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NEWSLETTER

INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW VARIETIES OF PLANTS

No. 2

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INFORMATION FROM UPOV

Session of the Committee of Experts on International Cooperation in Examination in the presence of observers from four international non-governmental organizations (AIPH, ASSINSEL, CIOPORA and FIS) on April 15, 1975

The Committee of Experts on International Cooperation in Examination which was established by the Council in its eighth ordinary session in October 1974 held its third session from April 15 to 17, 1975. The first day of the session was devoted to informing the observers from four international non-governmental organizations in the field of plant breeding and seed trade on the projects under discussion in the Committee, and to giving them the opportunity to express their views on the Committee's activities. The organizations which were represented by observers were the following: International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamentals (CIOPORA), and the International Federation of the Seed Trade (FIS). Besides the representatives of the six member States of UPOV (Denmark, France, Germany (Federal Republic of), Netherlands, Sweden and United Kingdom), three interested non-member States were also represented (Finland, Italy and Spain).

The Chairman of the Committee, Mr. J.I.C. Butler, the Secretary-General of UPOV and the members of the Committee explained in detail the aims and contents of the two drafts presently under discussion in the Committee: the UPOV Draft Model Agreement for International Cooperation in the Testing of Varieties, and the Draft Council Decision aiming at the same purpose by way of a multilateral arrangement. As pointed out, the aim of both drafts was to achieve close cooperation, if not a certain division of labor, in the technical examination of new plant varieties. This technical examination was not only the most lengthy but also the most expensive step in the procedure for the grant of plant variety protection. Where protection is sought for the same variety in more than one member State of UPOV, it would be desirable to avoid unnecessary examination of that variety in more than one office. The envisaged cooperation should reduce the burden of the national offices, thereby enabling the member States to make more species eligible for protection; it should also reduce the costs of the system.

The first project devised to achieve this aim was a model for the conclusion of bilateral agreements between two offices of the member States: the UPOV Model Agreement. Although this Model Agreement is primarily intended as a basis for the conclusion of agreements between two offices, the possibility of other national offices joining the agreement is not excluded. The main objective of the Model Agreement and the agreements which will be based on it is to provide that for a given species of plants the technical examination of applications filed in either of the offices will be performed in or under the supervision of one of the offices. This will not only avoid the need to perform the same costly examination work twice, but it will also enable the non-examining office to grant protection for new varieties of a given species without having to maintain testing facilities such as a reference collection for the species in question. This part of the Model Agreement has been called "centralized testing." Another provision would offer each office party to the Agreement the possibility of asking the other office to forward to it the results of any technical examination which has been or is being performed in respect of varieties of other species than those for which centralized testing has been agreed upon. This has been called "exchange of test results." A further provision stipulates that both types of cooperation need not be restricted to the protection of new varieties but can also be applied to the examination of varieties as to distinctness, homogeneity and stability for other purposes, i.e., for the purpose of entry in a national list.

The second project took the form of a document showing possible ways of achieving this kind of cooperation in examination on a more multilateral basis. This document contained the draft of a decision to be taken by the Council. This method was chosen since the procedure consisting of the adoption of a Council decision and its modification after the first practical experience has been gained is simpler than the conclusion and revision of a special agreement as provided for under Article 30(2) of the UPOV Convention or an administrative agreement. The Draft Decision provides that national offices which are ready to examine plant varieties for other offices (i.e., to perform "centralized testing") or to communicate their own test results to other offices will notify the UPOV Council through the intermediary of the Office of the Union. The offices of those member States desiring to avail themselves of the

possibilities offered by other member States or to give legal effect to any test results obtained in the offices of other member States will also notify the Office of the Union accordingly. The Office of the Union will publish the corresponding notifications in a document or a gazette. The details of the cooperation between offices on the basis of such notifications are regulated in the Draft Council Decision itself or in regulations which the Council will adopt for this purpose. The effect of such a multilateral scheme would to some extent be the same as that of a network of bilateral or multilateral agreements based on the UPOV Model Agreement. Its proponents, however, saw an advantage in the fact that the cooperation might thereby be achieved more easily and more rapidly and that the general public and non-member States interested in joining UPOV would be better informed about the possibilities of such cooperation.

The Chairman also reported that the Committee had not confined its work to the study of possible legal instruments, but had already started the discussion on which offices could perform centralized testing for other offices. He explained that a great number of offers to do such work for other offices had already been made for those species which were eligible for protection in certain member States. However, since those offers had been made merely on a preliminary basis, the Chairman thought it premature to inform the Committee in detail about them.

