant breeder's right may only be granted to variety owners who

- (a) are resident or have their registered office in this Realm or
- (b) are nationals of or are resident or have their registered office in a State which is a member of the International Union for the Protection of New Varieties of Plants.

The King may by regulations or individual decisions prescribe that the plant breeder's right may be granted in cases other than those mentioned in the first sentence.

Section 2Conditions for the Grant of the Plant Breeder's Right. Priority

The plant breeder's right may only be granted in respect of varieties

- (a) which can be clearly distinguished from all other varieties that were known before the date of application, cf. the second paragraph,

* Entry into Force: September 15, 1993
Norwegian title: Lov om Planteforedlerrett

English translation supplied by the Ministry of Agriculture of Norway

(b) which are sufficiently uniform,

(c) which are stable in the characteristics enabling the variety to be clearly distinguished from the other varieties specified in litra (a), when propagated as indicated by the variety owner, and

(d) which have not been sold or offered for sale with the consent of the variety owner

(1) in this Realm before the date of application, or

(2) abroad more than six years before the date of application in the case of grapevines, trees and their rootstocks or more than four years before the date of application in the case of other plants.

A plant variety shall be deemed to be known according to litra (a) of the first paragraph if material thereof has been offered for sale commercially or otherwise marketed. A plant variety shall also be deemed to be known if it has been entered in an official list of varieties, included in a generally accessible reference collection, described in detail in a generally available publication, or become known to the public in other ways. A variety described in an application for a plant breeder's right, for a patent or for entry in an official list of varieties in this Realm or in another State shall also be deemed to be known from the date of application if the application results in the granting of the breeder's right or the patent, or the entry in the list of varieties.

If the variety owner has applied for a breeder's right or a patent for a variety in one or more other States which are members of the International Union for the Protection of New Varieties of Plants, and applies within twelve months from the date of filing of the first application for a plant breeder's right in respect of the variety in this Realm, the application in this Realm shall be deemed, for the purposes of litrae (a) and (d) of the first paragraph, if the variety owner so requests, as having been filed on the same date as the first application. The King will issue regulations laying down in detail the conditions under which such priority may be claimed and may prescribe by regulations that priority may also be claimed in cases other than those mentioned in the first sentence.

Section 3

Substance of the Plant Breeder's Right

The plant breeder's right entails that persons other than the variety owner may not exploit the variety commercially, without the consent of the variety owner, by

(a) producing plant material of the variety with a view to offering it for sale or otherwise marketing it for purposes of propagation,

(b) importing plant material of the variety with a view to offering it for sale or otherwise marketing it for purposes of propagation, or

(c) offering for sale or otherwise marketing plant material of the variety for purposes of propagation.

In respect of ornamental plants, the plant breeder's right also entails that persons other than the variety owner may not, without the latter's consent, exploit plants or parts of plants of the variety as propagating material for the commercial production of cut flowers or other materials for ornamental purposes.

The consent of the variety owner shall not be required for the use of a protected variety in the breeding of a new variety or for the exploitation of the new variety. The consent of the variety owner shall be required, however, if repeated use of the protected variety is necessary in the commercial production of the new variety.

The consent of the variety owner shall not be required for exploitation within the meaning of litrae (b) and (c) of the first paragraph of plant material which has been placed on the market in the European Economic Area by the variety owner or with his consent.

CHAPTER II

APPLICATIONS FOR A PLANT BREEDER'S RIGHT AND THE PROCESSING OF APPLICATIONS

Section 4

Applications

The application for the granting of a plant breeder's right in respect of a variety shall be submitted in writing to the Plant Variety Board.

The application must contain a description of the variety, specifying the characteristics which distinguish it from other varieties. The application must contain a proposed variety denomination. The breeder's name and address shall be stated. If the applicant is not the breeder, the basis for his title to the variety shall be stated.

The application must disclose such prior exploitation of the variety as may be an obstacle to the granting of the plant breeder's right under litra (d) of the first paragraph of Section 2, or state that the variety has not been so exploited.

The Plant Variety Board may order the applicant to provide, within a prescribed period, the plant material and give the information necessary for the examination of the variety according to Section 9. An applicant who claims priority according to the third paragraph of Section 2 may not be ordered to do this in connection with his application, and may not be ordered to do it earlier than four years after the expiry of the period of priority unless the application on which the priority is based has been rejected or withdrawn.

The applicant shall pay the application fee prescribed by regulations.

Each application may only relate to the protection of one variety.

Section 5

Variety Denomination

The variety denomination shall enable the variety to be distinguished from other varieties.

A designation may not be used as a variety denomination

- (a) if it consists solely of figures, except where this is an established practice for denominating varieties of the same kind,
- (b) if it may be misleading,
- (c) if it is contrary to the law or to public order, or is likely to cause offence,
- (d) if it can be confused with a designation entered or proposed for entry in the Register of Plant Varieties or entered in a register of protected varieties in another State as the denomination of another variety of the same or a closely related species, or already used as the denomination of a variety or for the propagating material of a variety of the same or a closely related species,
- (e) if it can be confused with a trademark, name, company name or other distinguishing mark for which a person other than the applicant enjoys protection of a kind which prevents the designation from being registered as a trademark for plant material or similar kinds of goods, or
- (f) if it can be confused with a trademark for plant material or similar kinds of goods for which the applicant enjoys protection.

If the applicant has applied for the protection of the variety in a foreign State which is a member of the International Union for the Protection of New Varieties of Plants, the same variety denomination shall be used in this Realm as in the foreign State, unless the denomination used in the foreign State is contrary to the first or second paragraph or is unsuitable for some other reason as the denomination of the variety in this Realm.

Section 6

Provisional Examination of the Application

If the application and the variety denomination fail to satisfy Sections 4 and 5, or if the application points to some other obstacle to its acceptance, the applicant shall be invited to submit comments or to make corrections within a prescribed time limit.

If the applicant fails, within the time limit, to submit comments or to correct a defect which has been notified, the application shall be shelved. However, the processing of the application shall be resumed if, within four months from the expiration of the said time limit, the applicant submits comments or makes the corrections and also pays the fee for resumption of the processing prescribed by regulations.

If, after the applicant has submitted comments or made corrections, an obstacle remains to the acceptance of the application on which the applicant has had the opportunity to comment, the application shall be rejected unless

the Plant Variety Board finds that the applicant should be given a further opportunity.

Section 7

Publication of the Application

If the application and the variety denomination satisfy Sections 4 and 5 and the application does not point to any obstacle to its acceptance, the Plant Variety Board shall publish a notice concerning the application.

Section 8

Transfer of Applications

If anyone shows to the satisfaction of the Plant Variety Board that he, and not the applicant, is entitled to the variety, the Board shall, upon his request, transfer the application to him. The transferee shall pay a new application fee.

Until a request for transfer has been finally decided, both the applicant and the person requesting the transfer shall be allowed to take whatever action is necessary to prevent the application from being shelved or rejected. Public notices relating to the case shall state that a transfer has been requested.

Section 9

Examination of the Variety

The Plant Variety Board shall ensure that the variety is examined in order to establish whether it meets the conditions specified in litrae (a) to (c) of the first paragraph of Section 2. The Board may decide to forgo the examination in full or in part if the variety has already been examined in connection with an application for a plant breeder's right abroad or in any other way.

The applicant shall pay for the examination in accordance with the rules prescribed by regulations.

