



This publication has been scanned from a paper copy and may have some discrepancies from the original publication.

Cette publication a été numérisée à partir d'une copie papier et peut contenir des différences avec la publication originale.

Diese Veröffentlichung wurde von einer Papierkopie gescannt und könnte Abweichungen von der originalen Veröffentlichung aufweisen.

Esta publicación ha sido escaneada a partir de una copia en papel y puede que existan divergencias en relación con la publicación original.

UPOV

PLANT VARIETY PROTECTION

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

No. 61

February 1991

Geneva

CONTENTS

Page

GAZETTE

Extension of Protection to Further Genera and Species

Denmark	2
Israel	11
Italy	11
Netherlands	20
Switzerland	20

NEWSLETTER

Member States

Germany: Reunification	20
Israel: Modification of Fees	21

UPOV

Development of Plant Variety Protection throughout the world in 1989	21
Statistics on the Protection of Plant Varieties in 1989	69

Legislation

Israel: Law on the Rights of the Breeders of Plant Varieties (consolidated text of the Plant Breeders' Rights Law, 5733-1973, as amended by the Plant Breeders' Rights Amendment) Law 5744-1984) - Replacement pages	35
Switzerland: Ordinance on the Protection of Plant Varieties	43

<u>Calendar</u>	70
-----------------------	----

GAZETTE

EXTENSION OF PROTECTION TO FURTHER GENERA AND SPECIES

Denmark

By virtue of the Order of the Minister of Agriculture No. 712 of November 17, 1989, concerning Plant Varieties (List of Species), protection was extended to Aster with effect from December 2, 1989.

The Order provides also a consolidated list of the taxa now covered by plant variety protection legislation which is reproduced below (the Danish and Latin names appear in the above-mentioned order, whereas the English, French and German common names have been added, without guarantee of concordance, by the Office of the Union).

List of Taxa Covered by Plant Variety Protection Legislation in Denmark**Liste des taxons couverts par la législation
sur la protection des obtentions végétales au Danemark****Liste der taxonomischen Einheiten, die in Dänemark
der Sortenschutzgesetzgebung unterliegen**

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Aeschynanthus	Aeschynanthus	Jack Aeschynanthus	Aeschynanthus	Aeschynanthus
Agrostis spp.	Hvene	Bentgrass	Agrostis	Straussgras
Allamanda cathartica L.	Allamanda	Allamanda	Allamanda	Allamanda
Allium ascalonicum L.	Skalotteløg	Shallot	Echalote	Schalotte
Allium cepa L.	Kepaløg	Onion	Oignon	Zwiebel
Allium porrum L.	Porre	Leek	Poireau	Porree
Allium schoenoprasum L.	Purløg	Chives, Asatsuki	Ciboulette, Civette	Schnittlauch
Alstroemeria spp.	Inkalilje (alstroemeria)	Alstroemeria, Herb Lily	Alstroemère, Lis des Incas	Inkalilie
Anethum graveolens L.	Dild	Dill	Aneth	Dill
Anthriscus cere- folium (L.) Hoffm.	Kørvel	Chervil	Cerfeuil	Kerbel

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Apium graveolens</i> L.	Selleri (knold- og bladselleri)	Celery, Celeriac,	Céleri, Céleri-rave	Sellerie (Knollen- und Blatt- sellerie)
<i>Armoracia rusticana</i> Ph. Gaertn., B. Mey. et Scherb.	Peberrod	Horse Radish	Raifort sauvage	Meerrettich
<i>Asparagus officinalis</i> L.	Asparges	Asparagus	Asperge	Spargel
<i>Asparagus setaceus</i> (Kunth) Jessop	Slørasparges	"Asparagus Fern"	Asparagus	Asparagus, Federspargel
<i>Aster</i> L.	Asters	Aster, Michaelmas Daisy	Aster	Aster
<i>Avena nuda</i> L.	Nøgen havre	Naked Oats	Avoine nue	Nakthafer
<i>Avena sativa</i> L., <i>Avena byzantina</i> K. Koch	Havre	Oats	Avoine	Hafer
<i>Begonia</i> spp.	Begonie	Begonia	Bégonia	Begonie
<i>Berberis</i> spp.	Berberis	Berberis, Barberry	Berberis, Epine-vinette	Berberitze
<i>Beta vulgaris</i> L. var. <i>conditiva</i> Alef.	Rødbede	Garden Beet, Beetroot	Betterave rouge, Betterave potagère	Rote Rübe
<i>Beta vulgaris</i> L. var. <i>crassa</i> Mansf.	Foderbede	Fodder Beet	Betterave fourragère	Runkelrübe
<i>Beta vulgaris</i> L. var. <i>vulgaris</i>	Bladbede	Mangel, Leaf Beet, Spinach Beet	Bette commune, Poirée	Mangold
<i>Bougainvillea</i> spp.	Bougainvillea	Bougainvillea	Bougain- villier	Bougainvillea
<i>Brassica napus</i> L.	Raps	Swede Rape, incl. Oilseed Rape	Colza	Raps
<i>Brassica napus</i> L. var. <i>napobrassica</i> (L.) Rchb.	Kålroe	Swede	Chou-navet, Rutabaga	Kohlrübe
<i>Brassica oleracea</i> L. convar. <i>acephala</i> (DC.) Alef. var. <i>gongylodes</i> L.	Knudekål	Kohlrabi	Chou-rave	Kohlrabi

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Brassica oleracea L. convar. acephala (DC.) Alef. var. medullosa Thell.	Fodermarvkål	Marrow-stem Kale	Chou moellier	Markkohl
Brassica oleracea L. convar. acephala (DC.) Alef. var. sabellica L.	Grønkål	Curly Kale	Chou frisé	Grünkohl
Brassica oleracea L. convar. botrytis (L.) Alef. var. botrytis L.	Blomkål	Cauliflower	Chou-fleur	Blumenkohl
Brassica oleracea L. convar. capitata (L.) Alef. var. alba DC.	Hvidkål	White Cabbage	Chou cabus	Weisskohl
Brassica oleracea L. convar. capitata (L.) Alef. var. rubra (L.) Thell.	Rødkål	Red Cabbage	Chou rouge	Rotkohl
Brassica oleracea L. convar. capitata (L.) Alef. var. sabauda L.	Savoykål	Savoy Cabbage	Chou de Milan	Wirsing
Brassica oleracea L. convar. oleracea var. gemmifera DC.	Rosenkål	Brussels Sprouts	Chou de Bruxelles	Rosenkohl
Brassica pekinensis (Lour.) Rupr.	Kinakål	Chinese Cabbage	Chou de Chine, Pé-tsai	Chinakohl
Brassica rapa L. var. rapa	Majroe	[Spring] Turnip	Navet [de printemps]	Mairübe
Brassica rapa L. var. rapa	Turnips	[Autumn] Turnip	Navet [d'automne]	Herbstrübe
Brassica rapa L. var. silvestris (Lam.) Briggs	Rybs	Turnip Rape	Navette	Rübsen
Campanula L.	Klokke	Campanula, Bellflower	Campanule	Glockenblume

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Capsicum annum</i> L.	Spansk peber	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Carum carvi</i> L.	Kommen	Caraway	Carvi, Cumin des prés	Kümmel
<i>Chamaecyparis</i> spp.	Dvaergcypres	Chamaecyparis	Chamaecyparis	Scheinzypresse
<i>Chrysanthemum</i> spp.	Krysanthemum	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cichorium endivia</i> L.	Endivie	Endive	Chicorée frisée, Scarole	Winterendivie
<i>Cichorium intybus</i> L.	Cikorie	Chicory	Chicorée, Endive	Wurzelzichorie, Salatzichorie
<i>Clematis</i> L.	Klematis	Clematis	Clématite	Waldrebe
<i>Cucumis melo</i> L.	Melon	Melon	Melon	Melone
<i>Cucumis sativus</i> L.	Agurk	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita maxima</i> Duch.	Centnergraeskar	Pumpkin	Potiron, Giraumon	Riesenkürbis
<i>Cucurbita pepo</i> L.	Mandelgraeskar	Pumpkin, Marrow, Courgette, Vegetable Marrow	Courge, Pâtisson, Citrouille	Gartenkürbis, Oelkürbis, Zucchini
<i>Cydonia</i> spp.	Kvaede	Quince	Cognassier	Quitte
<i>Cynosurus cristatus</i> L.	Almindelig kamgraes	Crested Dog's-tail	Crételle	Kammgras
<i>Dactylis glomerata</i> L.	Hundegraes	Cocksfoot, Orchard Grass	Dactyle	Knaulgras
<i>Daucus carota</i> L.	Gulerod	Carrot	Carotte	Möhre
<i>Dianthus caryophyllus</i> L.	Havenellike	Carnation	Oeillet	Nelke
<i>Dieffenbachia</i> Schott	Dieffenbachia	Dieffen- bachia, Tuft Root, Dumb Bane	Dieffenbachia	Dieffenbachia
<i>Euphorbia fulgens</i> Karw. ex Klotzsch	Koralranke	Euphorbia fulgens	Euphorbia fulgens	Korallenranke

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Euphorbia milii</i> Desm. et hybridae	Kristi tornekrone	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn
<i>Euphorbia pulcher- rima</i> Willd. ex Klotzsch	Julestjerne	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
<i>Exacum</i> spp.	Exacum	Exacum	Exacum	Blaues Lieschen
<i>Fagopyrum esculentum</i> Moench	Almindelig boghvede	Buckwheat	Sarrasin, Blé noir	Buchweizen
<i>Festuca</i> spp.	Svingel	Fescue	Fétuque	Schwingel
<i>Fragaria</i> x <i>ananassa</i> Duch.	Havejordbaer	Strawberry	Fraisier	Erdbeere
<i>Freesia</i> spp.	Freesia	Freesia	Freesia	Freesie
<i>Fuchsia</i> spp.	Fuchsia	Fuchsia	Fuchsia	Fuchsie
<i>Gerbera</i> L.	Gerbera	Gerbera	Gerbera	Gerbera
<i>Helleborus</i> L.	Julerose	Christmas Rose	Hellébore, Rose de Noël	Schneerose, Christusrose
<i>Hippeastrum</i> Herb.	Ridderstjerne (amaryllis)	Amaryllis	Amaryllis	Ritterstern, Amaryllis
<i>Hordeum vulgare</i> L.	Byg	Barley	Orge	Gerste
<i>Hyacinthus orientalis</i> L.	Hyacint	Common Hyacinth	Jacinthe	Hyazinthe
<i>Impatiens</i> spp.	Balsamin	Balsam, Busy Lizzie, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
<i>Juniperus</i> spp.	Ene	Juniper	Genévrier	Wacholder
<i>Kalanchoë</i> Adans.	Kalanchoë	Kalanchoë	Kalanchoë	Kalanchoë
<i>Lactuca sativa</i> L.	Salat	Lettuce	Laitue	Salat
<i>Lepidium sativum</i> L.	Karse	Cress	Cresson alénois	Gartenkresse
<i>Linum usitatissimum</i> L.	Hør	Flax, Linseed	Lin	Lein
<i>Lolium</i> spp.	Rajgraes	Ryegrass	Ray-grass	Weidelgras
<i>Lupinus albus</i> L.	Hvid lupin	White Lupin	Lupin blanc	Weisslupine
<i>Lupinus angustifolius</i> L.	Smalbladet lupin	Blue Lupin	Lupin bleu	Blaue Lupine