It was encouraging to note that the observers from the international organizations welcomed the progress made so far in the Committee. As to the two projects, they expressed a strong preference for a multilateral system, fearing that, at least in the course of time, bilateral agreements, though based at the beginning on the UPOV Model Agreement, might differ too greatly from each other, thereby creating insecurity and confusion for the breeders. This concern was not shared by most government representatives, who confirmed that it was their intention not to deviate from the UPOV Model Agreement when concluding bilateral agreements. The government representatives also pointed out that for practical reasons cooperation had to start between two offices but that it would by no means be the intention to restrict the agreements to those concluded between two offices. Their idea was to start cooperation by concluding a bilateral agreement but to open such an agreement to other offices wishing to accede to it. The observers from the international organizations stressed the point that, whatever the scheme to be adopted for international cooperation might be, the general public had to be informed, precisely and without delay, in a gazette published by the Office of UPOV.

Some observers, while not overlooking the fact that cooperation in technical examination was the first aim to be achieved, pointed out that the possibilities should also be studied of introducing a system under which breeders' rights could be granted with effect not only in one but in several member States, and under which an application for plant variety protection could be filed in one member State or in an international authority with effect for several member States. They drew attention to developments in the field of patents, where systems envisaging a very far-reaching cooperation were already nearing adoption, both at the European and at the international levels. Special mention was made of the European Patent Convention, concluded in Munich on October 5, 1973, and the Patent Cooperation Treaty, concluded in Washington on June 19, 1970. It was pointed out that agreement on such far-reaching cooperation could not be expected in the immediate future. Nevertheless, it should be kept in mind that discussions had to start now if international cooperation of that kind was desired for the coming decade.

Some observers wondered whether it would not be useful to follow up the proposal made as a basis for discussion by the United Kingdom delegation to centralize the examination of varieties of the major crops during the first growing season, leaving the examination in the subsequent growing season or seasons to be finalized at the national level. This proposal had been made in view of the unlikelihood that an agreement on centralized testing for those species could be concluded, since member States in general would insist on performing their own testing for varieties of species which were so important for their economy. The only thing to be done was therefore to centralize testing in the first growing year and to continue parallel testing only for those varieties for which applications were maintained after the breeder had had the opportunity to learn about the outcome of the examination performed within that first year. The representatives of the member States informed the observers that the practical effect of this proposal could be achieved in a great number of cases through an exchange of test results as envisaged under the UPOV Draft Model Agreement and Draft Council Decision.

During the detailed discussion of the UPOV Draft Model Agreement, several proposals were made, including a proposal for the addition of a preamble outlining the aims of the Agreement, namely, the recognition of the results of the examination carried out abroad, the reduction of fees, the extension of the Convention to other States not yet members of UPOV, and the extension of the application of the Convention to further species within the UPOV member States.

The observers from international organizations made a number of proposals for the improvement of the present system; all of these proposals, however, fell within the competence of another Committee of Experts established within UPOV by the Council, the Committee of Experts on the Interpretation and Revision of the Convention. The Office of the Union pointed out that all of these questions were already on the list of items to be discussed in that Committee of Experts, and announced that the same international organizations would have the opportunity to send observers to the third session of the said Committee, which would probably take place from February 17 to 20, 1976.

The observers from the four international organizations as well as the representatives of the member States noted, at the close of the session, that the exchange of views had been useful for both sides. The government representatives expressed their appreciation of the valuable suggestions they had received for their future work.

INFORMATION FROM INTERNATIONAL ORGANIZATIONS

Annual meetings of ASSINSEL in Rome, Italy, May 21 to 23, 1975

From May 21 to 23, 1975, the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) held in Rome the annual meetings of its Council, of the different sections and of its General Assembly. UPOV was represented by the President of its Council, Mr. Laclavière (France), and the Vice Secretary-General, Dr. Mast.

The meetings were very successful, for which the President of ASSINSEL, Dr. Büchting, and the Italian group, in particular Mr. Magliani, are to be complimented. The importance of the meetings was underlined by the fact that Signor di Medici, former Italian Minister of Agriculture and other government departments, gave an address to the General Assembly in which he pointed out that plant breeding had become one of the most important prerequisites of the development of agriculture, and that protection of new plant varieties was proving to be the best way of promoting plant breeding.

This is not the place to report on the ASSINSEL meetings as a whole, as it will certainly be done in the usual way by ASSINSEL itself. The purpose of this Newsletter is to confine itself to the specific problems of UPOV which played an important part in the discussions.