Section 10

Further Processing. Registration and Announcement of the Plant Breeder's Right

When the examination of the variety has been completed, the processing of the application shall be resumed. Section 6 shall apply. The Plant Variety Board may order the applicant to state whether the variety is protected or protection has been applied for in other States, and if so to give full details of what the plant breeder's right authority of the State in question has notified the applicant concerning the consideration of the application.

If a plant breeder's right is granted, the variety shall be entered in the Register of Plant Varieties. The decision to grant the right shall be

published, together with a notice that objections to the granting of the right may be lodged within a prescribed time limit.

If an application is shelved or rejected after it has been published in accordance with Section 7, a notice to that effect shall be published once the decision is final. The same shall apply where an application is withdrawn after having been published.

Section 11

Reconsideration

If an objection to the granting of a plant breeder's right is submitted in writing to the Plant Variety Board within the time limit prescribed pursuant to the second paragraph of Section 10, the application shall be reconsidered with a view to deciding on the objection. Section 6 shall apply. The reconsideration of the application shall be announced and registered in the Register of Plant Varieties. The decision, once final, shall be announced and registered.

Section 12

Appeal and Legal Proceedings

If the final decision of the Plant Variety Board is adverse to him, the applicant may appeal against the decision to the Board of Appeals of the Norwegian Patent Office. If the application is granted following reconsideration, the person who raised the objection may appeal against the decision. Any decision of the Plant Variety Board concerning a request for the transfer of an application may also be the subject of an appeal to the Board of Appeals of the Patent Office. The appeal must be lodged with the Plant Variety Board within two months from the date on which notification of the decision was sent to the person concerned. The appellant must pay the appeal fee prescribed by regulations.

If the Board of Appeals of the Patent Office rejects an application upon appeal, the applicant may institute legal proceedings concerning such rejection within two months from the date on which notification of the rejection was sent to him.

CHAPTER III

DURATION OF THE PLANT BREEDER'S RIGHT. ANNUAL FEES

Section 13

Duration of the Plant Breeder's Right

The plant breeder's right may be maintained until the end of the twentieth calendar year after the year in which it was granted. For trees and vines, the plant breeder's right may be maintained until the twenty-fifth year.

For the plant breeder's right to be maintained for the calendar year following the year in which it was granted, the annual fee prescribed by regulations must be paid.

Section 14

Payment of Annual Fee

The due date for payment of an annual fee shall be the first working day of the calendar year to which the fee applies. The annual fee may not be paid before the 1st of July of the preceding year. The annual fee for the first calendar year following the year in which the plant breeder's right was granted shall fall due at the earliest two months after notification of the granting of the right was sent to the variety owner.

Upon payment of an additional fee prescribed by regulations, annual fees may be paid within six months after the due date.

The King may by regulations make provisions concerning extension of time to pay or exemption from annual fees.

CHAPTER IV

TERMINATION OF THE PLANT BREEDER'S RIGHT, ETC.

Section 15

Renunciation

If the variety owner renounces his plant breeder's right in writing to the Plant Variety Board, the Board shall declare the right terminated.

If a request for a transfer has not been finally decided, or if legal proceedings have been instituted concerning a transfer or the plant breeder's right has been attached, the said right shall not be declared to be terminated until the question of the transfer has been finally decided or the attachment has ceased to apply.

Section 16

Non-payment of the Annual Fee

If an annual fee has not been paid in accordance with Sections 13 and 14, the plant breeder's right shall lapse as from the beginning of the calendar year for which the fee has not been paid.

Section 17

Invalidity or Transfer Following Legal Proceedings

A plant breeder's right granted contrary to Section 1 or litra (a) or (d) of the first paragraph of Section 2 shall be declared invalid by a court of law.

Legal proceedings on the ground that a plant breeder's right is invalid because it was granted to someone other than the person entitled to the variety may only be instituted by the person who claims to be so entitled. The court may, instead of declaring it invalid, transfer the plant breeder's right to the person entitled, upon his request.

Section 18

Termination by Decision of the Plant Variety Board

The Plant Variety Board shall decide to terminate a plant breeder's right if

(a) the variety owner is no longer able to supply the Plant Variety Board with propagating material of the variety with the characteristics which the variety was stated to have when the plant breeder's right was granted, or

(b) the variety owner fails to supply within the prescribed time limit the propagating material or the documents or information needed by the Plant Variety Board for verifying the maintenance of the variety.

Sections 6 and 12 shall apply mutatis mutandis.

Section 19

Announcement and Registration of Termination, etc.

When a plant breeder's right is finally terminated or declared invalid pursuant to Sections 15 to 18, the Plant Variety Board shall publish a notice to that effect and note the termination in the Register of Plant Varieties. The same shall apply to the transfer of a plant breeder's right.

CHAPTER V

THE USE, ALTERATION AND CANCELLATION OF VARIETY DENOMINATIONS

Section 20

Use of the Variety Denomination

Anyone who commercially offers propagating material of a protected variety for sale or otherwise markets it shall apply the registered variety denomination to the variety. The registered variety denomination shall also be used after the termination of protection.

The variety denomination registered for a particular variety shall not be used to designate another variety of the same or a closely related species, or propagating material of such a variety. The same shall apply to designations which can be confused with the registered variety denomination.

Section 21

Alteration and Cancellation of Variety Denominations

If a variety denomination has been registered contrary to Section 5 and the error has not been corrected, the Plant Variety Board shall, on the basis of a proposal from the variety owner, announce and register a new variety denomination. The same shall apply where a variety denomination no longer satisfies litrae (b) and (c) of the second paragraph of Section 5.

The Plant Variety Board may decide that a registered variety denomination which is no longer in use shall be struck from the Register of Plant Varieties if the breeder's right has been terminated and the breeder so requests or there are other reasons for doing so.

CHAPTER VI

LEGAL PROTECTION

Section 22

Penalties

Any person who wilfully infringes the sole right conferred by a plant breeder's right, or who is accessory thereto, shall be liable to fines or a term of imprisonment not exceeding three months.

Any person who wilfully or through gross negligence violates the provisions of Section 20 governing the use of variety denominations, or who is accessory thereto, shall be liable to fines.

Public prosecution shall only take place at the request of the aggrieved person.

Section 23

Damages

Any person who wilfully or negligently infringes a plant breeder's right shall be liable to pay compensation for the exploitation of the variety and compensation for any further damage caused by the infringement. The compensation may be reduced when the infringer is only slightly to blame. If the infringer has acted with care and in good faith, the court may, to the extent found reasonable, order the infringer to pay compensation for the losses caused by the exploitation.

Any person who wilfully or negligently violates the provisions of Section 20 relating to variety denominations shall be liable to compensate for the losses caused by the violation. The compensation may be reduced when the infringer is only slightly to blame.

Section 24

Surrender and Destruction of Plant Material

In order to prevent further infringement, the court may, upon request and to the extent found reasonable, decide that the plant material to which the infringement relates shall be surrendered to the aggrieved party, in return for payment, or that the plant material shall be destroyed.

The first paragraph may not be applied to a person who has acquired the plant material with due care and in good faith and has not himself committed an infringement.

Section 25

Temporary Legal Protection

Insofar as an application results in the granting of a plant breeder's right, the provisions of Section 3 relating to the sole right of the variety owner and the provisions of Section 23 relating to compensation for infringement shall also apply to the period between the publication of the application in accordance with Section 7 and the granting of the plant breeder's right.

CHAPTER VII

MISCELLANEOUS PROVISIONS

Section 26

The Plant Variety Board and the Register of Plant Varieties

The composition of the Plant Variety Board, its registered office, and its right to delegate decision-making powers, etc. shall be laid down by the King. Further provisions governing applications for a plant breeder's right, their processing, the availability to the public of the documents in each case, and reinstatement in the case of non-compliance with a time limit, etc. shall be made in regulations.