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lupinus luteus</i> L.	Gul lupin	Yellow Lupin	Lupin jaune	Gelbe Lupine
<i>Lycopersicon lycopersicum</i> (L.) Karst. ex Farw.	Tomat	Tomato	Tomate	Tomate
<i>Malus sylvestris</i> Mill.*	Aeble	Apple	Pommier	Apfel
<i>Malva</i> spp.	Katost	Mallow	Mauve	Malve
<i>Matthiola</i> spp.	Levkøj	Stock	Giroflée	Levkoje
<i>Medicago lupulina</i> L.	Humlesnegle- baelg	Black Medick, Yellow Trefoil	Luzerne lupuline, Minette	Gelbklee (Hopfenklee)
<i>Medicago sativa</i> L.	Lucerne	Lucerne, Alfalfa	Luzerne	Luzerne
<i>Medicago x varia</i> Martyn	Sandlucerne	(Hybrid) Lucerne	Luzerne hybride	Bastardlucerne
<i>Narcissus</i> L.	Narcis	Narcissus, Daffodil, Jonquil	Narcisse, Jonquille	Narzisse
<i>Papaver somniferum</i> L.	Opiatvalmue	Opium Poppy	Oeillette, Pavot	Mohn
<i>Pastinaca sativa</i> L.	Pastinak	Parsnip	Panais	Pastinak
<i>Pelargonium</i> L'Hérit. ex Ait. (incl. hybrids of <i>P. grandiflorum</i> , <i>P. Zonale</i> and <i>P. peltatum</i>)	Pelargonie	Geranium, Pelargonium, Stork's Bill	Géranium, Pelargonium	Pelargonie
<i>Petroselinum ecrispum</i> (Mill.) Nym. ex A.W. Hill ssp. <i>tuberosum</i> (Bernh. ex Rchb.) Soó.	Rodpersille	Turnip-rooted Parsley	Persil à grosse racine	Wurzelpetersili
<i>Petroselinum crispum</i> (Mill.) Nym. ex A.W. Hill ssp. <i>crispum</i>	Kruspersille	Parsley	Persil	Blattpetersilie

* Inclusive grundstammer / Including rootstocks / Y compris les porte-greffes
/ Einschliesslich Unterlagen

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Phaseolus coccineus</i> L.	Pralbønne	Runner Bean, Kidney Bean	Haricot d'Espagne	Prunkbohne
<i>Phaseolus vulgaris</i> L.	Bønne	French Bean	Haricot	Gartenbohne
<i>Phleum bertolonii</i> DC.	Knoldrottehale	Timothy	Fléole diploïde, Petite fléole	Zwiebel- lieschgras
<i>Phleum pratense</i> L.	Timothe	Timothy	Fléole des prés	Wiesen- lieschgras
<i>Pisum sativum</i> L.	Aert	Pea	Pois	Erbse
<i>Poa</i> spp.	Rapgraes	Meadow-grass	Pâturin	Rispengras
<i>Potentilla fruticosa</i> L.	Buskpotentil	Shrubby Cinquefoil	Potentille ligneuse	Strauch- fingerkraut
<i>Prunus avium</i> (L.) L.*	Sødkirse- baer	Sweet Cherry	Cerisier (cerises douces: guignes, bigarreaux)	Süsskirsche
<i>Prunus cerasus</i> L.*	Surkirsebaer	Morello, Sour Cherry	Cerisier (cerises acides: griottes, amarelles)	Sauerkirsche
<i>Prunus domestica</i> L.*	Blomme	Plum	Prunier	Pflaume
<i>Pyrus communis</i> L.	Paere	Pear	Poirier	Birne
<i>Raphanus sativus</i> L. var. <i>niger</i> (Mill.) S. Kerner	Raeddike	Black Radish	Radis d'été, d'automne et d'hiver	Rettich
<i>Raphanus sativus</i> L. var. <i>olei-</i> <i>formis</i> Pers.	Olieraeddike	Fodder Radish	Radis oléifère, Radis chinois	Oelrettich
<i>Raphanus sativus</i> L. var. <i>sativus</i>	Radis	Radish	Radis de tous les mois	Radieschen
<i>Rheum rhabar-</i> <i>barum</i> L.	Rabarber	Rhubarb	Rhubarbe	Krauser Rhabarber

* Inclusive grundstammer / Including rootstocks / Y compris les porte-greffes
/ Einschliesslich Unterlagen

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Rhipsalidopsis Britt. et Rose et hybridae	Ledkaktus, herunder paske- og pinsekaktus	Cactus with jointed stems, including Easter and Whitsun Cactus	Cactus à articles, y compris les cactus de Pâques et de la Pentecôte	Gliederkaktus, einschl. Oster- und Pfingstkaktus
Rhododendron spp.	Rhododendron, herunder azalea	Rhododendron, including Azalea	Rhododendron, y compris Azalée	Rhododendron, einschl. Azalee
Ribes nigrum L.	Solbaer	Black Currant	Cassis	Schwarze Johannisbeere
Ribes niveum Lindley Ribes sylvestre (Lam.) Mert. et W.D.J. Koch	Ribs	White and Red Currant	Groseillier à grappes	Weisse und Rote Johannisbeere
Ribes uvacrispa L.	Stikkelsbaer	Gooseberry	Groseillier à maquereau	Stachelbeere
Rosa L.	Rose	Rose	Rosier	Rose
Rubus fruticosus L.	Brombaer	Blackberry	Ronce fruitière	Brombeere
Rubus idaeus L.	Hindbaer	Raspberry	Framboisier	Himbeere
Saintpaulia ionantha H. Wendl.	Saintpaulia	African Violet	Saintpaulia	Usambara- veilchen
Scorzonera hispanica L.	Skorzoner	Black Salsify	Scorsonère, Salsifis noir	Schwarzwurzel
Schlumbergera Lem. et hybridae	Ledkaktus, her- under november- og julekaktus	Cactus with jointed stems, inclu- ding November and Christmas Cactus	Cactus à articles, y compris les cactus de novembre et de Noël	Gliederkaktus, einschl. November- und Weihnachts- kaktus
Secale cereale L.	Rug	Rye	Seigle	Roggen
Sinapis alba L.	Gul sennep	White Mustard	Moutarde blanche	Weisser Senf
Solanum melongena L.	Aubergine	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
Solanum tuberosum L.	Kartoffel	Potato	Pomme de terre	Kartoffel
Spathiphyllum spp.	Fredslilje (spathiphyllum)	Spathiphyllum	Spathiphyllum	Spathiphyllum

<u>Latine</u>	<u>Dansk</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Spinacia oleracea L.	Spinat	Spinach	Epinard	Spinat
Streptocarpus x hybridus Voss	Streptocarpus	Streptocar- pus, Cape Primrose	Streptocarpus	Drehfrucht
Thuja spp.	Thuja	Thuja	Thuja	Lebensbaum
Trifolium hybridum L.	Alsikekløver	Alsike Clover	Trèfle hybride	Schwedenklee
Trifolium pratense L.	Rødkløver	Red Clover	Trèfle violet	Rotklee
Trifolium repens L.	Hvidkløver	White Clover	Trèfle blanc	Weissklee
x Triticosecale Wittmack	Triticale	Triticale	Triticale	Triticale
Triticum aestivum L. emend. Fiori et Paoletti	Almindelig hvede	Wheat, Soft Wheat, Bread Wheat	Blé tendre, Froment	Weichweizen
Triticum durum Desf.	Durumhvede	Durum Wheat, Macaroni Wheat, Hard Wheat	Blé dur	Hartweizen
Tulipa L.	Tulipan	Tulip	Tulipe	Tulpe
Ulmus L.	Elm	Elm	Orme	Ulme
Vaccinium corym- bosum L. et hybridae	Amerikansk blabaer	Blueberry	Myrtille	Kulturheidel- beere
Vaccinium myrtillus L.	Blabaer	Bilberry, Whortleberry, Blueberry	Myrtille	Heidelbeere
Valerianella locusta (L.) Laterr.	Varsalat	Cornsalad, Lamb's Lettuce	Mâche, Doucette	Feldsalat
Vicia faba L.	Valsk bønne	Broad Bean, Horse Bean	Fève	Dicke Bohne (Puffbohne)
Vicia faba L.	Hestebønne	Field Bean, Tick Bean	Féverole	Ackerbohne
Vicia sativa L.	Fodervikke	Common Vetch	Vesce commune	Saatwicke
Zea mays L.	Majs	Maize	Maïs	Mais

Israel

By virtue of the Plant Breeders' Rights Order (Amendment of Schedule) published in Kovetz Hatakanot (Israel Official Gazette) No. 5280 of July 12, 1990, the list of species to which the law on the Rights of the Breeders of Plant Varieties applies was extended to the following:

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Averrhoa carambola L.	Carambola	Carambole	Karambola
Euryops virgineus (L.f.) DC.	Euryops virgineus	-	-
Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa
Pistacia vera L.	Pistache	Pistachier	Echte Pistazie
Psidium guajava L.	Guava	Goyavier	Guayave

As regards the availability of protection to foreigners and the novelty condition, reference is made to Sections 3 and 71, and Section 7, respectively, of the Law on the Rights of the Breeders of Plant Varieties published in the "Legislation" subsection of Plant Variety Protection No. 47 (October 1985).

The list of taxa covered by plant variety protection legislation is given in the "Legislation" subsection of this issue, starting on page 37.

Italy

By virtue of the Ministerial Decree No. 281 of April 21, 1990 (published in Gazzetta Ufficiale of October 5, 1990) Concerning the Application to Further Botanical Genera and Species of the Decree of the President of the Republic No. 974 of August 12, 1975 (amended by law No. 620 of October 14, 1985), Containing Standards for the Protection of New Plant Varieties, protection was extended to the following (the Latin and Italian names appear in the Ministerial Decree, whereas the English, French and German common names have been added by the Office of the Union):

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Averrhoa carambola L.	Carambola	Carambola	Carambole	Karambola
Cicer arietinum L.	Cece	Chick-pea	Pois chiche	Kichererbse
Corylus avellana L.	Nocciolo	Hazelnut, Filbert	Noisetier, Coudrier	Haselnuss
Dactylis glomerata L.	Erba mazzolina	Cocksfoot, Orchard Grass	Dactyle	Knäulgras
Dahlia Cav.	Dalia	Dahlia	Dahlia	Dahlie

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Eriobotrya japonica Lindl.	Nespolo del Giappone	Loquat	Néflier du Japon	Japanische Mispel, Loquate
Festuca arundi- nacea Schreb.	Festuca arundinacea	Tall Fescue	Fétuque élevée	Rohschwingel
Gossypium spp.	Cotone	Cotton	Cotonnier	Baumwolle
Helianthus tuberosus L.	Topinambur	Jersulem Artichoke	Topinambour	Topinambur
Litchi chinensis L.	Litchi	Litchi	Litchi	Litschi
Magnolia L.	Magnolia	Magnolia	Magnolia	Magnolie
Prunus cerasifera x prunus persica	Prunus x Mirabolano	-	-	-
Quercus L.	Quercia	Oak	Chêne	Eiche
Rubus idaeus L.	Lampone	Raspberry	Framboisier	Himbeere
Rubus L.	Mora	Blackberry	Ronce fruitière	Brombeere
Salvia L.	Salvia	Sage	Sauge	Salbei
Vaccinium L.	Mirtillo	Blueberry	Myrtille	Heidelbeere
Ziziphus sativa Gaertn.	Giaggiolo	Jujube	Jujubier	Jujube

The Law on Patents for Inventions (Royal Decree No. 1127 of June 29, 1939, as last amended by Decree of the President of the Republic No. 338 of June 22, 1979), which is the basic legal text governing plant variety protection in Italy, provides in its article 21 that "foreigners may obtain rights for an industrial invention on the same terms and conditions as those fixed for Italian citizens."

Pursuant to Article 4(2) of Decree of the President of the Republic No. 974 of August 12, 1975, the rights conferred by a patent in respect of a new plant variety "also extend to the production, marketing and introduction on the territory of the State of the products of the patented new variety, in cases where the predominant use of the variety occurs through the sale of plants, parts of plants or flowers to be used for ornamental purposes."