In all meetings reports were given on the outcome of the Meeting of Member and Non-Member States, held from October 21 to 23, 1974¹, and on the session of the Committee of Experts on International Cooperation in Examination, held on April 15, 1975, to which ASSINSEL had been invited to send observers.² The close cooperation between UPOV and ASSINSEL demonstrated by these two meetings was highly appreciated by all participants. Great interest was shown in the project aimed at instituting closer cooperation in the field of examination between the offices of UPOV member States by means of bilateral agreements or on the basis of a multilateral agreement. Here, as in the session of the Committee of Experts on April 15, 1975, a certain preference could be discerned among the breeders for organizing cooperation on a multilateral basis though all participants welcomed the conclusion of bilateral agreements as a first step and urged the Governments of UPOV member States to start as early as possible with the envisaged cooperation. The wish was expressed that the bilateral agreements should not deviate from the Draft Model Agreement prepared by the Committee of Experts. Special reference was made to the fact that a bilateral agreement based on the UPOV Draft Model Agreement could also be concluded with a non-member State, according to a view expressed in the meeting of April 15, 1975.

As to the plans for achieving a more flexible interpretation of the UPOV Convention, or preparing a revision of the Convention, most sections showed a preference for the system of examination as practiced at present by all UPOV member States, i.e., the examination of the variety and the establishment of a variety description by an official authority prior to the grant of a title. The system of official examination including field tests was regarded as giving greater legal security to the applicant. It was further observed that it would be difficult for the breeder, especially for the small breeder, to describe the variety without any official help. On the other hand, it was stated that a system according to which official authorities examine plant varieties on the premises of the breeder would not meet with any basic objections.

As far as Article 13 (Variety Denominations) is concerned, general satisfaction was shown with the practice now applied in the Federal Republic of Germany after the entry into force of the Act of December 9, 1974, amending the Plant Varieties Protection Law of May 20, 1968 (see Newsletter 1975/I, page 6, in particular the remarks on Articles 8 and 10).

1 See UPOV Publication 330 (E).

2 See the report above on the Session of the Committee of Experts on International Cooperation in Examination held in the presence of four international non-governmental organizations (AIPH, ASSINSEL, CIOPORA and FIS).

In the sections of ASSINSEL, among other proposals made, there was a suggestion to start the computation of the protection period at a time to be determined by the breeder in cases where, after the granting of the title, he was not yet allowed to commercialize the variety in the State concerned. This could be the case when the variety had not been entered in the national list. In this context the proposal was also made for a complete harmonization of the legal period of protection and not only a minimum period of protection, and for the provision of a protection period that would always start at the same time. It was observed that these problems would be discussed by the Committee of Experts on the Interpretation and Revision of the Convention and would be included in the agenda of the third session of that Committee, to which ASSINSEL had already been invited to send observers.

As to the technical work of UPOV, discussions took place on first drafts of the UPOV Test Guidelines for barley and oats. As far as the Test Guidelines for Wheat and Maize are concerned, UPOV's reply to some comments by ASSINSEL was mentioned and it was agreed to discuss these questions later. It was the general view that the technical bodies of ASSINSEL should concentrate at present on naming reference varieties to be included in test guidelines.

The importance of the harmonization of fees charged in the different member States was also stressed and it was appreciated that this question was being considered within UPOV.

Some time was spent on discussing the question of the differences justifying distinction between two varieties. Several proposals were made which had in common the view that a new variety, in order to be protectable, must be clearly distinguishable by one or more characteristics which are genetically secured, and which are helpful in confirming the identity of the variety. It was the general feeling that important characteristics within the meaning of Article 6(1)(a) of the UPOV Convention must not necessarily be "functional" characteristics, i.e. characteristics which are important for the envisaged use of the variety.

ASSINSEL noted with great interest and appreciation the fact that the Council of UPOV had decided to send a delegation to the United States of America, and also to Canada, to study the examination system applied there. Again a preference was expressed for the examination system as applied in the present UPOV member States. ASSINSEL announced that it would ask UPOV to include representatives of breeders in the delegation to be sent to North America, a wish which cannot be fulfilled in view of the character of the mission as a meeting at intergovernmental level.

In the final session, the President of the Council of UPOV, Mr. Laclavière, assured the assembly, in a well-received speech, of UPOV's wish to collaborate closely with ASSINSEL. He regretted that the number of member States of UPOV was small at present but predicted a considerable increase in the coming years. He asked ASSINSEL always to express its wishes precisely and to restrict them to what could be reasonably expected from an intergovernmental organization such as UPOV. He finally pointed out that breeders sometimes had more efficient means to propagate the idea of the protection of plant breeders' rights, as the example of New Zealand showed. He asked breeders to use their influence for the common good of UPOV and ASSINSEL.

As to further programs, the President of ASSINSEL, Dr. Büchting, mentioned that the 1976 sessions would be held in connection with the FIS congress on June 3 and 4, 1976, in Amsterdam, while the 1977 sessions would take place in Monterrey, California.

At the final banquet, Dr. Büchting referred to developments in the related field of patents, where the European Patent Convention at the European level and the Patent Corporation Treaty at the international level would enter into force in the coming years. He expressed the hope that international cooperation would progressively increase also in the field of plant variety protection.