The Register of Plant Varieties shall be kept by the Plant Variety Board. The Register shall be public. Any person may request certified transcripts thereof. Concerning annotations in the Register and the effect of annotations, Section 44 of the Patents Act shall apply mutatis mutandis. Further provisions concerning the Register and the fees for transcripts and annotations shall be made in regulations.

Section 27

Agent

Any applicant who is not resident or does not have his registered office in this Realm shall have an agent who is resident or has his registered office in this Realm and is empowered to represent him in all matters relating to the application. The holder of a plant breeder's right who is not resident or does not have his registered office in this Realm shall have an agent who is resident or has his registered office in this Realm and who is empowered to receive on his behalf notifications from the Plant Variety Board, announcements and other procedural communications.

Exceptions from the obligation for foreign variety owners to have a Norwegian agent may be made in regulations.

Section 28

Compulsory Licences

Where the variety owner fails to make arrangements for propagating material of the protected variety to be offered for sale or otherwise marketed on reasonable terms and to the extent necessary to meet the requirements of national food supply or other important considerations of public interest, any person who wishes to exploit the variety may sue for and obtain a compulsory licence for that purpose, provided that there is no legitimate reason for the failure. Sections 49 and 50 of the Patents Act shall apply *mutatis mutandis*. The court may order the variety owner to supply the holder of the compulsory licence with the necessary propagating material of the variety.

Section 29

Provisions on Legal Proceedings

Actions concerning the right to a plant variety for which a plant breeder's right has been applied, actions concerning the transfer of a plant breeder's right, and actions under the second paragraph of Section 12, Section 17, the second paragraph of Section 18 cf. the second paragraph of Section 12, and Section 28 shall be brought before the City Court of Oslo.

The City Court of Oslo shall be the venue for applicants and holders of plant breeders' rights who have no place of residence or registered office in this Realm.

Sections 64 to 66 of the Patents Act shall apply *mutatis mutandis*.

Section 30

Entry into Force, etc.

The Storting consents to Norway's accession to the International Convention for the Protection of New Varieties of Plants adopted on 2 December 1961, and amended on 10 November 1972, and 23 October 1978.

This Act shall enter into force on such date as the King shall decide. The first paragraph of Section 30 shall nevertheless enter into force immediately.

As from the date on which this Act enters into force, other Acts shall be amended as follows:

(1) Act No. 7 of 2 July 1910, relating to the Norwegian Patent Office shall be amended as follows:

In the first paragraph of Section 2, a new third sentence shall read:

"The Board of Appeals shall also decide on appeals against decisions by the Plant Variety Board as mentioned in Section 12 and Section 18, cf. Section 12 of the Act relating to Plant Breeders' Rights."

The present third sentence shall become the fourth sentence.

The second sentence of the first paragraph of Section 5 shall read:

"Of the members, three shall be technical, commercial or agricultural experts and two shall be legal experts."

The second and third paragraphs of Section 5 shall read:

"The decisions taken by the Board of Appeals shall not be bound by the facts which were available when the decision was taken in the first instance."

"Where a fact is adduced which was not considered in the first instance, the Board of Appeals may refer the matter to the first instance for reconsideration."

(2) Subsection 5 of Section 273 of Act No. 6 of 13 August 1915, the Civil Procedure Act, shall read:

"actions relating to patents, circuit diagrams for integrated circuits, plant breeders' rights, trademarks and designs,"

(3) Litra (b) of the second paragraph of Section 3-4 of Act No. 2 of 8 February 1980, the Liens Act, shall read:

"rights to trademarks, patents, designs, circuit diagrams for integrated circuits and plant breeders' rights, and acquired copy-rights including rights to the performance of works by performing artists."

UPOV

**Development of Plant Variety Protection
Throughout the World in 1993**

At its twenty-seventh session held on October 29, 1993, the Council of UPOV noted the written and oral reports given by the representatives of States (member States and observer States) and international organizations on the development of plant variety protection and related matters in their country or at international level. A record of the statements is given below.

MEMBER STATES**Australia**

In 1992, the Delegation of Australia had announced that the system of plant variety protection set up in 1986 was to be assessed after five years. The assessment led to the conclusion that the system was economically justified and that it had had a considerable impact on the horticultural sector; on the other hand, it had had no significant effect on investment in grain crops due to the provision on farm saved seed.

Rather than adapting the law to the 1991 Act of the Convention, a new law will be drafted with the name "Plant Breeders' Rights Act." The preliminary draft has been completed and has undergone limited consultation with the circles concerned. A second version will be subjected to broader consultation before the end of the year.

Australia has changed its policy on varieties of foreign origin. It is no longer required that they should systematically be examined in Australia; if an examination has already been carried out and the available documentation is sufficiently comprehensive, a simple administrative examination of the variety will be carried out.

The Plant Variety Rights Office has a budget that is based on a 100% coverage of running costs by revenue. That aim has been achieved without increasing the fees since 1990, due mainly to the increase in the number of applications.

In reply to a question, it was explained at the Council session that an attempt had been made to remove the provision on farm-saved seed. However, that idea had been dropped following the limited consultation with the circles concerned. The provision would therefore be maintained, but with the possibility for users of varieties to waive the faculty open to them, in order to promote investment in research with respect to the species involved.

Belgium

An intensive activity was deployed at the end of 1991 and the first months of 1992 with regard to the preparation of a new plant variety protection law. The finalization of a first official draft now remains suspended only in expectation of the adoption of the Community Regulation on plant variety protection.

The redefinition of the financial mechanisms governing not only plant variety protection, but also related matters--plant protection, national lists of varieties, seed certification and control--is close to completion. The law of March 17, 1993, creating a budgetary fund for the production and protection of plants and plant products was published in the *Moniteur belge* of May 28, 1993. The implementing regulations are likely to be assented to and published still this year, after submission to the Conseil d'Etat for an opinion. It will then belong to a Council established in the framework of this budgetary fund to set the tariff of plant variety protection fees.

Further to the extension of protection to some 120 new taxa under the Royal Decree of March 12, 1991, which entered into force on June 22 of the same year, a new Decree has been submitted to the King for assent. It will contain 16 further taxa.*

Since the extension of protection in June 1991, all agreements on bilateral cooperation have been reviewed. A new agreement was concluded on December 11, 1992, with Germany and became effective on January 1, 1993. Furthermore, two agreements--with Denmark and France--are awaiting confirmation.

From the entry into force of the system for the protection of new plant varieties to August 31, 1993, 1,652 applications for protection had been filed and 918 certificates issued, of which 420 were still in force. In 1992, 77 titles of protection were issued.

The certificates were issued in respect of 59 genera and species, out of 290 in total.

The situation has become stable in the field of protection.

Since the extension of the list of protected taxa which took place in 1985, a certain enthusiasm for the protection of ornamental varieties has been noted. This enthusiasm has increased with the publication of the extended list in 1991. Ornamental varieties represent over 53% of the total number of the varieties currently protected, and rose varieties 24.5%.

Canada

There are regulations in place for 23 categories of plants. They are African violets, alfalfa, apples, barley, beans, canola/rape, cherries, chrysanthemum, corn, Dianthus, flax, grapevines, oats, pears, peas, poinsettias, potatoes, Potentilla, roses, soybeans, strawberries, wheat and yews. It is expected that regulations will be implemented for an additional 16 categories in 1994. Proposed categories are begonia, blueberry, clematis, creeping red fescue, impatiens, Kentucky bluegrass, lentils, maple, mustard, peaches, Pelargonium, plums, raspberries, Spiraea, timothy and Viburnum. These categories have yet to be finalized. It is anticipated that an additional 15-20 categories will be implemented in 1995-96. Following this, the possibility of opening up the legislation to cover all species will be discussed with the Advisory Committee.