Pursuant to Article 7 of the said Decree, the duration of protection is 15 years from the date of the grant of the patent, except for plants with woody stems such as grapevines, fruit trees and their rootstocks, forest trees and ornamental trees. The effects of the patent run, moreover, from the filing date of the application.

The list of taxa covered by plant variety protection legislation is given on the opposite page, with the same proviso as for the above list.

List of Taxa Covered by Plant Variety Protection Legislation
in Italy*

Liste des taxons couverts par la législation sur la protection des
obtentions végétales en Italie*

Liste der taxonomischen Einheiten, die in Italien der
Sortenschutzgesetzgebung unterliegen*

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Acacia Mill.	Acacia	Acacia	Acacia	Akazie
Acca sellowiana (Berg) Burret or Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa	Feijoa
Actinidia Lindl.	Actinidia	Actinidia	Actinidia	Strahlengriffel
Agrostis spec.	Agrostidi	Bentgrass	Agrostis, Agrostide	Straussgras
Allium cepa L.	Cipolla	Onion	Oignon	Zwiebel
Allium porrum L.	Porro	Leek	Poireau	Porree
Alstroemeria L.	Alstroemeria	Alstroemeria, Herb Lily	Alstroèmère, Lis des Incas	Inkalilie
Amygdalus communis L.	Mandorlo	Almond	Amandier	Mandel
Amygdalus communis L. X genus Prunus	Pesco X prugno	Peach X Plum	Pêcher X prunier	Pfirsich X Pflaume
Anemone L.	Anemone	Anemone	Anémone	Anemone, Windröschen
Annona cherimola Mill.	Annona o Cerimolia	Annona, Cherimoya	Chérimolier	"Cherimoya"
Antirrhinum majus L.	Bocca di leone	Common Snapdragon	Mufler, Gueule de loup, Gueule de lion	Gartenlöwenmaul
Apium graveolens L.	Sedano	Celery, Celeriac	Céleri, Céleri-rave	Sellerie

* The Latin names preceded by an asterisk have been added by the Office of the Union.

Les noms latins précédés d'un astérisque ont été ajoutés par le Bureau de l'Union.

Die durch ein Sternchen gekennzeichneten lateinischen Namen sind durch das Verbandsbüro eingetragen worden.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Asparagus officinalis</i> L.	Asparagio	Asparagus	Asperge	Spargel
<i>Avena sativa</i> L.	Avena	Oats	Avoine	Hafer
<i>Averrhoa carambola</i> L.	Carambola	Carambola	Carambole	Karambola
<i>Begonia elatior</i>	Begonia	Begonia	Bégonia	Begonie
<i>Beta vulgaris</i> L.	Barbabietola da foraggio e da zucchero	Fodder and Sugar Beets	Betteraves fourragère et sucrière	Runkel- und Zuckerrübe
<i>Brassica napus oleifera</i> L.	Colza	Swede Rape, including Oilseed Rape	Colza	Raps
<i>Brassica oleracea</i> L.	Cavolfiore, Broccoli	Cauliflower, Sprouting Broccoli, Calabrese	Chou-fleur, Brocoli	Blumenkohl, Brokkoli, Spargelkohl
<i>Capsicum annuum</i> L.	Peperone	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Carica pentagona</i>	Babaco	Babaco	-	-
<i>Castanea sativa</i> Mill.	Castagno	Chestnut	Châtaignier	Kastanie
<i>Chrysanthemum spec.</i>	Crisantemi, Margherite	Chrysanthemums, Daisies	Chrysanthèmes, Marguerites	Chrysanthemen, Margeriten
<i>Cicer arietinum</i> L.	Cece	Chick-pea	Pois chiche	Kichererbse
<i>Cichorium endivia</i> L.	Indivia, Scarola	Endive	Chicorée frisée, Scarole	Winterendivie
<i>Cichorium intybus</i> L.	Cicoria, Radicchio	Chicory	Chicorée, Endive	Salatzichorie, Wurzelzichorie
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Anguria o Cocomero	Watermelon	Pastèque	Wassermelone
<i>Citrus limon</i> (L.) Burmann	Limone	Lemon	Citronnier	Zitrone, Sauerzitrone, Limone
<i>Citrus paradisi</i> (Macfadyen)	Pompelmo	Grapefruit	Pomélo	Grapefruit
<i>Citrus reticulata</i> (Blanco)	Mandarino	Mandarine	Mandarinier	Mandarine

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
*Citrus reticulata X C. paradisi	Tangelo	Tangelo	Tangelo	Tangelo
*Citrus reticulata X C. sinensis	Tangor	Tangor	Tangor	Tangor
Citrus sinensis (L.) Osbeck	Arancio dolce	Orange	Oranger	Apfelsine, Orange
Codiaeum variegatum L.	Croton	Croton	Croton	Wunderstrauch, Croton
Corylus avellana L.	Nocciolo	Hazelnut, Filbert	Noisetier, Coudrier	Haselnuss
Cucumis sativus L.	Cetriolo	Cucumber, Gherkin	Concombre, Cornichon	Gurke
Cucumis melo L.	Melone	Melon	Melon	Melone
Cucurbita pepo L.	Zucchini	Pumpkin, Marrow, Courgette	Courge, Citrouille, Pâtisson	Gartenkürbis, Oelkurbis
Cupressus L.	Cipresso	Cypress	Cyprès	Zypresse
Cyclamen persicum L.	Ciclamini	Cyclamens	Cyclamens de Perse	Alpenveilchen
Cynara scolymus L.	Carciofo	Globe Artichoke	Artichaut	Artischocke
Cyphomandra betacea (Cav.) Sendtn.	Tamarillo o Pionandra o Solano bietolone	Tamarillo, Tree Tomato	Tomate en arbre	Baumtomate
Dactylis glomerata L.	Erba mazzolina	Cocksfoot, Orchard Grass	Dactyle	Knautgras
Dahlia Cav.	Dalia	Dahlia	Dahlia	Dahlie
Daucus carota L.	Carota	Carrot	Carotte	Möhre
*Dianthus spec.	Garofano	Carnation	Oeillet	Nelke
Dieffenbachia spec.	Dieffenbachia	Dieffenbachia	Dieffen- bachia	Dieffenbachia
Dracaena spec.	Dracena	Dragon Tree	Dragonnier	Drachenbaum
Eriobotrya japonica Lindl.	Nespolo del Giappone	Loquat	Néflier du Japon	Japanische Mispel, Loquate
Euphorbia-Milii- Ibridi	Euforbia o Spina di Cristo	Christ's Thorn, Crown of Thorns	Epine du Christ	Christusdorn

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Euphorbia pulcherrima	Poinsettia	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern
Eustoma russellianum (Hook.) G. Don	Rosa del Texas	Prairie Gentian	-	-
Festuca arundinacea Schreb.	Festuca arundinacea	Tall Fescue	Fétuque élevée	Rohschwingel
Ficus carica L.	Fico	Fig	Figuier	Echte Feige
Foeniculum vulgare P. Mill.	Finocchio	Fennel	Fenouil	Fenchel
Forsythia Vahl	Forsizia	Forsythia, Golden Bell	Forsythia	Forsythie, Goldflieder, Goldglöckchen
Fragaria L.	Fragola	Strawberry	Fraisier	Erdbeere
[Freesia-Hybridi] ¹	Fresia	Freesia	Freesia	Freesia
Gerbera spec.	Gerbera	Gerbera	Gerbera	Gerbera
Gladiolus spec.	Gladiolo	Gladiolus	Glaïeul	Gladiole
Glycine max L.	Soia	Soya Bean, Soybean	Soja	Sojabohne
Gossypium spp.	Cotone	Cotton	Cotonnier	Baumwolle
Helianthus annuus L.	Girasole	Common Sunflower	Tournesol, Soleil	Sonnenblume
Helianthus tuberosus L.	Topinambur	Jersulem Artichoke	Topinambour	Topinambur
*Hordeum spec.	Orzo	Barley	Orge	Gerste
Hydrangea L.	Ortenzia	Hydrangea	Hortensia	Hortensie
Impatiens-Nuova-Guinea-Ibridi	Balsamina	New Guinea Impatiens	Impatiente de Nouvelle-Guinée	Neu-Guinea-Impatiens
Iris spec.	Iris	Iris	Iris	Iris
Ixia	Ixia	African Cornlily, Ixia	Ixia	Ixia, Klebschwertel
Juglans regia L.	Noce	Walnut	Noyer	Walnuss

¹ Ibridi del genere Freesia / Hybrids from the genus Freesia / Hybrides du genre Freesia / Hybriden der Gattung Freesia.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Lactuca sativa</i> L.	Lattuga	Lettuce	Laitue	Salat
<i>Lilium</i> spec.	Lilium	Lily	Lis	Lilie
<i>Litchi chinensis</i> L.	Litchi	Litchi	Litchi	Litschi
<i>Lolium multiflorum</i> Lam.	Loietto comune, Loietto italico	Italian Ryegrass, Westerwold Ryegrass	Ray-grass d'Italie	Welsches Weidelgras, Italienisches Raygras
<i>Magnolia</i> L.	Magnolia	Magnolia	Magnolia	Magnolie
<i>Malus communis</i> L.	Melo	Apple	Pommier	Apfel
<i>Matthiola incana</i> (L.) R. Br.	Violaciocca	Common Stock	Giroflée d'hiver	Levkoje
* <i>Medicago</i> spec.	Erba medica	Alfalfa, Lucerne	Luzerne	Schneckenklee
<i>Nicotiana tabacum</i> L.	Tabacco	Tobacco (common)	Tabac	Tabak
<i>Olea europaea</i> L.	Olivo	Olive	Olivier	Oelbaum, Olive
<i>Orchis</i> L.	Orchidea	Orchid	Orchidée	Orchidee
* <i>Oryza</i> spec.	Riso	Rice	Riz	Reis
<i>Passiflora edulis</i> Sims	Passiflora o Frutto della Passione	Granadilla	Barbadine	Purpurgranadilla, Passionsfrucht
<i>Pelargonium</i> spec.	Gerani, Pelargoni	Geraniums, Pelargoniums	Géraniums, Pelargoniums	Pelargonien
<i>Pelargonium graveolens</i> L'Hér. ex Ait.	Geranio	Geranium, Rose Pelargonium	Géranium, Pelargonium malodorant	Rosenpelargonie
<i>Persea americana</i> Mill.	Avocado	Avocado	Avocatier	Avocado
<i>Petunia</i> spec.	Petunia	Petunia	Pétunia	Petunie
<i>Phaseolus vulgaris</i> L.	Fagiolo	French Bean	Haricot	Gartenbohne
<i>Phoenix dactylifera</i> L.	Palma da dattero	Date, Date Palm	Palmier dattier	Dattelpalme
<i>Pistacia vera</i> L.	Pistacchio	Pistache	Pistachier	Echte Pistazie
<i>Pisum sativum</i> L.	Pisello da orto	Garden Pea	Pois (potager)	Gemüseerbsen

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Poa spec.	Poa	Meadow-Grass	Pâturin	Rispengras
*Populus spec.	Pioppo	Poplar	Peuplier	Pappel
Prunus armeniaca L.	Albicocco	Apricot	Abricotier	Aprikose
Prunus avium L.	Ciliegio dolce	Sweet Cherry	Cerisier (cerises douces: guignes, bigarreaux)	Süsskirsche
Prunus cerasifera x prunus persica	Prunus x Mirabolano	-	-	-
Prunus cerasus L.	Ciliegio ¹ acido	Morello, Sour Cherry	Cerisier (cerises acides: griottes, amarelles)	Sauerkirsche
Prunus domestica	Susino europeo	European Plum	Prunier européen	Europäische Pflaume
Prunus persica (Stokes)	Pesco	Peach	Pêcher	Pfirsich
Prunus persica X Amygdalus communis L.	Pesco-mandorlo	Peach X Almond	Pêcher- amandier	Pfirsich X Mandel
[Prunus salicina Lindl.] ²	Susino giapponese	Japanese Plum	Prunier japonais	Japanische Pflaume
Pyrus communis L.	Pero	Pear	Poirier	Birne
Quercus L.	Quercia	Oak	Chêne	Eiche
Ranunculus asiaticus	Ranuncolo	Garden Ranunculus	Renoncule des jardins	Ranunkel
Retama monosperma (L.) Boiss.	Ginestra	-	-	Retamastrauch
*Rosa spec.	Rosa	Rose	Rosier	Rose

¹ Nello testo originale, erroneamente denominato "Susino" / In the original text erroneously designated as "Susino" / Dans le texte original, dénommé par erreur "Susino" / Im Originaltext irrtümlicherweise als "Susino" bezeichnet.