"Mini-Congress" of FIS in Poznan, Poland, May 25 to 28, 1975

The International Federation of the Seed Trade (FIS) held its mini-congress from May 25 to 28, 1975, in Poznan, Poland. The congress was chaired by its President, Mr. Sluis (Netherlands).

The activities of UPOV played a considerable part in the discussions of this congress. Already in his opening speech the President of FIS expressed his great appreciation of the spirit of cooperation that had developed between FIS and UPOV in the preceding year. This had been highlighted by the invitation of FIS to the Meeting of Member and Non-Member States held at Geneva, from October 21 to 23, 1974.³ He welcomed the plans for closer technical cooperation between the offices of member States of UPOV and expressed his thanks for the opportunity of having had these plans discussed, even at this early stage, together with observers from FIS in a meeting of the Committee of Experts on International Cooperation in Examination on April 15, 1975.⁴ Mr. Sluis underlined the importance of the speedy introduction of new varieties, especially of varieties resistant to diseases and viruses. The procedure for the granting of a title of protection for a new variety should accordingly be accelerated. Mr. Sluis also expressed his satisfaction with the envisaged mission of a UPOV delegation to the United States of America and Canada and hoped that it would pave the way for the accession of those two countries to the UPOV Convention.

The importance attributed to the idea of plant variety protection during this congress was underlined by the fact that in the opening session a speech was given by Professor Pierre Chabrand, President of the French Committee for the Protection of Plant Varieties. The subject of his speech was a survey of the most recent developments in the field of patents. Professor Chabrand explained in particular the impact of the European Patent Convention, the envisaged Convention of the European Patent for the Common Market and the worldwide Patent Cooperation Treaty. He mentioned those treaties as examples which had to be studied when organizing the protection of new plant varieties on a more international basis than hitherto. He stressed the importance of an efficient examination as the basis for granting a title of protection. He also warned against changing basic rules of the existing UPOV Convention only for the sake of change, and pleaded for a clear separation between variety denominations and trademarks.

In the meetings of most sections reports were also given on the two UPOV meetings to which representatives of international organizations had been admitted as observers: the Meeting of Member and Non-Member States of October 21 to 23, 1974, and the first day of the third session of the Committee of Experts on International Cooperation in Examination. It was the general wish that FIS should in future be invited as often as possible to UPOV meetings.

The host country had arranged for a very interesting social program, which included a visit to the testing station of Slupia Wielka, where most tests are performed in the procedure for the entry of a new variety in the Polish national list. The visitors were informed that in testing, great attention was paid to the UPOV Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability. On this and other occasions the participants greatly appreciated the hospitality of Poland.

The Polish Minister of Agriculture, Mr. Barcikowski, and the Director General of the Union of Agricultural and Horticultural Seed Production, Mr. Paszkowski, promised to send observers to the forthcoming Council session of UPOV.

3 See UPOV Publication 330 (E)

4 See the report above on the Session of the Committee of Experts on International Cooperation in Examination held in the presence of four international non-governmental organizations (AIPH, ASSINSEL, CIOFORA and FIS).

INFORMATION FROM MEMBER STATES

Netherlands: Plant Breeder's Right Order of January 24, 1975

In replacing the Plant Breeder's Right Order of April 5, 1967 (Staatsblad 221), by the Order of January 24, 1975, containing the Provisions of the Plant Breeder's Right Order of 1975 (Staatsblad 73), the Netherlands has extended the application of the UPOV Convention to other 15 crops, bringing the total number of crops eligible for protection to 125. The Explanatory Note accompanying the Order states that this extension has been made in view of the increased activity in the breeding of new varieties of ornamentals and as a contribution on the part of the Netherlands to the efforts of UPOV to harmonize the lists of species eligible for protection within the member States. The extension was also made possible through the international co-operation in examination existing between the competent authorities of UPOV member States.

Article 2 of the new Order provides for the following terms of protection of breeder's right:

- (i) 25 years for varieties of acacia, apple, ash, cherry, elm, pear, plum, poplar, potato and willow;
- (ii) 20 years for varieties of the other crops eligible for protection.

List of Crops eligible for Protection

A plant breeder's right can be granted for a new variety of those crops which are indicated below by their Dutch common names in column I, in so far as the new variety belongs to the botanical families, genera or species indicated under column II. The English, French and German common names have been added by the Office of the Union, to the best of its knowledge, for the convenience of the reader and do not form part of the Order.