We will eventually amend our current legislation with the intent of ratifying the 1991 Convention. However, it is anticipated that it will be several years before the amendment process will start in order to provide time for industries to become familiar with our existing system.

* See page 2, above.

At the present time, Canada does not participate in agreements for international cooperation for DUS testing. There have been no requests to use results from private foreign tests and trials, but to date we have not been requested to purchase results from Plant Breeders' Rights Offices in UPOV member countries. However, in the future, it is anticipated that such arrangements will be made.

Canada has been receiving applications for plant breeders' rights since November 6, 1991. To date, the Plant Breeders' Rights Office has received 235 applications for rights and granted 46 certificates of rights. Applications by crop kind are as follows: canola - 13, chrysanthemum - 76, flax - 1, grape - 1, pea - 8, potato - 88, rose - 29, soybean - 10, strawberry - 3 and wheat - 6. Grant of rights by crop kind are as follows: canola - 2, chrysanthemum - 43 and wheat - 1. The majority of applications and rights granted have been to foreign sources.

Mr. Grant Watson, Associate Director, Variety Section, participated in a mission to China in September 1993. The intent of the mission was to provide Chinese and Pacific Rim country officials with options to use in the development of a Plant Breeders' Rights system. Mr. Watson presented a breeder-run testing system as it exists in Canada.

Continuous efforts are being made by media, industry members and our Department of Agriculture to educate and inform the various user groups of the benefits of plant breeder' rights. Both agriculture and horticulture industries have benefitted from PBR through

- i) increased introduction of foreign varieties;
- ii) prevention of unauthorized sales of reproductive material of their protected varieties; and
- iii) securing royalties of their varieties.

Denmark

In 1993, 32 genera and species were included under the plant variety protection Act; their list is given in "Plant Variety Protection" No. 71 (July 1993).

The inclusion of Ixora L. and Leptospermum J.R. et G. Forst. is expected to take place before the end of October 1993.

The new bilateral agreements with Belgium, Israel and Spain were expected to enter into force in 1993. However, a final decision could not be made on the lists of species to be covered by those agreements in view of the possible rearrangement of other agreements.

Meetings have been held with the authorities of France, Germany, the Netherlands, Spain and the United Kingdom to prepare the rearrangement.

In 1992, 324 applications for plant breeders' rights were received, as follows:

Agricultural crops	108
Fruit	8
Vegetables	2
Ornamentals	206

In 1992, the number of titles of protection issued was 197:

Agricultural crops	84
Fruit	6
Vegetables	2
Ornamentals	105

In the period from January 1, 1993, to September 14, 1993, 224 applications for protection were received and 203 titles of protection were issued.

Several persons from Estonia have visited the Plant Directorate and have been informed about seed legislation, including the plant variety protection Act.

A project concerning seed legislation and seed marketing has been adopted. Its aim is to bring the variety testing system and the seed testing and certification system into line with the international standards and to develop the seed business in Estonia. The project is mainly financed from the Danish Project Fund.

Proposals for an improved testing for value for cultivation and use (VCU) of agricultural crops were prepared at the end of 1992. The proposals included a more intensive cooperation between the authorities, the extension services and the breeders. They had to be revised in view of the changes in the requirements relating to the self-financing of variety testing; revision work is currently done. Changes in VCU testing are expected to take place in the autumn of 1994.

The Delegation of Denmark supplemented its written report in the session by explaining that Denmark also had a fund, administered by the Ministry of Foreign Affairs, for cooperation projects with Eastern European countries. Steps had been taken to have projects in the varieties and seed area financed by that fund.

Finland

An agreement has been concluded with Germany and covers Rosa L. - Rose.

Since the entry into force, on October 15, 1992, of the system for the protection of new plant varieties, 23 applications for protection have been filed; no certificate has been issued so far.

Germany

By the law of September 23, 1992, amending the Seed Law, a second amendment was made to the Plant Variety Protection Law. The maximum levels of the fees have been repealed. This paved the way for the tariff of fees to be set by way of ordinance.

A first draft for a new Plant Variety Protection Law based on the 1991 Act of the Convention has been discussed with interested circles. Work on this text will be continued.

New bilateral agreements for technical cooperation have been concluded with Finland and Israel. Certain agreements with other States have been extended to further species.

A total of 1,125 applications were received during the reporting period, and 779 breeders' rights were granted.

The Delegation of Germany supplemented its written report in the session by explaining that the budget of the Federal Ministry of Food, Agriculture and Forestry had contained over the last two years a special heading for training in the fields of plant variety protection and variety catalogues, at the Federal Plant Variety Office, for the benefit of the countries of Eastern Europe.

Hungary

During the current year, the circles concerned were further consulted on the implications of applying the 1991 Act of the Convention. Hungary will align itself on that Act as soon as possible. Since Parliament is engaged in other matters and elections are to take place in 1994, ratification of the 1991 Act cannot take place before 1994 at the earliest.

Agreements for cooperation in examination are under preparation with the Czech Republic and France. The form to be taken by cooperation and the species involved have not yet been specified.

On October 18, 1993, in relation to the figures given in document C/27/7, 89 patent applications had been filed for varieties and 65 patents had been granted.

The number of applications for technical examination has decreased considerably in relation to preceding years. Thirty-one applications were received up to October 18, 1993 (24 for maize, 4 for sunflower, 1 for potato, 1 for crown vetch, 1 for poppy).

The ring test that aimed to improve and harmonize examination procedures for winter wheat, spring barley and pea continued its activities, with Romania joining the ring to make a total of six countries.

Three national experts (for maize, soybean and sunflower) completed training programs in DUS tests with GEVES, the French Group for the Study and Control of Varieties and Seeds; the training was funded by the French authorities.

Two experts in vegetable plants participated in a training program in the Netherlands.

A new plant production law is under preparation with the aim of achieving improved harmonization with European Community Regulations. For that purpose, experts from France, Germany, the Netherlands and the United Kingdom had delivered lectures and given advice to national experts.

At the beginning of the year, the Minister for Agriculture decided to separate the Research Center for Agrobotany from the rest of the Institute for Agricultural Quality Control and to set it up as the Institute of Agrobotany.

Ireland

Work is continuing on amending the Plant Varieties (Proprietary Rights) Act, 1980, to take account of the 1991 Act of the Convention. However, like other EC States, we are awaiting the final outcome of the deliberations in

Brussels (Regulation on plant breeders' rights) before bringing the revised legislation before the Dail (Parliament).

There has been no increase in fees in 1993. The primary problem in the variety protection area is the reduction in the number of applications received each year.

The Plant Varieties (Proprietary Rights) (Amendment) Regulations SI No. 369 of 1992 extending protection to Acer platanoides L., Dendranthema, x Cupressocyparis leylandii, Helianthus annuus L., Helipterum anthemoides, Houttuynia cordata Thunb., Osteospermum L. and Zea mays L. came into force on December 4, 1992. SI No. 78 of 1993 extending the duration of the rights for potatoes to 25 years came into force on March 11, 1993.

A Statutory Instrument extending protection to six additional genera/species is now in preparation.*

A bilateral agreement with the United Kingdom is almost finalized and will be concluded shortly.

Israel

Adaptation of the law to satisfy the 1991 Act of the Convention is a long-term task, but it is expected that the final draft would be available and submitted to the Knesseth within a year.