² Incroci interspecifici del genere Prunus di tipo giapponese con Prunus di tipo americano / Interspecific hybrids between Japanese types and American types from the genus Prunus / Hybrides interspecifiques entre types japonais et types américains du genre Prunus / Interspezifische Kreuzungen zwischen japanischen Typen und amerikanischen Typen der Gattung Prunus.

<u>Latine</u>	<u>Italiano</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Rubus idaeus L.	Lampone	Raspberry	Framboisier	Himbeere
Rubus L.	Mora	Blackberry	Ronce fruitière	Brombeere
Saintpaulia ionantha H. Wendl.	Saintpaulia	African Violet	Saintpaulia	Usambaraveilchen
Salvia L.	Salvia	Sage	Sauge	Salbei
Secale cereale L.	Segale	Rye	Seigle	Roggen
Sinningia speciosa (Lodd.) Hiern. and/or Sinningia X hybrida hort.	Gloxinia	Gloxinia	Gloxinia	Gloxinie
Solanum lycopersicum L.	Pomodoro	Tomato	Tomate	Tomate
Solanum melongena L.	Melanzana	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
Solanum tuberosum L.	Patata	Potato	Pomme de terre	Kartoffel
Sorghum vulgare L.	Sorgo	Sorghum	Sorgho	Mohrenhirse
Spinacia oleracea L.	Spinacio	Spinach	Epinard	Spinat
*Trifolium spec.	Trifoglio	Clover	Trèfle	Klee
Triticale	Triticale	Triticale	Triticale	Triticale
*Triticum spec.	Grano	Wheat	Blé	Weizen
Ulmus L.	Olmo	Elm	Orme	Ulme
Vaccinium L.	Mirtillo	Blueberry	Myrtille	Heidelbeere
Vicia faba L.	Fava	Broad Bean, Horse Bean, Field Bean, Tick Bean	Fève, Féverole	Dicke Bohne (Puffbohne), Ackerbohne
*Vitis spec.	Vite e suoi portainnesti	Grapevine, and its root- stocks	Vigne et ses porte- greffes	Rebe und deren Unterlagen
Zantedeschia Spreng.	Calla	Calla, Arum- lily	Calla	Zantedeschia, Kalla
*Zea spec.	Mais	Maize	Maïs	Mais
Ziziphus sativa Gaertn.	Giaggiolo	Jujube	Jujubier	Jujube

Netherlands

By virtue of the Royal Decree of June 14, 1990 (Staatsblad 262), amending the Plant Breeders' Rights Order of 1975, protection was extended to all taxa of the plant kingdom.

Pursuant to Article 2 of the Plant Breeders' Rights Order 1975, the duration of the breeder's right is 25 years for varieties of apple, cherry, common ash, elm, false acacia, pear, plum, poplar, potato and willow, and 20 years for varieties of other species.

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

Switzerland

By virtue of the Amendment of June 11, 1990, to the Ordinance on the Protection of Plant Varieties of May 11, 1977, which entered into force on July 1, 1990, protection was extended to varieties belonging to 143 families and an order (Pteridophyta).

Concerning the availability of protection to foreigners, reference is made to Article 2 of the Law on the Protection of New Plant Varieties, published in the "Legislation" subsection of Plant Variety Protection No. 56.

Pursuant to Article 53 of the Law, applications that relate to recently created varieties of the taxa covered by this extension and are to benefit from the transitional limitation of the requirement of novelty must be filed within the year following the extension of protection, i.e. before July 1, 1991.

The list of taxa covered by plant variety protection legislation is given in the "Legislation" subsection of this issue, starting on page 63 (the Latin, French and German common names appear in the above-mentioned Ordinance, whereas the English common names have been added by the Office of UPOV).

NEWSLETTER

MEMBER STATES

Germany: Reunification

In conjunction with the reunification of the Federal Republic of Germany and the German Democratic Republic on October 3, 1990, it is to be noted that the reunification had the following effects in the field of plant variety protection:

(i) As a result of the coming into force of the Agreement on German Reunification, the UPOV Convention had effect in relation to the territory of the former German Democratic Republic.

(ii) According to an annex to the Agreement on German Reunification, plant breeders' rights which had been granted in one of the two countries before October 3, 1990, were effective in each case in the whole territory of Germany, from October 3, 1990. This settlement was possible as the legislation on plant variety protection of the German Democratic Republic had been widely adapted to the law in the Federal Republic of Germany and consequently to a law conforming with the UPOV Convention.

(iii) With effect from October 3, 1990, the former plant variety protection law of the German Democratic Republic was abolished subject to some minor transitional regulations. The Zentralstelle für Sortenwesen, former central office responsible for the protection of plant varieties in the German Democratic Republic, had been dissolved.

(iv) Since October 3, 1990, the Federal Office of Plant Varieties (Bundessortenamt) in Hanover had been the only office competent in plant breeders' rights matters. The Bundessortenamt had been expanded through the integration of the personnel as well as some equipment and testing stations of the former Zentralstelle.

(v) The applications for plant breeders' rights which had been pending before the former Zentralstelle on October 3, 1990, would be processed by the Bundessortenamt. Correspondence concerning the varieties protected in the former German Democratic Republic and related matters should be exchanged with the Bundessortenamt only.

More detailed information will be given in the official gazette of the Bundessortenamt in the coming months.

Israel: Modification of Fees

On January 1, 1991, a new tariff of fees was introduced (source: "Israel Plant Breeders' Rights Gazette" No. 24).

The summary of the new tariff of fees is given on page 42 in the "Legislation" subsection of this issue.

UPOV

Development of Plant Variety Protection Throughout the World in 1989

Following established practice, the representatives of the States and organizations having participated in the twenty-third ordinary session of the Council (October 17 and 18, 1989) reported on the development of plant variety protection and related matters in their country or at the international level.

A summary of the statements, as recorded in the report of the session, is given below.

South Africa.- As regards legislative and administrative developments, fees had been increased by 20% on average during the past year. In the related field of regulations on the seed and seedling trade, action was being taken to introduce variety lists for deciduous fruit trees, vine and potato.

The South African seed industry had been restructured and set up a new body, the South African National Seed Organization (SANSOR). One of the aims of SANSOR was to administer plant breeders' rights on behalf of its members and carry out the Seed Certification Scheme as legally prescribed by the Registrar of Plant Improvement as part of the rationalization of the Department of Agriculture of South Africa.

Between October 1, 1988 and September 30, 1989, 89 applications for protection had been filed (including 51 for South African varieties) and 54 titles of protection granted.

Germany (Federal Republic of).- As regards legislation, a preliminary decision had been reached on the question of the "farmer's privilege". The professional organizations had agreed to a draft law whose implications in terms of the scope of protection were the following: in future, only the holder of protection would be allowed to engage in the propagation of protected varieties of ornamentals, fruit species, road-side and ornamental trees and shrubs and forest trees and, subject to the principle of exhaustion, in the marketing, or importation to that end, of plants or parts of plants of such varieties. Acts carried out for private purposes were excluded from the scope of application of protection. In practice, the result was that the "farmer's privilege" would be maintained in respect of sexually reproduced species, potato and vine.

Bilateral cooperation in examination had been continued. The agreements concluded with the Netherlands and Sweden had been expanded to include other taxa.

During the past year, 1,005 applications for protection had been filed. To date, 3,405 varieties were protected. Since August 1988, protection was available for virtually the entire plant kingdom. In comparison with the previous situation, in which protection was granted primarily in respect of genera and species, not families, this had led to the submission of 35 additional applications.

A workshop on the examination of varieties of *Elatior Begonia* and *Pelargonium* had been held at Hanover on June 1 and 2. Its most significant result had been general acceptance of minimum distances in those species. The distances had been established so as to enable an average expert to identify each variety as being distinct. That principle was applied in the Federal Republic of Germany in respect of all species.

The twelfth Congress of the European Association for Research on Plant Breeding (EUCARPIA) had been held at Göttingen from February 28 to March 3, 1989. Within the framework of the Congress, a specialized symposium had been organized to examine intellectual property in relation to new plant material. The lectures had been published in the form of a book.

A study had been undertaken with a view to introducing a special system of protection for animal breeds. A system comparable to that of plant variety

protection could be expected to take shape if the current study met with a favorable response.

Australia.— The implementation of the plant variety protection system was proceeding as scheduled. At present, it covered some 300 taxa, including most of the commercially important species. By March 1990, the system would be extended to all plant species.

The examination system adopted in Australia was operating satisfactorily. That could be explained by two main factors: first, field examination was carried out on the applicant's trials by the examiner of the Office of the Registrar of Plant Variety Rights and, secondly, trial results were published in an official journal, thereby giving interested parties a chance to object within a period of six months.

To date, a total of 123 applications had been received, 55 of which had been submitted during the past year. They covered 33 genera. Twenty-eight titles of protection had been granted so far. At present, some three quarters of the applications were submitted by foreign breeders, who were more familiar with the system of plant variety protection. The interest of Australian breeders in that system was growing very rapidly.

Special attention was being devoted to the breeding of new varieties of native species. The Australian authorities were looking into the possibility of concluding bilateral agreements for cooperation in examination with several member States in order to allow Australian breeders to enjoy protection in those States.

Belgium.— The list of protected taxa was currently being revised and consideration had been given to the extension of protection to more than 60 taxa. That called for a revision of agreements on cooperation in examination.

The threshold of 1,000 applications for protection had been overstepped in the past year. By August 31, 1989, 1,010 applications had been filed and 624 titles of protection granted, 364 of which were still in force. The titles granted covered 42 taxa (the law was currently applicable to 168 taxa).

Denmark.— Since the last session of the Council, protection had been extended to Campanula and Clematis, varieties of which were to be examined in the United Kingdom.

As from January 1, 1991, variety examination would have to be entirely financed from fees. Half the present deficit would have to be covered by January 1, 1990.

A new cooperation agreement had been concluded with Sweden on December 1, 1988; it had then been extended to other species on March 15, 1989. The agreement with the United Kingdom had been expanded on January 1, 1989.

The pilot project for the examination of varieties by breeders had been continued in 1989. Its results were to be evaluated and examined at the end of the month. Judging from experience, the examination of varieties by different persons at different locations did not produce immediately comparable results in spite of the improved technical guidelines.

As in many other countries, discussions were still under way with the Patent Office on possible solutions to the problem of the interface between

plant variety protection and patents. Although those discussions had yet to produce results, they had helped to improve mutual understanding of the two systems.

Lastly, it had been decided to restructure the services of the Ministry of Agriculture responsible for varieties, seed and seedlings. A new Plant Directorate would be in charge of the following main questions as from January 1, 1990: seed testing, seed certification, plant health, variety testing (including testing for the purposes of plant variety protection), gene technology as applied to plants.