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
1. champignon	Agaricus L.	Mushroom	Champignon de couche	Champignon
2. a. heidestruisgras, b. kruipend struisgras	Agrostis canina L.	Velvet bent, Velvet beet	Agrostis des chiens	Hundsstrausgrass
3. hoog struisgras	Agrostis gigantea Roth	Red top, Black bent	Agrostide blanche, Agrostide géante	Weisses Straussgras
4. wit struisgras	Agrostis stolonifera L.	Creeping bent, Creeping beet	Agrostide blanche, Agrostide stolonifère	Flechtstrausgrass
5. gewoon struisgras	Agrostis tenuis Sibth.	Brown top	Agrostide commune	Rotes Straussgras
6. a. prei, b. sierui, c. sjalot, d. ui	Allium L.	Leek Allium (ornamentals) Shallot Onion	Poireau Allium (vari- étés ornementales) Echalotte Oignon	Poree Lauch (Zierarten) Schalotte Zwiebel
7. incalelie	Alstroemeria L.	Peruvian lily. Herb lily	Alstroemère, Lis des Incas	Inkalilie, Belladonnalilie
8. kervel	Anthriscus cere- folium (L.) Hoffm.	Chervil	Cerfeuil	Kerbel
9. anthurium	Anthurium Schott	Anthurium	Anthurium	Schwanzblume, Flamingoblume

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
10. selderij	Apium graveolens L.	Celery, Celeriac	Céleri	Sellerie
11. Frans raaigras	Arrhenatherum elatius (L.) Beauvois ex J.S. et K.B. Presl	Tall oatgrass	Fromental, Avoine élevée	Glatthafer
12. asperge	Asparagus officinalis L.	Asparagus	Asperge	Spargel
13. haver	Avena sativa L.	Oat	Avoine	Hafer
14. begonia Elatior hybriden	Begonia L.	Elatior Begonia	Bégonia elatior	Elatior-Begonia
15. a. kroot, b. snijbiet	Beta vulgaris L.	Garden beet, Red beet Mangel	Betterave potagère, Betterave rouge Bette commune, Poirée	Rote Rübe Mangold
16. a. raap, b. stoppelknol	Brassica rapa L.	Turnip Turnip	Navet Navet	Mairübe Herbstrübe Stoppelrübe
17. a. bladkool, b. koolraap, c. koolzaad	Brassica napus L.	Rape Swede Rape	Colza d'hiver Chou-navet, Rutabaga Colza	Winterraps Kohlrübe Raps
18. a. bloemkool, b. boerenkool, c. broccoli, d. koolrabi, e. rode kool, f. savooiekool, g. spruitkool, h. witte kool	Brassica oleracea L.	Cauliflower Curly kale, Garden kale Sprouting broccoli Kohlrabi Red cabbage Savoy cabbage Brussels sprouts	Chou-fleur Chou-frisé Brocoli Chou-rave Chou rouge Chou de Milan Chou de Bruxelles Chou (pommé) blanc	Blumenkohl Grünkohl, Winter- kohl, Krauskohl Brokoli, Spargelkohl Kohlrabi Rotkohl Wirsing Rosenkohl Weisskohl
19. a. Paprika, b. Spaanse peper	Capsicum annuum L.	Paprika Red pepper	Poivron Piment	Paprika Spanischer Pfeffer
20. Chrysant	Chrysanthemum mori- folium Ram.	Chrysanthemum	Chrysanthème	Chrysantheme
21. andijvie	Cichorium endivia L.	Endive	Chicorée frisée, Scarole, Endive	Winterendivie
22. witlof	Cichorium intybus L.	Chicory	Chicorée	Wurzelzichorie
23. meloen	Cucumis melo L.	Cantaloupe, Melon	Melon	Melone
24. a. augurk, b. komkommer	Cucumis sativus L.	Gherkin Cucumber	Cornichon Concombre	Essiggurke Gurke
25. cyclamen	Cyclamen L.	Cyclamen	Cyclamen	Alpenveilchen
26. kamgras	Cynosurus cristatus L.	Crested dog's tail	Crételle	Kammgras
27. kropaar	Dactylis glomerata L.	Cocksfoot	Dactyle	Knauelgras
28. wortel	Daucus carota L.	Carrot	Carotte	Möhre
29. anjer	Dianthus caryophyllus L.	Carnation	Oeillet	Nelke