Protection has been extended to further genera and species; the list now comprises 151 entries. The term of protection has been raised to 20 years for melon and a similar extension is to be introduced shortly for cotton.

Cooperation in examination has continued with several States. Examination results for gypsophila have been forwarded to Denmark, Germany and the Netherlands. An agreement has been concluded with Germany for it to examine pelargonium.

The annual number of applications amounts to approximately 175; they mostly concern foreign varieties and ornamental plants. Some 700 varieties are protected.

Italy

The text of the 1991 Act of the Convention is still being studied by the competent legal office of the Administrations involved with a view to making the necessary amendments to the national law. On the other hand, the "Ufficio del Contenzioso Diplomatico" of the Ministry for Foreign Affairs is still waiting for the certified true copy in original of the 1991 Act of the Convention, in order to proceed with its ratification.

Protection will be extended to 36 further genera and species.

As a result of the referendum of April 1993, the Ministry of Agriculture and Forestry has ceased to exist. The new Ministry which carries out its functions has been called "Ministry for the Coordination of the Agricultural,

* See page 17, above.

Food and Forestry Policies" (see Presidential Decree No. 393 of October 2, 1993, published in the Official Gazette No. 234 of October 5, 1993).

Japan

Adaptation of the legislation to the 1991 Act of the Convention is under way.

An amendment of the implementing regulations is scheduled to take place in 1993 to protect 26 additional genera and species.

Discussions with a view to establishing agreements on cooperation in examination were held with the German and Dutch embassies in Japan. Contacts have been made with the United Kingdom for the same purpose.

An administrative division was newly set up at the National Center for Seeds and Seedlings and its head was assigned in April 1993.

It is planned to extend the staff of nine examiners by a further one (in charge of ornamental plants) in the course of the 1994 fiscal year.

The Japanese Government actively contributed to the Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Beijing (China) from September 15 to 17, 1993.

New Zealand

There have been no legislative amendments in the reporting period. Further actual progress towards adapting the Plant Variety Rights Act 1987 to the 1991 Act of the Convention will only occur when the Government agrees to include the relevant Amendment Bill on its legislative programme.

The plant variety rights scheme in New Zealand is now operating, as required by the Government, with full recovery through fees of its operational costs. It is pleasing that this has been achieved without any increase in fees since April 1991.

During 1993 the New Zealand Ministry of Foreign Affairs and Trade, on behalf of the Plant Variety Rights Office, distributed information packs on plant variety protection within the South Pacific region. A low-key approach was adopted for the distribution. The packs, which included information on UPOV were sent to the governments of the 13 independent island nations in the South Pacific and to two regional intergovernmental organizations, the South Pacific Forum and the South Pacific Commission.

The Delegation of New Zealand supplemented its report in session, stating that a Bill to extend plant variety protection to fungi had been submitted to Parliament.

Netherlands

It was reported last year that the Minister for Agriculture, Nature Management and Fisheries had initially planned to adapt the Seed and Planting Material Act to the 1991 Act as soon as the EEC Regulation on Plant Variety Rights was adopted; and that, if the adoption of the Regulation was to be

delayed, he might decide to start the implementation of the 1991 Act without waiting further. This decision was actually taken in May 1993, when the Minister sent a draft law amending the Seed and Planting Material Act to a number of organizations involved in plant breeding and intellectual property. The comments of those organizations led to some minor changes; the draft law will be presented to the Dutch Council of Ministers as soon as possible. It is likely to be sent to Parliament in 1994.

The annual maintenance fees were raised substantially on March 1, 1993; the current tariff has been published in "Plant Variety Protection" No. 71 (July 1993).

No new agreements have been concluded; no existing agreement has been amended.

The Minister for Agriculture, Nature Management and Fisheries wishes to come to a simpler and more effective system of plant variety protection and marketing authorization. In the future, a strict division will be made between these areas. In the meantime, the Ministry has declared its preference for a model with two separate boards, but one common secretariat. Partly due to the question of what role the secretariat of the Raad voor het Kwekersrecht might have, the efficiency of the administrative structures and office procedures is currently being investigated.

Especially in the case of vegetables, rationalization of the examination is being aimed at in the Netherlands by making greater use of the results of examinations carried out by the NAKG (Dutch General Inspection Service for Vegetables) for the purposes of admission of new vegetable varieties (B-list). Since the beginning of 1993, the results of B-list examinations are being included in the examination for plant variety protection, where the variety is the subject of both an application for plant variety protection and a request for inclusion in the B-list. As a result, the examination for plant variety protection could be shortened by one year, which again resulted in a time-saving of one year and--because only one additional testing year needs to be carried out--to a halving of the total examination costs. This new construction is thought to meet the call for further rationalization and cost-saving in the examination of vegetables, without prejudice to the independence and quality of the examination.

Poland

A new Seed Industry Law is under preparation. In its part concerning plant variety protection, it will take into consideration the provisions of the 1991 Act of the Convention. This part has been translated into English and sent to the Office of the Union for comments. It is expected that the Law will pass Polish Parliament in 1994.

The amounts of fees for protection are revised twice a year. They are based on the price of rye fixed for farm rents. The current amounts have been submitted to the Office of the Union.

It was added in session that preparation of a new Seed Industry Law was well advanced; the part related to plant variety protection had been submitted to the Office of the Union and discussed with it. It was hoped that the draft could be submitted to Parliament in 1994.

Slovakia

Since the splitting-up of Czechoslovakia and the declaration of continuation addressed to the Secretary-General on January 12, 1993, Slovakia has continued to apply Czechoslovak Law No. 132 of November 15, 1989, on the Legal Protection of New Plant Varieties and New Animal Breeds, as also the Czechoslovak schedule of fees.

Slovakia has begun drafting a new law to be based on the 1991 Act of the Convention.

Slovakia has concluded a bilateral agreement for cooperation in examination with the Czech Republic. It is prepared to conclude agreements with other countries.

South Africa

The Plant Breeders' Rights Act (Act No. 15 of 1976) has been revised in terms of the 1991 Act of the Convention and distributed to all interested parties for comment. Provision has been made for the revised Act to be included in the legislative program to serve before Parliament early in 1994.

In accordance with generally accepted principles and with the approval of the Minister for Agriculture, the fees payable for plant breeders' rights continue to be maintained at a reasonably low level.

In an attempt to progressively extend the Act to encompass the entire plant kingdom, during the past year legal protection was granted to a series of plant genera and species.*

No new agreements have been concluded nor are any amendments to existing agreements contemplated.

From October 1, 1992, to September 30, 1993, 154 plant breeders' rights were granted and 152 applications were filed. As at September 30, 1993, there were 809 valid plant breeders' rights and 293 applications under consideration.

No changes have taken place in the administrative structure.

Homogeneity problems continue to be encountered in the evaluation of grasses and lucerne.

Uncertainty has been expressed over the future value and application of techniques such as electrophoresis, RFLP's and RAPD's for the field testing of plant varieties. There is a strong feeling that conventional methods of field testing and comprehensive variety descriptions should remain the basis for variety listing and certification.

A variety list for tobacco was established during September 1993.

In September 1993, a recommendation was made to the Standing Committee for Plant Production of the Southern African Regional Commission for the Conservation and Utilisation of the Soil (SARCCUS) that the establishment and harmonisation of legislation regarding plant breeders' rights and variety listing in Southern Africa should be investigated.

* See page 21, above.

Spain

During the past year, protection has been extended to cotton and to rape.