The following table sums up the use of the plant variety protection system :

	1988	1989*
Number of applications for protection, including: - agricultural crops	244	200
- fruit crops	95	
- vegetables	3	
- ornamentals	5	
	141	
Number of certificates issued, including: - agricultural crops	165	198
- fruit crops	56	
- ornamentals	5	
	104	

*up to September 22

Spain.- During the past year, the revision of the law on plant variety protection had been completed; the draft law had been submitted for comment to the various authorities concerned in the Ministry of Agriculture.

Fees had been increased by some 5%, with effect from January 1, 1989.

Protection had been extended to strawberry with effect from March 18, 1989. Plans were being made for the extension of protection to all vegetables and ornamentals. In that process, account would be taken of the scope for cooperation in examination. Protection should shortly be extended to cotton.

During the past year, 156 applications had been filed, thereby bringing the total to 1,128 since the entry into force of the law. The Plant Variety Protection Board would be meeting in the near future and was expected to grant some 120 more titles of protection.

United States of America.- On August 22, 1989, the Patent and Trademark Office had published the final version of the rules pertaining to the deposit of biological materials for patent purposes. Those regulations would take effect on January 1, 1990.

France.- As regards legal developments, case law was once again the focus of attention. In July of this year, the Court of Cassation handed down its decision concerning the question of the novelty of an inbred line of maize that had never been marketed as such, but which had been used as a component in hybrids that had been marketed. It confirmed the point of view of the Commit-

tee for the Protection of New Plant Varieties, according to which such a line lost its novelty the first time it was used in the commercial production of a hybrid.

With regard to the question of "custom cleaning" (cleaning by a cooperative of seed produced by a farmer to meet his own needs), it was recalled that, on September 13, 1988, the Court of Appeal of Nancy had upheld the decision handed down in the first instance in May 1987, considering that farmers had no right to produce seed of protected varieties on their own farms. That ruling had raised important issues. A sectorial agreement had been concluded under the auspices of the Ministry of Agriculture on July 4, 1989, between the national professional organizations concerned. Under the terms of the agreement, proceedings would not be instituted against farmers who cleaned food grain to obtain seed, provided that they used their own equipment or called upon another farmer by way of mutual assistance. However, the difficulties that persisted in spite of that agreement might lead the authorities to introduce stricter provisions in the form of legislation or administrative regulations.

The legal structure of the Group for the Study and Control of Varieties and Seed (GEVES), the body in charge of variety examination, had been modified so as to provide it with greater financial flexibility, while maintaining its scientific status within the National Institute of Agronomic Research.

A workshop on the examination of varieties of maize had been held at Versailles on October 2 and 3, 1989. Discussions had centered mainly on the use of new examination methods. It had been pointed out that such methods would not help to achieve a stable definition of minimum distances between varieties and the important characteristics considered in granting a title of protection. However, the use of those methods would establish the scientific credibility of the "right of dependency" which was to be introduced in the Convention.

In France also, thought was being given to the protection of intellectual property in relation to animals. The process was leading to consideration of a system akin to plant variety protection.

Hungary.- No changes had affected the system of plant variety protection in the past year.

Eighty patents had so far been granted for plant varieties. In 1989, 52 applications had been filed for 24 Hungarian varieties, 27 foreign varieties and one variety of joint breeding. In 1989, the Institute of Agricultural Qualification had carried out tests on varieties belonging to 26 species. In the case of maize, it had used not only morphological characteristics, but also electrophoresis in testing for distinctness and homogeneity.

The Institute of Agricultural Qualification had hosted a meeting of experts from various States members of the Council for Mutual Economic Assistance (CMEA), who had come to discuss the legal and technical aspects of plant variety protection. Their visit had been considered very useful and likely to promote accessions to the UPOV Convention.

Ireland.- No significant development was reported for the past year.

Israel.- The experience of 16 years since the entry into force of the law had shown the need to adopt measures aimed at preventing the submission of void applications. Applicants were now required to pay the fee for the exami-

nation of a variety, as well as registration fees, at the time of application. Furthermore, deadlines had been set for the submission of plant material for the purposes of variety examination. As a result, the number of applications received had been halved as compared with the same period in 1988.

The agreement with the Netherlands on cooperation in variety examination had entered into force during the year. Varieties of Aster were being tested at the request of the Netherlands, and examination reports on varieties of Gladiolus had been transmitted to the services of that country. On April 17, 1989, an agreement had been concluded with South Africa; the latter was to examine varieties of Lachenalia and Chinchinchee on Israel's behalf.

Protection had so far been extended to 106 genera and species. Since the last session of the Council, 171 applications had been submitted, 142 of which related to ornamental varieties (84 of them submitted by Israeli breeders and 58 by foreigners). Titles of protection had been granted for 82 varieties (14 agricultural crops and vegetables and 68 ornamentals), only 24 of them to foreign breeders.

Italy.- Since the last session of the Council, 94 plant patents had been granted, principally for the following species: carnation, gerbera, wheat, lettuce, maize, apple, potato, peach, poplar, pea, tomato, rice, rose, soya bean.

Japan.- The work on the revision of the Convention had aroused great interest among professionals from agriculture, the seed trade, the chemical industry, etc. In view of their interest, the Ministry of Agriculture, Forestry and Fisheries had set up in September a Committee on Protection for Results of Biotechnology, composed of representatives of the interested circles, whose task was to study how the plant variety protection system should develop in the future. The Committee was to submit an interim report in January 1990.

The number of applications submitted each year since the enactment of the Seeds and Seedlings Law had been increasing steadily, totalling 3,734 by the end of August 1989.

New Zealand.- As intended, the system of protection was to be extended to fungi on the basis of an amendment to the relevant law.

The question of the "farmer's privilege" was currently the subject of very intensive discussion in New Zealand. Early in the year, the Plant Variety Rights Office had proposed that farmers should be denied the possibility of producing their own seed, because of the very small proportion of commercial seed they used and the resulting low returns to breeders; for example, the proportion was only 25% for the most widely grown variety of wheat. The farmers acknowledged that there was a problem for breeders and that that problem might have adverse consequences for the entire farming industry. However, they had not yet accepted the fact that the "farmer's privilege" must be removed.

An agreement on cooperation in examination was currently being drawn up with the United Kingdom to provide, inter alia, for New Zealand to examine varieties of indigenous species for the United Kingdom. Other member States had also been approached.

Lastly, responsibility for plant variety protection was to be transferred from the Ministry of Agriculture to the Ministry of Commerce. The idea was to

bring all intellectual property systems under the same administrative umbrella, a step which was bound to produce advantages, not least because the Ministry of Commerce gave higher priority to the promotion of intellectual property than did the Ministry of Agriculture. Besides, that should make it easier to overcome the problem of relations between patents and plant variety protection.

The following table sums up the use of the system of plant variety protection for the year ending on September 30, 1989:

	Applications received	Titles granted	Titles in force
Arable crops and vegetables	6	4	53
Fodder crops	5	3	22
Ornamental plants	46	35	258
Fruit crops	28	8	39
Total (Preceding year)	85 (81)	50 (59)	372 (349)

Netherlands.— Special importance was being attached to the revision of the Convention and the debate on the interface between patents and plant variety protection.

As regards the first issue, the Netherlands was in favor of convening a diplomatic conference early in 1991, even if the bodies in charge of its preparation still failed to agree on the amendments proposed. Some of the proposals in question were considered to be of such importance that Dutch legislation was to be amended accordingly in the near future, before the Convention was revised. That applied to the extension of protection to the entire plant kingdom and the extension of the duration of protection.

With regard to the second issue, the Government of the Netherlands had submitted a memorandum to Parliament. The main conclusions set out therein were as follows:

- (i) plant breeders' rights must be strengthened;
- (ii) patented plant material must be freely available for research and development, and varieties thus created must be eligible for plant breeders' rights;
- (iii) authorization by the patent holder, in the form of a license, must be obtained for the exploitation of a variety protected by a plant breeder's right;
- (iv) the Patents Act must be modified in order to provide for compulsory licensing to subsequent breeders under reciprocal grant of a license under the plant breeder's right or against equitable remuneration, or a combination of both.

Following the extension of protection to 29 taxa in February, a further extension to 24 taxa had recently taken effect.

The application of the Convention to the whole plant kingdom highlighted the necessity of international cooperation in examination. In particular, consideration would have to be given to examination procedures relating to "new" species.

United Kingdom.- The Government had decided that examination would have to be self-financing with effect from April 1, 1990. The authorities were in the process of drawing up a new scale of fees.

The question of the "farmer's privilege" had also been raised in the United Kingdom; consultations had been initiated with the interested parties. A consensus appeared to be emerging in favor of controlling and limiting the exercise of that "privilege". The authorities in the United Kingdom intended to work out a position on the matter.

Over the past year, 556 applications had been submitted and 324 titles of protection granted, in other words, respectively 30 and 15% more than in the previous year.

Sweden.- No legislative changes had occurred during the past year.

A number of breeders had expressed interest in extending protection to Aronia, Hippophaë, Picea, Populus and Sorbus.

As regards the "farmer's privilege", the two major Swedish companies engaged in plant improvement had requested the Government to amend the legislation in force so as to exclude from that "privilege" farm-saved seed cleaned by professional cleaning firms. Their request had been submitted to the authorities and organizations concerned for comment.

Several bilateral agreements on cooperation in examination had been revised with a view to increasing the number of species examined for Sweden on that basis and adapting them to the agreements concluded between the States carrying out such examination. Negotiations were under way on the revision of the agreement concluded with France. An agreement had been concluded with Denmark and then revised shortly thereafter.

Switzerland.- No legislative or administrative changes had occurred during the past year.

So far, a total of 614 applications for protection had been submitted, including 85 that year, and 400 titles had been granted, 356 of which were still in force.

Statement by the Representatives of Poland

Poland's instrument of accession to the UPOV Convention had been signed by the Deputy Prime Minister for Agriculture on September 7, 1989. It had been deposited with the Secretary-General on October 11, which meant that Poland would become a member of the Union on November 11, 1989.

No legislative or administrative changes had occurred in the past year. The legislation applied to 225 taxa, in other words virtually all of those that were economically important in Poland.

Between the entry into force of the system of protection and October 10, 1989, 135 applications for protection had been submitted and 40 titles of protection granted.

Statements by Representatives of Non-Member States

Argentina.- Argentina was following with keen interest the work on the revision of the Convention aimed at strengthening the system of protection, and its national authorities and interested circles would, in due course, take such decisions as may be necessary to adapt national legislation to the new provisions of the Convention.

The seed trade was of great importance to Argentina, a country with a strong agricultural tradition. Accordingly, an agreement had been concluded with the European Communities to promote activities relating to seed in Argentina and cooperation between the two parties in that field. In practice, the agreement would involve trade missions and technical assistance missions, including in the field of legislation.

In that connection, the Law on Seed and Phytogenetic Creations together with its implementing decree had already been brought into conformity with the Convention. Indeed, the duration of protection had been extended to 20 years in respect of grapevine and trees and 15 years for other species. Studies had been undertaken with a view to optimizing the administration of the system of protection and thereby to provide more effective protection.

Austria.- At the twenty-fifth session of the Administrative and Legal Committee, the Delegation of Austria had requested the Office of the Union to read out the statement recorded below.

The Federal Government had submitted a draft law on plant variety protection to the National Council on June 6, 1989. The various political parties considered that preliminary discussions must be held before the actual parliamentary procedure was initiated. Despite the opposition sometimes reflected in the press, it was hoped that those discussions and that procedure would eventually lead to the passing of the law.

Austria would be submitting its law to the Council as soon as possible and would be seeking the latter's opinion on its conformity with the provisions of the Convention. The Federal Ministry of Agriculture and Forestry had undertaken preparations for Austria's accession to UPOV; the Federal Institute of Agriculture, which would subsequently be the body in charge of plant variety protection, was collaborating with the Ministry in that process. The law on plant variety protection and the country's accession to UPOV were due to take effect simultaneously, on July 1, 1990; however, it was uncertain whether that deadline could be met.