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
30. euphorbia	Euphorbia fulgens Karw.	Euphorbia fulgens	Euphorbe	Korallenranke
31. poinsettia	Euphorbia pulcherrima Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
32. rietzwenkgras	Festuca arundinacea Schreb.	Tall fescue	Fétuque élevée	Rohrschwengel
33. a. hardzwenkgras, b. schapegras	Festuca ovina L. sensu lato	Hard fescue Sheep's fescue	Fétuque durette Fétuque ovine	Härtlicher Schwengel Schafschwengel
34. beemdlangbloem	Festuca pratensis Huds.	Meadow fescue	Fétuque des prés	Wiesenschwengel
35. roodzwenkgras	Festuca rubra L.	Red fescue	Fétuque rouge	Rotschwengel
36. aardbei	Fragaria L.	Strawberry	Fraisier	Erdbeere
37. es	Fraxinus excelsior L.	Ash	Frêne élevé	Gemeine Esche
38. freesia	Freesia Klatt	Freesia	Freesia	Freesie
39. gerbera	Gerbera Cass.		Gerbera	
40. gladiool	Gladiolus L.	Gladioli	Gladiol	Gladiole
41. kerstroos	Helleborus L.	Hellebore	Hellébore	Nieswurz
42. amaryllis	Hippeastrum Herb.	Amaryllis	Amaryllis	Ritterstern, Amaryllis
43. gerst	Hordeum vulgare L. sensu lato	Barley	Orge, Escourgeon	Gerste
44. hyacint	Hyacinthus orientalis L.	Hyacinth	Jacinthe d'Orient	Hyazinthe
45. iris	Iris L.	Iris	Iris	Iris
46. sla	Lactuca sativa L.	Lettuce	Laitue	Salat
47. tuinkers	Lepidium sativum L.	Cress	Cresson alénois	Gartenkresse
48. lelie	Lilium L.	Lily	Lis	Lilie
49. vlas	Linum usitatissimum L.	Flax Linseed	Lin	Lein
50. a. Italiaans raaigras b. Westerwolds raaigras	Lolium multiflorum Lam.	Italian ryegrass Westerwold ryegrass	Ray-grass d'Italie	Italienisches Weidelgras
51. Engels raaigras	Lolium perenne L.	Perennial ryegrass	Ray-grass anglais	Deutsches Weidelgras, Englischtes Raygras
52. witte lupine	Lupinus albus L.	White lupin	Lupin blanc	Weisslupine
53. blauwe lupine	Lupinus angustifolius L.	Blue lupin	Lupin bleu	Blaue Lupine
54. gele lupine	Lupinus luteus L.	Yellow lupin	Lupin jaune	Gelbe Lupine
55. tomaat	Lycopersicon lycopersicum (L.) Karsten ex Farwell	Tomato	Tomate	Tomate

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
56. appel, voor zover geen siergewas	Malus Mill	Apple, excluding ornamental varieties	Pommier, sauf variétés orne- mentales	Apfel, ausser Ziersorten
57. narcis	Narcissus L.	Narcissi, Jon- quils, Daffodils	Narcisse, Jon- quille	Narzisse
58. nerine	Nerine Herb			
59. orchidee	Orchidaceae Juss.	Orchids	Orchidées	Orchideen
60. blauwmaanzaad	Papaver somni- ferum L.	Opium poppy	Oeillette, Pavot	Mohn
61. peterselie	Petroselinum crispum (Mill.) Nymen ex A.W. Hill	Parsley	Persil	Petersilie
62. pronkboon	Phaseolus coccii- neus L.	Runner bean	Haricot d'Espagne	Prunkbohne
63. boon	Phaseolus vulgaris L.	French bean	Haricot	Garten Bohne
64. kleine timothee	Phleum berto- lonii DC.	Timothy	Fléole à gazon, Petite fléole	Zwiebellieschgras
65. timothee	Phleum pratense L.	Timothy	Fléole des prés	Wiesenlieschgras
66. a. kapucijner, b. erwt, c. peul	Pisum sativum L. sensu lato	Field pea Pea, Garden pea Sugar pea	Pois des champs, Pois gris Pois à écosser Pois mange-tout	Ackererbse, Graue Erbse Erbse Zuckererbse
67. straatgras	Poa annua L.	Annual meadow grass	Pâturin annuel	Einjähriges Rispengras
68. plathalmig beemdgras	Poa compressa L.	Canada blue grass, Flattened meadow grass	Pâturin comprimé	Flaches Rispengras
69. bosbeemdgras	Poa nemoralis L.	Wood meadow grass	Pâturin des bois	Hainrispengras
70. moerasbeemdgras	Poa palustris L.		Pâturin des marais	Sumpfrispen- gras
71. veldbeemdgras	Poa pratensis L.	Smooth stalked meadow grass	Pâturin des prés	Wiesenrispen- gras
72. ruw beemdgras	Poa trivialis L.	Rough stalked meadow grass	Pâturin commun	Gemeines Rispengras
73. populier	Populus L.	Poplar	Peuplier	Pappel
74. a. kers, voor zover geen siergewas, b. pruim, voor zover geen siergewas	Prunus L.	Cherry, excluding ornamental varieties Plum, excluding ornamental varieties	Cerisier, sauf variétés orne- mentales Prunier, sauf variétés ornementales	Kirsche, ausser Ziersorten Pflaume, ausser Ziersorten
75. peer	Pyrus communis L.	Pear	Poirier	Birne