The schedule of fees is presently being revised. It is planned to increase the fees substantially in order to achieve an improved balance of revenue and expenditure and to enable agreements to be concluded for cooperation in examination.

During the past year, 283 applications for protection have been filed and 173 titles of protection granted; 894 titles are currently in force.

The question of protecting living matter by means of patents has aroused considerable interest within industry, amongst lawyers and at the universities; this is witnessed by the number of seminars and other meetings held on the subject, and by the number of requests for information received by the National Seed and Nursery Plant Institute.

Spain has continued to receive foreign trainees for instruction in variety examination, plant variety protection and variety catalogues.

Sweden

Sweden has not yet adapted its legislation to the 1991 Act of the Convention.

Preparations are being made for legislation providing stronger legal remedies against infringements of intellectual property rights, including plant breeders' rights.

By virtue of Law SFS 1992:1960, protection was extended to 11 genera of ornamental plants and trees with effect from January 1, 1993. Furthermore, protection was extended to varieties of hybrids between genera or species mentioned in the list of protected taxa.

The National Plant Variety Board has suggested extension of protection to seven further genera and species: Crocasmia spp., Ficus spp., Impatiens spp., Petunia spp., Scaevola spp., Tulipa L. and Verbena spp.

The agreement with the Netherlands has been extended to carrot and lettuce. Amendments to the agreements with France and Germany are under discussion.

The Report of a Governmental Commission on Gene Technology has been delivered to the Government. The report contains proposals concerning guidelines and legislation in the genetic field relevant to both plants and animals.

Another Governmental Commission has proposed a new Environmental Code (SOU 1993:27) containing provisions on, inter alia, genetically modified plants.

United Kingdom

Protection was extended to the genus Lavatera L. on August 1, 1993. It is being extended to the following genera and species by mid October 1993:

Ornamentals

Agapanthus L.
 Astelia banksii
 Astelia chathamica
 Astelia fragrans
 Astelia graminea
 Astelia grandis
 Astelia linearis
 Astelia nervosa
 Astelia nivicola
 Astelia petriei
 Astelia skottsbergii
 Astelia solandri
 Astelia subulata
 Astelia trinervia
 Astrantia L.
 Brachyglottis Forst. et Forst. f.
 Cheiranthus L.
 Clianthus puniceus
 Coprosma Forst.
 Cordyline australis
 Cordyline banksii
 Cordyline indivisa
 Cordyline kaspar
 Cordyline pumilio
 Corokia Cunn.
 Corynocarpus laevigata
 Erysimum L.
 Festuca ovina glauca
 Griselinia littoralis
 Griselinia lucida
 Hibiscus L.
 Hoheria A. Cunn.
 Leptospermum ericoides
 Leptospermum scoparium
 Lophomyrtus Burret
 Melicope simplex
 Melicope ternata
 Meryta sinclairii
 Metrosideros albiflora
 Metrosideros carminea
 Metrosideros colensoi
 Metrosideros diffusa

Metrosideros excelsa
 Metrosideros kermadecensis
 Metrosideros parkinsonii
 Metrosideros perforata
 Metrosideros robusta
 Metrosideros scandens
 Metrosideros umbellata
 Myrsine australis
 Myrsine chathamica
 Myrsine coxii
 Myrsine divaricata
 Myrsine kermadecensis
 Myrsine montana
 Myrsine nummularia
 Myrsine oliveri
 Myrsine salicina
 Parahebe W.R.B. Oliv.
 Petunia L.
 Physocarpus opalifolius
 Pseudopanax chathamicus
 Pseudopanax crassifolius
 Pseudopanax discolor
 Pseudopanax edgerleyi
 Pseudopanax ferox
 Pseudopanax gilliesii
 Pseudopanax lessonii
 Pseudopanax linearis
 Ruscus L.
 Trifolium arvense
 Weinmannia racemosa
 Weinmannia silvicola

Vegetables

Lycopersicon lycopersicum - Tomato

Fruit

Cydonia L. (rootstocks only - Quince rootstocks)

Agricultural

Lotus corniculatus - Birdsfoot trefoil
 Onobrychis viciifolia - Sainfoin

No new agreements, nor extensions to existing agreements, have been signed during the last 12 months. The United Kingdom will shortly conclude an agreement with Ireland.

United States of America

Last August, Senator Kerry introduced a Bill to amend the Plant Variety Protection Act to make it consistent with the 1991 Act of the Convention. A related Bill has been introduced into the House of Representatives by Congressman De la Garza.

The Subcommittee chaired by Senator Kerry conducted a hearing on September 20. The Government, represented by the Department of Agriculture and the Department of Commerce, testified in favor of adopting a law to amend the Plant Variety Protection Act in line with the 1991 Act. The Bills are likely to be examined in full committee in the near future. The 1991 Act has not yet been submitted to the Senate for advice and consent.

The development of case law on plant variety protection is the second point of interest. The United States of America has a provision that enables farmers not only to save seed of protected varieties, but also to sell it under certain circumstances. That provision has long been a source of concern for the seed industry. One firm has taken legal action against a farming couple that had sowed 250 hectares of soybeans, produced 10,000 bushels of seed which it then sold practically in its entirety to farmers in the region.

The firm claimed in particular that the law had to be interpreted as permitting farmers to save simply the seed necessary to resow their own holding; since approximately one bushel was required per hectare, the defendants could therefore only sell 250 bushels. The court ruled in summary judgment--thus no facts were in dispute--in favor of the seed company. However, in appeal, the Court of Appeals for the Federal Circuit reversed the decision.

The matter has now been brought before the Supreme Court, which rarely deals with disputes on matters such as plant variety protection and concentrates rather on constitutional matters. On the first day of its session, it usually dismisses some 95% of the cases brought before it. However, that particular case was not dismissed and it is therefore altogether possible that the court would review it further.

The Plant Variety Protection Office has pursued its efforts towards improved participation in UPOV, particularly as regards the technical work.

NON-MEMBER STATES

Argentina

The law on accession to the UPOV Convention has been adopted by Congress and it is hoped that the legislative work will be concluded in the near future and that the Argentine Government will soon be able to deposit its instrument of accession.

Austria

Accession to the Convention has to be subjected to a parliamentary procedure. The Government is soon to submit a draft. However, in view of the parliamentary workload, it is unlikely that the matter will be examined in the current year.

Brazil

Varieties do not enjoy specific protection in Brazil, but growing interest in accession to UPOV can be noted. A draft law based on the 1978 Act of the Convention is under examination by an inter-ministerial committee of the Federal Government.

The National Agricultural Council is working on a parallel draft.

Congress has held a debate during its current session on the patentability of living matter, including plant varieties, in relation to the draft intellectual property law. The National Industrial Property Institute, for its part, has made a start with revising the 1971 Law to determine whether it can apply to plant organisms and tissues.

Chile

Last year, the Delegation of Chile announced that, following a national seminar on plant variety protection organized in cooperation with UPOV, a working group comprising representatives of the Ministry of Agriculture had been given the task of preparing a draft law to modernize the currently applicable law.

At the beginning of the present year, the draft has been submitted to Parliament; it is currently under examination by the House of Deputies and has been transmitted to the Senate.

The statement of grounds in the draft explains that one of the aims is to adapt the law to the provisions of the 1978 Act of the Convention to enable Chile to accede to UPOV.