Egypt.- The Delegation of Egypt had no specific statement to make on the agenda item under consideration. However, its participation in the session, following a request by the Deputy Prime Minister and Minister of Agriculture and Land Reclamation, reflected Egypt's interest in the protection of plant varieties.

Finland.- At the twenty-fifth session of the Administrative and Legal Committee, the Delegation of Finland had requested the Office of the Union to read out the statement recorded below.

As had been pointed out at the last ordinary session of the Council, the Ministry of Agriculture had come to the conclusion that legislation on plant variety protection could usefully be introduced in Finland. After consulting the Government bodies concerned, it had set up a committee in charge of drafting a law conforming to the Convention. The draft law in question would be ready by the spring of 1990.

Kenya.- Although Kenya had passed a Seed and Plant Varieties Act as early as 1972, it had only given effect to certain sections of it, notably those on inspection, testing and certification of seed. An attempt had been made to set up a harmonized system of variety evaluation as a prerequisite for marketing authorization. Yet, the chapter on plant variety protection was still the most controversial in the Act. The issues that had been raised were of a legal, administrative and technical nature, and of undeniable relevance in the context of a developing country. However, Kenya was committed to protecting the intellectual property rights of innovators. Accordingly, implementing regulations concerning horticultural crops had been drafted with the assistance of experts from France and submitted to the Attorney General for action. However, the system of protection had yet to be extended to other species.

In that connection Kenya wished to seek the assistance and advice of UPOV with a view to establishing an effective legal system and enjoying the benefits of the Convention.

Morocco.- Morocco was aware of the importance of plant variety protection for the development of agriculture, whose intensification depended, *inter alia*, on the use of high-yield varieties suited to local conditions. Accordingly, Morocco continued to promote research, both public and private. For example, mixed economy companies had been set up and authorized to pay royalties to national and foreign breeders. Furthermore, the Government was giving high priority to the development of seed and seedling control bodies, specialized training and the equipment of variety control laboratories and stations.

Philippines.- The Philippines was following UPOV's work with interest and hoped that the question of accession to the Convention would be considered once it had become more familiar with that work.

Republic of Korea.- The Republic of Korea was gratified by the fact that it had been invited to participate in the session and was anxious for UPOV's assistance in setting up a system of plant variety protection.

In that connection attention was drawn to three laws, namely, the Major Crops Seed Law, which provided a basis for the establishment and operation of the Government organizations with exclusive responsibility for the propagation and distribution of quality seed of food crops; the Seeds and Seedlings Control Law, which was intended to protect growers against the adverse effects of poor quality seed or seedlings of major vegetable and fruit species and fungi; and the Patent Law, which provided for the granting of plant patents on asexually propagated plant varieties, with the exception of tuber plants, tuberous-rooted plants and bulbous plants.

The first two laws did not provide for the protection of breeders' rights. Besides, although several applications had been submitted, no plant patents had been granted as yet. Since 1984, the question of distinctness had posed a problem from the point of view of seed control. Consideration was therefore being given to the necessity and possibility of amending the above-mentioned laws with a view to promoting the development of varieties capable of adapting

to changes in growing conditions and meeting the future needs of farmers. In that connection, UPOV's model law would no doubt provide useful guidance, and the assistance of UPOV and its member States would be welcome.

Czechoslovakia.- Czechoslovakia, which was represented at the Council for the first time, was contemplating accession to the Convention. Accordingly, the Czechoslovak authorities had discussed the draft law on the protection of plant varieties and animal breeds with UPOV representatives in Prague in December 1988 and subsequently at Geneva in September 1989. The draft had been found to be in conformity with the Convention, and the comments made on it related only to points of detail; they had been taken into account in the finalization of the draft.

The draft had been submitted to the Federal Assembly at the beginning of October 1989; the final reading was scheduled for November 14 and the law was expected to enter into force on January 1, 1990. Czechoslovakia planned to accede to the Convention in 1990; the Council's opinion on the law's conformity with the provisions of the Convention would be sought as soon as the law had been passed.

Turkey.- Commercial activity involving varieties, seed and plants was regulated by Law No. 308 of 1963 Concerning Registration, Control and Certification of Seed. In 1963, the Ministry of Agriculture, Forestry and Rural Affairs became a member of the International Seed Testing Association (ISTA). Over the past two years, the regulatory system had been revised following the opening up of the Turkish seed market and the decision to adopt international standards. The OECD schemes had gone into effect on May 16, 1989; also in May, the regulatory provisions had been approved by the competent OECD body.

The Government was giving high priority to plant variety protection, together with the adjustment of procedures, the promotion of the international seed trade and the promotion of the activities of private sector seed companies. However, the introduction of protection was not a simple matter. Now that the concept had been established, the law remained to be drafted and put into effect.

Turkey was aware of the fact that accession to UPOV would help it obtain better varieties and speed up the process of genetic improvement. In order to make headway, consideration was being given to the addition of another Article to Law No. 308, 1963, whereby the Government would be allowed to legislate by enacting regulations. A proposal to that effect had been submitted to the Ministry and experts were already at work on draft regulations.

Statements by Representatives of Intergovernmental Organizations

European Communities (EC).- During the past year, the Commission's proposal for an EC Council Directive on the legal protection of biotechnological inventions, which had been made on October 21, 1988, had been examined in depth by the Council of Ministers and the European Parliament; the latter, however, had yet to express an opinion on the matter. It was recalled that the proposal was aimed at establishing a uniform interpretation of certain aspects of the European Patent Convention in order to promote the development of biotechnology within the Community.

The Commission's draft proposal for EC Council Regulations on Community breeders' rights had been the subject of in-depth consultations since January 1989, both among experts of member States of the Communities and among the

non-governmental organizations concerned. Further consultations were to be conducted with government experts with the aim of submitting a proposal by the Commission to the Council of Ministers by the end of the year. One of the objectives was to bring the proposal into conformity with the present text of the Convention and, whenever predictable, with the new text that would result from its current revision. In that connection, the Commission thanked the Office of UPOV for its cooperation in the course of consultations.

Organisation for Economic Co-operation and Development (OECD).- As regards the OECD schemes for the certification of seed intended for international trade, Australia, Finland and Turkey (members of the OECD) had extended their application. Morocco and Uruguay had joined the schemes, Costa Rica had submitted an application for admission and Zimbabwe was in the process of doing so.

From a technical point of view, post-control procedures were currently being reviewed with a view to reconciling divergences that had been observed in their application in certain member States. Furthermore, Rules for the certification of additional hybrids had been developed. Standards were being worked out for cereals. Progress had been slower in the case of oil seed crops, because of the needs to address both the self-incompatibility and the cytoplasmic male sterility hybridization methods.

A study had been undertaken in the OECD on biotechnology and its impact on agriculture. Furthermore, the OECD was devoting increasing attention to environmental issues. A working group responsible for integrating agricultural and environmental policies was being revived under the aegis of the Environment Committee with the cooperation of the Committee for Agriculture.

European Patent Organisation (EPO).- The European Patent Organisation thanked UPOV for allowing the European Patent Office to take part in its meetings, including its work on the revision of the Convention. Such work was being followed with keen interest because the revision was liable to interfere with the European Patent Convention (EPC) and with the practice of the European Patent Office (EPO). The latter was governed by Article 53(b), which excluded plant varieties from patentability on account of the existence of the UPOV Convention.

According to the European Patent Office, three of the proposed provisions clashed with basic principles of patent law, namely, the stipulation of the prohibition of the choice of a system of protection (Article 1, paragraph 1); the definition of "variety" (Article 2(ii)); and the limitation of the effects of other industrial property rights on the exploitation of varieties protected under the UPOV Convention.

The prohibition of the choice of a system of protection, which found confirmation in Article 53(b) of the EPC, dated back to a time when the description of an invention generally lacked the clarity and detail needed to meet the established reproducibility standards. The situation had changed, however, not least because the description could now be supplemented by the deposit of a living organism. The prohibition of the choice of a system of protection, set out rigidly in the UPOV Convention, appeared to go against the general trend in industrial property law, particularly in the light of the work carried out by WIPO on a draft treaty on the harmonization of patent law. The lifting of that prohibition would by no means imply opening the system of patents to plant varieties, but would allow national or regional sovereignty to strike the most appropriate balance, taking account of the interests of the parties concerned.

The definition of "variety", read together with the prohibition of the choice of a system of protection, had implications for the system of patents since it would define not only the scope of application of the UPOV Convention, but also the extent of exclusion from patentability. The EPO was concerned about certain restrictive elements, namely, the lack of linkage between the definition of a variety and the conditions of eligibility for protection set forth in Article 6; the inclusion of parts of plants in the definition, which would consequently extend to cell lines and protoplasts, i.e. material which, like microorganisms, traditionally fell into the category of patentable inventions. The EPO understood the breeders' interest in a form of protection covering cellular material that could be used for reproductive purposes without going through the field cultivation stage. In its opinion, however, such protection should be afforded on the basis of the definition of the scope of protection, not the definition of "variety."

The purpose of proposed Article 5(5) was to defeat such economic advantages as may be derived from research and development in the field of genetic engineering likely to lead to new genetic components and the insertion of such components into cells and plants derived from those cells.

If no satisfactory solution could be worked out with regard to the definition of "variety" and if the prohibition of the choice of a system of protection were maintained, interpretation of Article 53(b) of the EPC, concerning the exclusion of plant varieties from patentability, could be expected to disregard the revision of the Convention and continue on the basis of the 1961 text of the UPOV Convention; the latter dated back to the same period as the Strasbourg Convention of 1962, which had unified certain elements of patent law and served as a basis for Article 53(b) of the EPC.

Statements by Representatives of International
Non-Governmental Organizations

International Association of Horticultural Producers (AIPH).— AIPH actively supported UPOV, for example by encouraging States that were not members of UPOV, but represented in AIPH, to join UPOV and, in cooperation with the Committee of Agricultural Organisations in the European Economic Community (COPA), by promoting the harmonious development of Community breeders' rights in relation to the UPOV Convention. AIPH realized that lengthy discussions on details might jeopardize prospects for the adoption of a satisfactory new treaty and that developments in the field of biotechnology called for adequate protection. AIPH hoped that compromise solutions could be worked out on the main points at issue, such as the "farmer's privilege" and minimum distances between varieties. It was in favor of maintaining the prohibition of double protection.

International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL).— ASSINSEL considered that self-financing of the system of plant variety protection, as mentioned by several delegations of member States, might be an excellent objective, but that it should not necessarily entail an increase in fees. In that connection, consideration should be given to reorganization of the work of the services concerned and cooperation with the users of the system. Furthermore, ASSINSEL was prepared to cooperate with interested parties in States contemplating accession to UPOV in setting up a system of protection.

International Chamber of Commerce (ICC).— The ICC's participation in the session was a reflection of its support for UPOV's current work, especially

that related to the revision of the Convention, whose objectives and general thrust it approved. The ICC, which had expressed its views in detail at the Fourth Meeting with International Organizations, simply wished to draw attention to the points, which, in its opinion, deserved further consideration: the definition of "variety" and "material"; the interface between plant variety protection and patents, and the establishment of a balanced overall system; the redrafting and simplification of Article 13, concerning variety denomination.

International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA).- CIOPORA had clearly stated its views on the revision of the Convention at the Fourth Meeting with International Organizations and now wished to confine itself to a general policy statement. CIOPORA had always considered that plant variety protection should be integrated in the overall system of industrial property protection and suggested that patents could serve the purpose, subject to minor modifications such as the deposit of samples. Although the general course of events had taken a different turn, recent technological and legal developments had proved the veracity of CIOPORA's theory. Since history could not be rewritten, CIOPORA wished to see UPOV develop and grow stronger. However, it must not remain entrenched in a defensive position for fear of having its authority undermined as a result of the above-mentioned developments.