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
76. a. bladramenas, b. radijs, c. ramenas	Raphanus sativus L.	Fodder radish Radish Black radish	Radis oléifère Radis Radis noir	Olrettich Radieschen Rettich
77. rabarber	Rheum rhabar- barum L.	Rhubarb	Rhubarbe	Krauser Rhabarber
78. a. azalea, b. rododendron	Rhododendron L.	Azalea Rhododendron	Azalée Rhododendron	Azalee Rhododendron
79. rode bes	Ribes L.	Redcurrant	Groseillier rouge	Rote Johannis- beere
80. zwarte bes	Ribes nigrum L.	Blackcurrant	Cassis	Schwarze Johannis- beere
81. kruisbes	Ribes uva-crispa L.	Gooseberry	Groseillier à maquereau	Stachelbeere
82. acacia	Robinia pseudo- acacia L.	False acacia	Robinier faux- acacia	Gemeine Robinie, Scheinakazie
83. roos	Rosa L.	Rose	Rosier	Rose
84. Kaaps viooltje	Saintpaulia H. Wendl.	African violet	Saint-paulia	Usambaraveilchen
85. wilg	Salix L.	Willow	Saule	Weide
86. schorseneer	Scorzonera his- panica L.	Black salsify	Scorsonère, Salsifis noir	Schwarzwurzel
87. gele mosterd	Sinapis alba L.	White mustard	Moutarde blanche	Weisser Senf
88. aubergine	Solanum melongena L.	Eggplant, Aubergine	Aubergine	Eierfrucht
89. aardappel	Solanum tuberosum L.	Potato	Pomme de terre	Kartoffel
90. spinazie	Spinacia oleracea L.	Spinach	Epinard	Spinat
91. streptocarpus	Streptocarpus Ldl.	Streptocarpus	Streptocarpus	Drehfrucht
92. sering	Syringa L.	Lilac	Lilas	Flieger
93. tarwe	Triticum aestivum L. emend. Fiori et Paoletti, Triticum durum Desfontaines	Wheat; Durum wheat	Blé tendre, Froment; Blé dur	Weichweizen; Durumweizen, Hartweizen
94. tulp	Tulipa L.	Tulip	Tulipe	Tulpe
95. iep	Ulmus L.	Elm	Orme	Ulme
96. veldsla	Valerianella locusta (L.) Laterrade	Cornsalad, Lamb's lettuce	Mâche, Doucette	Feldsalat
97. a. tuinboon, b. veldboon	Vicia faba L.	Broad bean, Horse bean Tick bean	Fève Féverole	Dicke Bohne, Puffbohne Ackerbohne
98. voederwikke	Vicia sativa L.	Common vetch	Vesce commune	Saatwicke
99. mais	Zea mays L.	Maize	Maïs	Mais

Netherlands: Order of January 24, 1975, amending the Royal Order of April 5, 1967,
concerning the Implementation of Section 18, Paragraph (2), of the
Seeds and Planting Materials Act

Section 18 of the Seeds and Planting Materials Act provides for the entry of varieties in the Netherlands Register of Varieties. According to paragraph (2), varieties of crops -- other than those which are eligible for protection -- which are defined by administrative order, may be entered in the Register at the breeder's request.

According to Section 85 of the Seeds and Planting Materials Act, the effect of the entry of a variety in the Register by virtue of Section 18(2) is that the variety can only be offered for sale or exported by the breeder and by the person who has obtained from the breeder foundation stock suitable for the production of propagating material. A limited protection is thereby constituted.

The list of crops falling under Section 18(2) is reproduced below in the same conditions as the preceding list.

<u>I Dutch</u>	<u>II Latin</u>	<u>English</u>	<u>French</u>	<u>German</u>
1.a. suikerbiet b. voederbiet	Beta vulgaris L.	Sugar beet Fodder beet	Betterave sucrière Betterave fourragère	Zuckerrübe Runkelrübe
2. mergkool	Brassica oleracea L.	Marrow-stem kale	Chou moellier	Futterkohl
3. karwij	Carum carvi L.	Caraway	Carvi, Cumin des prés	Kümmel
4. luzerne	Medicago sativa L., Medicago xvaria Martyn	Lucerne; Hybrid Lucerne	Luzerne (cultivée); Luzerne hybride	Blaue Luzerne; Eastardluzerne
5. serradelle	Ornithopus sativus Brot.	Seradella	Seradelle	Seradella
6. kanariezaad	Phalaris canariensis L.	Canary grass	Alpiste des Canaries, Millet long	Kanariengras
7. rogge	Secale cereale L.	Rye	Seigle	Roggen
8. spurrie	Spergula arvensis L.	Corn spurry	Spergule des champs, Spargoute, Espargoute, Fourrage de disette	Ackerspürgel, Ackerspark
9. Alexandrijnse klaver	Trifolium alexandrinum L.	Berseem clover	Trèfle d'Alexandrie	Alexandriner Klee
10. Rode klaver	Trifolium pratense L.	Red clover	Trèfle violet	Rotklee
11. witte klaver	Trifolium repens L.	White clover	Trèfle blanc	Weissklee