These are some features of the draft:

- (i) it covers various matters that are at present covered by regulations;
- (ii) it employs the concept of breeders' rights or of protection rights and no longer that of plant property;
- (iii) it supplements the right that is currently generated by entry in a register, by the issue of a special title of protection;
- (iv) it lays down the minimum terms of protection (18 years for trees and vines, 15 years for other species);
- (v) it suppresses the faculty possessed by the State to order propagation of a variety where the owner fails to do so, and replaces that faculty by the applicability of competition law provisions;
- (vi) it suppresses the faculty afforded to the owner to have his right entered in the trademark register;
- (vii) it simplifies the arrangements for entering foreign varieties coming from countries that have a similar system of protection.

The past year has therefore been an active one; it is hoped that it will be possible to announce the entry into force of the revised law at the next session of the Council.

Finally, the excellent help given to the Agriculture and Animal Husbandry Service by UPOV has to be emphasized.

Morocco

The draft national law for the protection of new plant varieties has been transmitted to the higher instances and is currently with the General Secretariat of the Government. The Moroccan authorities wish to thank in that respect, particularly, the Office of UPOV and the French Committee for the Protection of New Plant Varieties for the assistance they have given.

In June, a Seminar on the nature of and rationale for the protection of plant varieties under the UPOV Convention was organized jointly by UPOV and the Ministry of Agriculture and Agrarian Reform of Morocco for the countries of North Africa. The Moroccan authorities consider that the seminar was of great value and had enjoyed large success.

Portugal

The current plant variety protection law dates back to June 1990. Slight changes are being considered, namely in respect of provisional protection, to adapt it to some of the orientations proposed by the 1991 Act of the Convention.

A change in the fees charged by CENARVE is also being considered to harmonize them with the fees charged for identical services of the same State department.

At the beginning of 1993, the number of protected species in Portugal was increased from 34 to 43.

Although it has still not been formalized, cooperation with the national services of Spain is continuing in respect of strawberries.

In the first half of 1993, the CENARVE underwent some structural changes as a consequence of similar changes in the Ministry of Agriculture. CENARVE now is a service of CNPPA, which, among other activities, is in charge of elaborating and maintaining the National Catalogue of Plant Varieties.

Since the last session of the Council, 14 applications were received, six titles were granted and six applications were rejected for lack of innovation of the variety.

This year, a technical member of CENARVE visited the autonomous region of Madeira to explain the plant breeders' rights legislation to the local authorities. This meeting resulted in the drafting of a protocol with the agricultural services of the region on the conduct of DUS tests for tropical and subtropical species, beginning with Annona.

Concerning Portugal's accession to UPOV, the matter has already received approval from the Ministry of Agriculture; it is now with the Ministry for Foreign Affairs which will contact the Office of the Union in relation to the formal presentation of a request for accession.

Republic of Korea

A Seminar on the nature of and rationale for the protection of plant varieties under the UPOV Convention was held in Suweon in November 1992. The seminar had a considerable impact on the countries of the region with respect to recognition of the importance of protection and of the activities of UPOV.

Asexually reproduced varieties have been eligible for patent protection since 1946. It is now recognized that the system has to be supplemented to provide more appropriate and fuller protection. The work is currently underway.

The authorities of the Republic of Korea are very interested in the work undertaken by UPOV. They feel that the protection of new plant varieties is close to the patent system; it would be desirable for more patent specialists to participate in future meetings of UPOV.

Romania

A seed law has been drafted and tabled before the Parliament. Patent Law (No. 52 of 1991) and its Regulations, that also concern plant variety protection, will be amended and adapted to the 1991 Act of the Convention on the basis of the comments made by the Office of the Union.

The Vice Secretary-General is to visit Romania in November 1993 in order to clarify certain points in the protection of plant varieties at national level.

The fees relating to plant variety protection are the same as for other fields of industrial property. A new schedule is currently being drawn up for the examination fees.

The application forms for protection and for variety denominations are exactly the same as the forms for patent applications. Technical questionnaires are being drawn up on the basis of the corresponding UPOV documents.

In 1993, Romania participated in a ring test with a view to harmonizing the testing procedures. Two months of training were received in the United Kingdom by a specialist from the State Committee for Variety Study and Approval.

Slovenia

Two laws cover most elements of the 1991 Act of the Convention. A request for accession to that Act has been submitted to the Ministry of Agriculture one year ago. A model is anxiously awaited in order to promulgate the final law.

INTERNATIONAL ORGANIZATIONS

European Community (EC)

The Community does not have any legislative activity with respect to the domestic systems of its member States in the field of plant variety protection. This holds true for the adaptation, from the point of view of both substantive law and time limits, of those systems to the 1991 Act of the Convention and for the ratification or accession by Community Member States to that Act; this also applies to possible harmonization of provisions based on the options afforded by that Act to the Contracting Parties. However, the Community is aware of the fact that measures appear desirable with respect to Article 6(3) (novelty) and Article 16(3) (exhaustion of the breeder's right) of the 1991 Act.

The major activities of the Community in the field of plant variety protection currently concern the final phase of establishing a Community breeder's right which:

-
- is to permit breeders to obtain on the basis of a single application and a single decision a breeder's right having direct and unitary effect throughout the Community,
 - is to coexist with the domestic arrangements for protection of the Member States and
 - is to comply with the 1991 Act of the Convention.

Examination of the proposed Council Regulation submitted by the Commission in September 1990 is progressing well. The statutory consultation of the European Parliament and of the Economic and Social Committee has been completed. Where the Commission has been able to accept the amendments proposed by the European Parliament, it has formally amended its initial proposal in March 1993.

The modifications to the proposed text resulting from the examination were, in the very great majority of cases, the subject of a consensus of all member States and of the Commission. Apart from a number of matters of a political and institutional nature (as for example: the headquarters of the future Community Plant Varieties Office, the languages of the Office and the operating mode of various committees), there remain only two questions to be resolved with respect to protection as such; those are certain aspects of the term of protection and the "agricultural exception" that is generally known as "farmer's privilege."

On that latter point, it has now become clear that the Community will avail itself of the option afforded in Article 15(2) of the 1991 Act. However, it has to be emphasized that diverging points of view--particularly as regards the list of species to which the "agricultural exception" would apply within the Community and on the basic matter of deciding whether remuneration has to be paid to the breeder where the exception is made use of--have meant that a solution acceptable to all parties has not yet emerged. The Commission has held a "dialogue" in order to negotiate balanced conditions with respect to the economic operators that are directly concerned; in July 1993, in the final phase of the dialogue, the tentative negotiation was postponed in view of the opposition from one organization.

The Ministers for Agriculture of the twelve member States and the Member of the Commission responsible for agriculture are currently dealing with that matter on the basis of a compromise proposal made by the Belgian presidency in an effort to strike a balance between the interests of the breeders and those of the farmers. A third discussion at Ministerial level is scheduled for November 16, 1993.

During a further examination of the draft Directive on the Protection of Biological Inventions Under Patent Law, the matter of "agricultural exception" has also assumed considerable importance.

Reference is made to the previous paragraph with regard to the protection of biotechnological inventions under patent law; attention is also drawn to a proposal that the Commission has recently submitted to the Council concerning amendment of the entire Community law on seed in order to adapt it to the conditions that have obtained on the internal market since January 1, 1993. Those amendments would also affect the system of marketing authorization of varieties at Community level. They would also take into account aspects linked to varieties deriving from genetically modified organisms and varieties linked to "new feeding stuffs."

Organisation for Economic Cooperation and Development (OECD)

Fagopyrum esculentum and Lathyrus sativus were proposed for new eligible species respectively by the Netherlands and Hungary.

About 350,000 tonnes of seed were internationally traded (excluding intra-EC trade) and 15,000 plots controlled worldwide under the OECD Schemes.