CIOPORA was in favor of leaving the Convention very open and flexible; such a system should facilitate the accession of many countries to UPOV. Future developments would not necessarily be biased towards patents simply because UPOV allowed plant varieties to be protected either by breeders' rights or by patents. Indeed, many varieties were based on an improvement that would not satisfy the inventive activity requirement under patent law.

CIOPORA also wished to stress the need to integrate the discussions currently under way, be it in UPOV, in WIPO or in the EC. Discussions on amendments that might usefully be made to the European Patent Convention could also be added to the list. In that connection, CIOPORA welcomed the convening of the session of a joint UPOV/WIPO expert committee and hoped that its outcome would be useful for the protection of plant varieties and biotechnologies alike.

Association of Plant Breeders of the European Economic Community (COMASSO).- COMASSO was following with keen interest the work on the revision of the Convention and parallel initiatives, especially the Commission's draft proposal for EC Council Regulations on Community breeders' rights and the Commission's proposal for an EC Council Directive on the legal protection of biotechnological inventions. COMASSO's objective was to secure protection that would be both suited to each subject matter to be protected and balanced. The balance must be struck both within UPOV, in relation to patents, and under the system of patents, in relation to UPOV. Member States would be ill advised to contemplate or adopt measures relating to the two systems of protection which did not guarantee that balance.

The delegation of COMASSO had listened with interest to the representatives of member States speaking on the extension of protection in the field of ornamental plants. It had taken note of the observations made on the "farmer's privilege" and observed that the latter reflected a perfectly legitimate assessment of the situation; it wished to stress that an assessment concerning agricultural crops identical to the one that had been made in relation to ornamental plants would be just as legitimate. In that sense, the extension of protection in the field of ornamental plants was bound to be only a first step.

ISRAEL

[These pages replace the corresponding pages published in Plant Variety Protection No. 57]

the application for registration under this Law, provided that the application for registration under this Law is filed within twelve months from the date of the coming into force of section 72 and other conditions prescribed by regulations are fulfilled. If the application for a priority right is granted, the period of the breeder's right shall be reckoned from the date of registration of the breeder's right in that Convention state.

(c) Notwithstanding the provisions of subsection (b) and section 102, the Minister may, by regulations, apply subsection (b) in respect of any state, whether or not it is a Convention state, if it appears to him that that state accords reciprocity to Israel in this matter.

(d) Nothing in this Law shall be construed as granting relief for infringement of a breeder's right in respect of the period before the coming into force of this Law.

Section 104

Implementation and Regulations

The Minister is charged with the implementation of this Law and may make regulations as to any matter relating to such implementation, including-

- (1) registration procedure;
- (2) procedure in proceedings before the Council or the Registrar under this Law;
- (3) forms for applications under this Law, the mode of drawing up specifications, and the mode of representing a variety in the specification;
- (4) the fees payable in respect of applications filed under this Law, acts of the Registrar or the Council, the registration and renewal of registration of a breeder's right, and other services under this Law;
- (5) payment for an opinion or the carrying out of research;
- (6) the preparation, readying for the press, printing, publication and sale of abridgments of specifications, specifications of breeders' rights and other publications by or on behalf of the Council or the Registrar;
- (7) the issue of certificates under this Law attesting to registration of a breeder's right in the Register of Rights;
- (8) the payment of expenses incurred by the members of the Council in respect of their participation in the activities thereof;
- (9) the payment of expenses to witnesses and experts who have given evidence or opinions before the Council or the Registrar;
- (10) the assignment of experimental plots, and laboratories, for the testing of new varieties, within the framework of farms of the Ministry of Agriculture or otherwise;
- (11) the circumstances of the discontinuance of the tenure of a member of the Council.

Section 105

Publication

This Law shall be published in Reshumot within thirty days from the date of its adoption by the Knesset.

SCHEDULE

(under Section 2)

Plants to Which the Law Applies

(See Miscellaneous Information)

ISRAEL

Miscellaneous Information

1. List of Taxa Covered by Plant Variety Protection Legislation*

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Allium cepa L.	Onion	Oignon	Zwiebel
Allium sativum L.	Garlic	Ail	Knoblauch
Alstroemeria L.	Alstroemeria	Alstroemère, Lis des Incas	Inkalilie,
Amygdalus communis L.	Almond	Amandier	Mandel
Anemone L.	Anemone	Anémone	Anemone, Windröschen
Annona cherimola Mill.; A. squamosa L.	Annona, Cherimoya; Annona, Sugar Apple, Sweet Sop	Chérimolier; Pommier-cannelle	"Cherimoya"; Rahmapfel, Süß- sack, Zuckerapfel
Anthurium Schott	Anthurium, Tail Flower	Anthurium	Flamingoblume
Arachis hypogaea L.	Peanut	Arachide	Erdnuss
Aster L.	Aster	Aster	Aster
Avena sativa L.	Oat	Avoine	Hafer
Averrhoa carambola L.	Carambola	Carambole	Karambola
Begonia L.	Begonia	Bégonia	Begonie
Brassica oleracea L. convar. botrytis (L.) Alef.	Cauliflower	Chou-fleur	Blumenkohl
Callistephus Cass.	Aster (China)	Aster, Aster de Chine, Reine-marguerite	Sommeraster

* This list is based on a translation from the originals in Hebrew published in Reshumot (original list) and in Kovetz Hatakanot (subsequent amendments made by means of orders).

Cette liste est fondée sur une traduction des textes originaux en hébreu publiés dans Reshumot (liste initiale) et dans Kovetz Hatakanot (modifications ultérieures faites par voie d'ordonnances).

Diese Liste stützt sich auf eine Uebersetzung der in Reshumot (Originalliste) und in Kovetz Hatakanot (spätere durch Verordnungen erlassene Aenderungen) in hebräisch veröffentlichten Originaltexte.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Capsicum annuum</i> L.	Sweet Pepper, Capsicum, Chili	Poivron, Piment	Paprika
<i>Carthamus tinctorius</i> L.	Safflower	Carthame, Safran bâtard	Saflor, Färberdistel
<i>Carica papaya</i> L.	Papaya, Pawpaw	Papayer, Arbre à melon	Melonenbaum, Papaya
<i>Carum carvi</i> L.	Caraway	Carvi, Cumin des prés	Kümmel
<i>Carya illinoensis</i> (Wangenh.) C. Koch	Pecan Nut	Pacancier	Pekan, Pekannuss
<i>Catharanthus roseus</i> (L.) G. Don	Vinca	Catharanthus	Catharanthus
<i>Chamelaucium</i> Desf.	Geraldton Wax	-	-
<i>Chrysanthemum</i> L.	Chrysanthemum	Chrysanthème	Chrysantheme
<i>Cicer arietinum</i> L.	Chick-pea	Pois chiche	Kichererbse
<i>Citrullus lanatus</i> (Thunb.) Matsum. et Nakai	Watermelon	Pastèque	Wassermelone
<i>Citrus spec.</i>	Citrus	Agrumes	Zitrus
<i>Cucumis melo</i> L.	Muskmelon	Melon	Melone
<i>Cucumis sativus</i> L.	Cucumber, Gherkin	Concombre, Cornichon	Gurke
<i>Cucurbita pepo</i> L.	Pumpkin, Marrow, Courgette	Courge, Pâtisson, Citrouille	Gartenkürbis, Oelkürbis
<i>Cynara</i> spp.	Artichoke, Cardoon	Artichaut, Cardon	Artischoke, Kardone
<i>Dahlia</i> Cav.	Dahlia	Dahlia	Dahlie
<i>Dianthus</i> L.	Carnation	Oeillet	Nelke
<i>Diospyros kaki</i> L. f.	Japanese Persimmon, Kaki	Plaqueminier, Kaki	Kakipflaume
<i>Duboisia leichardtii</i> F. Moell.	Duboisia	Duboisia	Duboisie
<i>Eriobotrya japonica</i> (Thunb.) Lindl.	Loquat	Néflier du Japon	Japanische Mispel, Loquate
<i>Euphorbia pulcherrima</i> Willd. ex Klotzsch	Poinsettia	Poinsettia	Poinsettie, Weihnachtsstern

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Euryops virgineus (L.f.) DC.	Euryops virgineus	-	-
Feijoa sellowiana (Berg) Berg	Feijoa	Feijoa	Feijoa
Fragaria L.	Strawberry	Fraisier	Erdbeere
Freesia Klatt	Freesia	Freesia	Freesie
Gerbera L.	Gerbera	Gerbera	Gerbera
Gladiolus L.	Gladiolus	Glaïeul	Gladiole
Gossypium L.	Cotton	Cotonnier	Baumwolle
Gypsophila L.	Gyp, Gypsophila, Baby's Breath	Gypsophile	Gipskraut, Schleierkraut
Helianthus annuus L.	Common Sunflower	Tournesol, Soleil	Sonnenblume
Hibiscus L.	Hibiscus	Hibiscus	Eibisch
Hordeum vulgare L.	Barley	Orge	Gerste
Impatiens L.	Impatiens, Busy Lizzie, Balsam, Touch-me-not	Balsamine, Impatiente	Springkraut, Balsamine
Iris L.	Iris	Iris	Iris, Schwertlilie
Kalanchoë Adans.	Kalanchoë	Kalanchoë	Kalanchoë
Lachenalia Jacq. f. ex Murray	Lachenalia, Cape Cowslip	Lachenalia, Coucous du Cap	Lachenalia
Lactuca sativa L.	Lettuce	Laitue	Salat
Leucadendron R. Br.	Leucadendron	Leucadendron	Leucadendron
Leucospermum R. Br.	Leucospermum	Leucospermum	Leucospermum
Liatris Gaertn. ex Schreb.	Liatris, Blazing Star, Gayfeather	Liatris	Prachtscharte
Lilium L.	Lily	Lis	Lilie
Limonium Mill.	Sea Lavender, Statice	Limonium, Statice	Widerstoss, Meerlavendel
Lisianthus L.	Lisianthus	Lisianthus	Lisianthus
Litchi sinensis Sonn.	Litchi	Litchi	Litschi
Lycopersicon esculen- tum P. Mill.	Tomato	Tomate	Tomate
Malus sylvestris Mill.	Apple	Pommier	Apfel

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Mangifera indica</i> L.	Mango	Manguier	Mango
<i>Medicago hispida</i> Gaertn.; <i>M. sativa</i> L.	Alfalfa (Hairy Medick and Lucerne)	Luzerne (hérissée et cultivée)	Schneckenklee (Sichelluzerne und Blaue Luzerne)
<i>Musa</i> L.	Banana	Bananier	Banane
<i>Narcissus</i> L.	Narcissus, Daffo- dil, Jonquil	Narcisse, Jonquille	Narzisse
<i>Nicotiana tabacum</i> L.	Tobacco (common)	Tabac	Tabak
<i>Olea europaea</i> L.	Olive	Olivier	Oelbaum, Olive
Orchidaceae Juss.	Orchids	Orchidées	Orchideen
<i>Origanum</i> L.	Sweet Marjoram	Origan	Dost
<i>Ornithogalum</i> spp.	Chinkerinchee, Star of Bethlehem	Ornithogale, Dame d'onze heures	Milchstern, Vogelmilch, Stern von Bethlehem
<i>Oryzopsis holciformis</i> (N. B.) Hack.	Oryzopsis	Petit millet, Oryzopsis, Faux-millet	Grannenhirse
<i>Pelargonium</i> L'Hér. ex Ait.	Pelargonium	Pelargonium	Pelargonie
<i>Persea americana</i> Mill.	Avocado	Avocatier	Avocado
<i>Petunia</i> Juss.	Petunia	Pétunia	Petunie
<i>Phalaris tuberosa</i> L.	Hardings Grass	Herbe de Harding, Alpiste tubéreux	Knolliges Glanzgras
<i>Phaseolus vulgaris</i> L.	French Bean	Haricot	Gartenbohne
<i>Piqueria</i> Cav.	Piqueria	Piqueria	Piqueria
<i>Pistacia vera</i> L.	Pistache	Pistachier	Echte Pistazie
<i>Portulacaria</i> Jacq.	Portulacaria, Purslane Tree	Portulacaria	Strauchportulak, Speckbaum
<i>Prunus armeniaca</i>	Apricot	Abricotier	Aprikose
<i>Prunus domestica</i> L.; <i>P. salicina</i> Lindl.	Plum	Prunier	Pflaume
<i>Prunus persica</i> (L.) Batsch	Peach	Pêcher	Pfirsich
<i>Psidium guajava</i> L.	Guava	Goyavier	Guayave