INFORMATION FROM NON-MEMBER STATES

Belgium: Law on the Protection of New Plant Varieties--Bill to approve the UPOV Convention and its Annex, as well as the Additional Act

A Law on the Protection of New Plant Varieties which complies with the provisions of the UPOV Convention was adopted by the two Chambers of the Belgian Parliament and sanctioned by the King of the Belgians on May 20, 1975. A Bill to approve the Convention and its Annex, as well as the Additional Act, has been approved by the Belgian Senate, submitted to the Belgian Chamber of Representatives, but has so far not been adopted.

New Zealand: Plant Varieties Regulations 1975

The Regulations providing for the application of the Plant Varieties Act 1973 of New Zealand were adopted on June 9, 1975, as well as the first Schedule, under which these Regulations apply to roses; roses are therefore the first species eligible for protection in New Zealand.

The most notable feature of these Regulations consists in the different possibilities provided under Section 15 for the examination of new varieties for which plant selectors' rights are sought. For this examination the following different systems are offered and the following test trial fees⁵ are prescribed:

- (a) test growing trials undertaken by the applicant himself, under conditions specified by the Registrar (fee per annum: \$ 25);
- (b) test growing trials undertaken by an appropriate organization, or a government or national testing authority in New Zealand (fee per annum: \$ 50);
- (c) test growing trials by an overseas body (fee per annum: \$ 75);
- (d) test growing trials overseas where test reports acceptable to the Registrar are available from other national authorities (fee per annum: \$ 25).

Switzerland: Adoption of the Federal Law on the Protection of New Plant Varieties

The Swiss Parliament (Assemblée fédérale - Bundesversammlung) adopted on March 20, 1975, the Federal Law on the Protection of New Plant Varieties, which is in complete conformity with the UPOV Convention. The Law was published on April 1, 1975. After the expiration of the period for an optional referendum on June 30, 1975, and in the absence of any request for referendum, the Law was finally adopted. The date of its entry into force will be determined by the Swiss Federal Council (Conseil fédéral - Bundesrat), which also has to issue the necessary decrees to introduce plant variety protection in Switzerland. After the Law has entered into force, Switzerland will ratify the UPOV Convention.

⁵ in New Zealand dollars

PUBLICATIONS

Publications of the Office of the Union

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

Publications of legislative texts in "Industrial Property" and "La Propriété industrielle" in 1975

- Belgium: Law on the Protection of New Plant Varieties of May 20, 1975 (to be published in September 1975 issue)
- France: Order of March 14, 1974, concerning the denominations of plant varieties in respect of which either an entry has been made in the Catalogue of Species and Varieties of Cultivated plants or a plant variety certificate has been issued (published in April 1975 issue)
- Germany: Law of December 9, 1974, Amending the Plant Varieties Protection Law of May 20, 1968, and Order concerning the List of Species under the Plant Varieties Protection Law (to be published in September 1975 issue)
- New Zealand: Plant Varieties Regulations 1975 (to be published in September 1975 issue)
- Spain: Plant Variety Protection Act of March 12, 1975 (to be published in September 1975 issue)
- Switzerland: Federal Law on the Protection of New Plant Varieties of March 20, 1975 (to be published in September 1975 issue).

CALENDAR

1. UPOV Meetings

1975

September 9 to 11, Hornum (Denmark), Technical Working Party for Ornamental Plants

October 6 and 10, Geneva, Consultative Committee, Twelfth Session

October 7 to 10, Geneva, Council, Ninth Session

November 4 and 5, Geneva, Committee of Experts on International Cooperation in Examination, Fourth Session

November 6 and 7, Geneva, Technical Steering Committee, Seventh Session

December 2 to 5, Geneva, Committee of Experts on the Interpretation and Revision of the Convention, Second Session

1976

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

2. Non-Governmental Organizations

1975

October 15, Mannheim (Federal Republic of Germany), International Association of Horticultural Producers (AIPH), session of the Committee for Novelty Protection

November 6, Amsterdam (Netherlands), International Community of Breeders of Asexually Reproduced Ornamentals (CIOPORA), Steering Committee

1976

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

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

Headquarters

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

Address: 32, chemin des Colombettes, 1211 Geneva 20

Bank: Swiss Credit Bank, Geneva

Telephone: (022) 34 63 00

Telex: 22 376