Since the previous session of the Council of UPOV, the Council of OECD has adopted a revision of the Maize Certification Scheme and its extension to sorghum (Sorghum sudanense, S. bicolor and their hybrids). It is now called the OECD Scheme for the Varietal Certification of Maize and Sorghum Moving in International Trade.

A revised version of the draft amendment to the Herbage and Oil Seed Scheme is now before the Council of OECD. This would allow the certification of hybrids of Brassica napus and B. napa bred either by the CMS or the SI method. Varietal purity levels for cultivars and parental material of both these species and Helianthus annuus have been proposed. Another draft amendment provides that maximum lot sizes as adopted by ISTA in 1992 should be entered in the Scheme.

The other agricultural Seed Schemes were left unchanged.

The OECD Scheme for the Control of Forest Reproductive Material Moving in International Trade, left unchanged since 1974, is undergoing a major revision.

France notified its adherence to the Subterranean Clover Scheme. The Czech Republic and Slovakia formally renewed their participation and extended it to the Maize and Sorghum Scheme. Poland also wished to extend its participation to this scheme. Uruguay applied to the Cereals Scheme. Albania lodged an application for admission to all Schemes. Iran lodged an application for the Beet Scheme. South Africa plans to extend its participation to the OECD Schemes in the near future. The Costa Rican application did not make any progress. India, Lithuania, Mexico, the Russian Federation, some Latin American and South African (SADCC) countries are revising their national law in a spirit of compatibility and possible adherence to the OECD Schemes.

Observer status was requested by IICA (Inter-American Institute for Co-operation on Agriculture of the Organization of the American States) and AOSCA (Association of Official Seed Certifying Agencies).

A major modification of the financing of the OECD Schemes is under way, which affects the OECD Member-countries only. Funding would come in some countries from more specialized official sources (Ministries of Agriculture or Seed Institutes), either directly or indirectly through levies on certified seed quantities.

The Annual Meeting held last June under the chairmanship of Germany also discussed a number of issues such as accreditation of field inspection, national attribution of cultivars in the Annual OECD List of Eligible Varieties, agreements for multiplication abroad, labelling not finally certified seed, use of the Vegetable Seed Scheme and the impact of biotechnological safety requirements and testing methods on seed certification (see below). The EC Commission invited the OECD countries to visit and discuss the EC comparative seed trials in the Netherlands and Germany. A joint EC/OECD mission took place in Australia and New Zealand.

A joint project on "Commercialisation of Agricultural Products Derived through Modern Biotechnology" has just been launched by the Environmental Health and Safety Division, Environmental Directorate, and the Agricultural Trade and Market Division (Seed Schemes), Agricultural Directorate. A comprehensive survey which covers various aspects of commercialising transgenic crop plants has been sent to OECD Member countries and other countries participating in the OECD Seed Certification Schemes. The focus of the project is on the national policies of participating countries with respect to oversight/regulation which will affect the movement of these products into the market place in order to harmonize international approaches. The survey is divided into five sections: General Approach to Oversight of Products of Modern Biotechnology; Environmental Biosafety; Food Safety; Varietal Registration and Seed Certification; and Case Studies. The four case studies are: herbicide resistant canola/oilseed rape; delayed ripening (antisense) tomato; insect resistant (Bt) maize/corn; and virus resistant (coat protein) sugar beet.

The responses to the survey are requested by 15 November 1993. These responses will be analysed and collated into a document for general distribution. The case studies will be the basis of a workshop next year in which participating countries will try to integrate the oversight/regulatory reviews associated with products of biotechnology.

The report was supplemented in session by a reference to the fact that the Science Directorate, the Environment Directorate and the Agriculture Directorate had initiated a joint project on the marketing of agricultural products obtained by advanced biotechnology. A questionnaire had been sent to the OECD member States and to non-member States that participated in the seed schemes. The matter of the safety of biotechnology could obviously have repercussions in the field of seed production.

International Board for Plant Genetic Resources (IBPGR)*

IBPGR, as one of the centers of the Consultative Group on International Agricultural Research (CGIAR), has been actively involved in the preparation of a CGIAR Discussion Document on Intellectual Property, Biosafety and Plant Genetic Resources. This document has been widely circulated for comments and is presently being finalized.

The Inter-Center Working Group on Plant Genetic Resources of the CGIAR recommended the following elements as a basis for CGIAR policy on IPR relating to the germplasm collections held in trust:

- The plant genetic resources maintained in genebanks of the CG Centers are held in trust for the world community.
- The CG Centers adhere to the principle of unrestricted availability of the plant genetic resources they hold in trust, including related information.
- The CG Centers will not protect the plant genetic resources they hold in trust by any form of intellectual property protection.
- The CG Centers are opposed to the application of patent legislation to plant genetic resources (genotypes and/or genes) held in trust.

* Now International Plant Genetic Resources Institute (IPGRI).

- Plant genetic resources held in trust by the Centers, will be made available on the understanding that the recipients will take no steps which restrict their further availability to other interested parties.

Based on the above elements several of the CGIAR Commodity Centers, which hold large collections of germplasm, have developed their own policies on intellectual property protection.

The CGIAR Centers and FAO are negotiating a basic agreement to bring the international collections under the auspices of FAO within the framework of the International Network of ex situ Base Collections. In this agreement the Centre agrees to hold the designated germplasm as trustee for the benefit of the international community, in particular developing countries, in accordance with the International Undertaking on Plant Genetic Resources.

IBPGR is involved in a project which aims at studying the potential impact of recent trends in intellectual property rights on plant genetic resources and plant breeding. The project brings together diverse viewpoints in a Working Group which is seeking consensus where possible, and explaining and exploring differences of opinion where they exist. The Working Group comprises participants from North and South, representing a wide cross-section of opinions, interests and expertise. The Group includes legal experts, national agricultural research systems, the CGIAR, non-governmental organizations, UN organizations and the private sector.

IBPGR and the CGIAR Secretariat are conducting a study to look into the use of material transfer agreements in the distribution and reception of germplasm to and from cooperating national research organizations and private sector institutions.

International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL)

ASSINSEL has adopted two positions at its Annual Congress held in Nairobi, Kenya, in May 1993: one on the concept of essentially derived variety and one on farm-saved seed. It requests the Council of UPOV to be vigilant on conformity of national legislation with the 1991 Act of the Convention with respect to the provisions adopted to apply Article 15(2) of the latter.

The Congress also reactivated the ASSINSEL arbitration procedures in view of the fact that disputes are likely to arise in the forthcoming years with respect to essentially derived varieties. Each of the national associations was to submit in the coming months a list of experts to the arbitration boards of their countries.

 CALENDAR

UPOV Meetings in 1994

July 28 (Bangkok, Thailand)	National Seminar
September 5 to 9 (Edinburgh, United Kingdom)	Technical Working Party for Vegetables
September 15 (Harbin, China)	National Seminar
September 19 (Xian, China)	National Seminar
September 19 to 24 (Napier, New Zealand)	Technical Working Party for Fruit Crops
September 22 (Nanjing, China)	National Seminar
September 26 to October 1 (Sydney, Australia)	Technical Working Party for Ornamental Plants and Forest Trees
November 2 to 4	Technical Committee
November 7 and 8	Administrative and Legal Committee
November 9 (morning)	Consultative Committee
November 9 (afternoon)	Council
November 29 (Pakistan)	National Seminar
December 1 (Kuala Lumpur, Malaysia)	National Seminar
December 5 (Jakarta, Indonesia)	National Seminar
December 8 (Manila, Philippines)	National Seminar

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. Requests for addition to the mailing list may be placed with:

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