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
<i>Pyrus communis</i> L.	Pear	Poirier	Birne
<i>Ranunculus</i> L.	Ranunculus, Buttercup	Renoncule	Hahnenfuss
<i>Raphanus sativus</i> L.	Radish	Radis	Rettich
<i>Ricinus communis</i> L.	Castorbean	Ricin	Wunderbaum, Palma Christi
<i>Rosa</i> L.	Rose	Rosier	Rose
<i>Saintpaulia ionantha</i> H. Wendl.	African Violet	Saintpaulia	Usambaraveilchen
<i>Salvia</i> L.	Sage	Sauge	Salbei
<i>Sesamum indicum</i> L.	Sesame	Sésame	Sesam
<i>Simmondsia chinensis</i> (Link) Schneid.	Jojoba	-	-
<i>Solanum melongena</i> L. var. <i>esculentum</i> Nees	Eggplant, Aubergine	Aubergine	Eierfrucht, Aubergine
<i>Solanum tuberosum</i> L.	Potato	Pomme de terre	Kartoffel
<i>Solidago</i> L.	Golden Rod	Verge d'or	Goldrute
x <i>Solidaster</i> Wehrh.	<i>Solidaster</i>	<i>Solidaster</i>	<i>Solidaster</i>
<i>Sorghum vulgare</i> Pers.	<i>Sorghum</i>	<i>Sorgho</i>	Mohrenhirse
<i>Trachelium</i> Tourn.	Throatwort	Trachélie	Halskraut
<i>Trifolium alexandrinum</i> L.; <i>T. berytheum</i> Boiss.; <i>T. repens</i> L.; <i>T. subterraneum</i> L.	Clover	Trèfle	Klee
<i>Triticum aestivum</i> L. emend. Fiori et Paol. (<i>T. aestivum</i> L. ssp. <i>vulgare</i> (Vill., Host) Mac Kay); <i>Triticum</i> <i>durum</i> Desf.	Wheat	Blé	Weizen
<i>Vicia faba</i> L.	Horse Bean	Fève	Dicke Bohne
<i>Vicia sativa</i> L.	Common Vetch	Vesce commune	Saatwicke
<i>Vitis</i> L.	Vine	Vigne	Rebe
<i>Zea mays</i> L.	Maize	Maïs	Mais

2. Tariff of Fees

Summary of the tariff of fees in New Israeli shekalim as of January 1, 1991
(NIS, 1 US\$ = ca. 2.00 NIS)

Examination of Varieties (including application and publication fees of 86 NIS)

Field and Vegetative crops	3,186
----------------------------	-------

Ornamental Plants	2,086
-------------------	-------

Fruit crops	1,986
-------------	-------

Annual maintenance fees	43 for each year
-------------------------	------------------

Withdrawal of application	1,000
---------------------------	-------

SWITZERLAND

Ordinance on the Protection of Plant Varieties*

Consolidated Text of the Ordinance of May 11, 1977,
as Amended by the Ordinance of February 28, 1983,
and the Ordinance of June 11, 1990**

CHAPTER I
GENERAL PROVISIONS

Section 1: Organization and Principles of ProcedureArticle 1

Competence

(1) The implementation of the Law of March 20, 1975, on the Protection of New Plant Varieties ("the Law") and of this Ordinance shall be within the competence of the Plant Variety Protection Office ("the Office") attached to the Federal Department of Agriculture and of the federal agricultural research stations ("Authorities Responsible for the Examination").

(2) The Office shall be empowered to decide on the grant of protection and on related questions under the Law and this Ordinance (Articles 23 and 31 of the Law). It shall in particular be its responsibility to:

- (a) examine applications for protection, including variety denominations (Articles 14 and 18 to 27);
- (b) declare variety protection forfeit (Article 37(2));
- (c) cancel variety denominations (Article 17(1));
- (d) establish provisional variety denominations (Article 17(2));
- (e) keep the Variety Protection Register (Article 39) and the Register of Applications for Variety Protection (Article 38);
- (f) issue the titles of protection.

* Titles in National Official Languages: Ordonnance sur la protection des variétés; Sortenschutzverordnung; Ordinanza sulla protezione delle varietà.

** Source: Recueil officiel des lois fédérales (1977, 880), (1983, 271) and (1990, 333). This text also takes account of the new denomination given to the Federal Department of Agriculture and the Federal Bureau of Intellectual Property pursuant to Article 1 of the (unpublished) Notice of the Federal Council of April 23, 1980, on the Adaptation of Federal Provisions of Law to the New Denominations of Departments and Offices.

(3) It shall be the responsibility of the Authorities Responsible for the Examination to examine the varieties filed and to check the maintenance of the protected varieties (Articles 24(1) and 30 of the Law) as to their novelty, homogeneity and stability by carrying out, where necessary, growing tests (Articles 28 to 30). To this end, they shall deal directly with the applicant for variety protection or his agent as regards technical matters.

(4) Decisions of a compulsory nature affecting the rights and obligations of the applicant for variety protection shall be taken by the Office. They shall be designated as such, grounds shall be given and the legal remedies indicated. In addition, Articles 34 to 39 of the Federal Law on Administrative Procedure shall be applicable.

Article 2

Principle of Judicial Investigation

The Office and the Authorities Responsible for the Examination shall not be bound by the information given by the parties. They shall take into consideration ex officio all facts justifying or opposing the grant of variety protection.

Article 3

Institution of Ex Officio Proceedings

When the Office institutes ex officio proceedings, it shall immediately inform the owner of variety protection and any other successors in title recorded in the Variety Protection Register.

Article 4

List of Species

(1) The botanical genera and species of which varieties are protected are given in the list of species (Annex¹). The list of species is an integral part of this Ordinance.

(2) The right granted to the breeder or the owner of a variety shall last 20 years from the date of the granting of the protection right. For grape vine and forest, fruit and ornamental trees, including their rootstocks, the right shall last 25 years (Article 14 of the Law).

(3) In the case of rose, protection extends to cut flowers for Swiss right holders and right holders of the States granting reciprocity to the Swiss nationals (Article 13(2) of the Law).

1 See Miscellaneous Information.

(4) At the time the application is filed the variety shall not have been offered for sale or marketed in Switzerland or--for more than four years--abroad. For grape vine and forest, fruit and ornamental trees, including their rootstocks, the period shall be 6 years (Article 5(3) of the Law).

Article 5

Date of Filing

The effective date of filing shall be:

- (a) for **communications posted in Switzerland**: the date on which the communication was posted or, where that date is not proven, the date of entry in the Register of Applications for Variety Protection kept by the Office (Article 21(3) and Article 38) or the date of submission to the Office or to the Authority Responsible for the Examination;
- (b) for **communications posted abroad**, addressed directly to the Office or to the Authority Responsible for the Examination: the date of receipt at a Swiss post office or, where that date is not proven, the date of entry in the Register of Applications for Variety Protection kept by the Office (Article 21(3) and Article 38) or the date of submission to the Office or to the Authority Responsible for the Examination;
- (c) for **payments by postal remittance**: the date of debit of the postal check account of the remitter by the post office or, where that date is not proven, the date of the postal stamp placed on the notification of credit;
- (d) for **payments from abroad**: by postal remittance, the date of receipt of the remittance notification by the first Swiss postal check office or, where that date is not proven, the date of the postal stamp placed on the notification of credit.

Article 6

Calculation of Time Limits

- (1) The day on which the event occurs which starts off a time limit shall not be included in the calculation of the time limit.
- (2) Where the time limit is laid down by a decision and failing any other prescription, the period of time shall begin to run on the day the decision is dispatched. Failing proof to the contrary, the date of the decision shall be considered the date of dispatch.
- (3) Where the last day of the time limit falls on a Saturday, a Sunday, or other day on which the Office is closed, on an official holiday at the place of residence or registered office in Switzerland of the petitioner or of his agent, the time limit shall expire on the first working day that follows.
- (4) February 29, the last day of the month in a leap year, shall be assimilated to February 28 of a normal year. Where a time limit calculated in months expires at the end of February, it shall expire on February 28 in a normal year and on February 29 in a leap year.

Article 7

Language

(1) Applications and communications addressed to the Office or to the Appeals Section (Article 47) shall be drawn up in the German, French or Italian languages ("the official languages"). The initially adopted official language shall normally be maintained.

(2) Supporting documents which are not drawn up in an official language shall be accompanied by a translation in an official language. The Office may require the translation to be certified. Articles 22(1)(c), 24(3) and 47(2) shall remain unaffected.

Article 8

Joint Application for Protection

(1) Where two or more persons jointly file an application for protection, they shall designate one of their number or a third party as their appointed representative to deal with the Office on behalf of all parties.

(2) For as long as no representative has been designated, the Office may address all communications, having effect in respect of all applicants, to the first person or undertaking named in the application for protection. If one of the other persons or undertakings concerned enters an objection, the Office shall give all parties a time limit for designating their representative. Where this time limit is not respected, the application for protection shall be rejected (Article 27(2) of the Law).

Article 9

Relations with the Designated Representative

(1) For as long as a representative is appointed by one of the parties, the administrative authorities shall not, as a general rule, accept communications or applications other than from that representative. However, the principal may also, with direct effect, withdraw the application for protection of a variety or for a denomination, withdraw an appeal or renounce variety protection.

(2) Where the principal withdraws an application for variety protection or renounces such protection, the representative shall remain empowered to receive the files and the fees which the administrative authorities are required to return in accordance with this Ordinance.

Section 2: Characteristics of the Varieties**Article 10****Novelty**

(1) A variety shall be considered to be new if it is clearly distinguished, by one or more important characteristics which may be either morphological or physiological and which, in any event, shall be capable of precise description and identification, from any other variety whose existence is a matter of common knowledge at the time the application for variety protection is filed (Article 5(2) of the Law).

(2) The existence of another variety shall be considered a matter of common knowledge when it is already entered in a public register or its precise description has been the subject of a publication, when it is cultivated regularly or in a reference collection, when its propagating material or harvested material has already been offered for sale or marketed with the consent of its owner, or when its existence has become a well-known fact in any other way.

Article 11**Homogeneity**

(1) A variety shall be considered sufficiently homogeneous for the granting of protection (Article 5(1) of the Law) when the differences between plants are characteristic of the species concerned and when the differences present in the varieties cultivated for comparative purposes are equivalent, both physiologically and morphologically.

(2) Account shall be taken of the particularities presented by cross-pollinating, self-pollinating or vegetatively propagated species and by hybrid varieties.

Article 12**Stability**

A variety shall be considered sufficiently stable for the granting of protection (Article 5(1) of the Law) when, after each reproduction or propagation, or after each cycle of reproduction or propagation if a special cycle is required, it remains true, in respect of its essential characteristics, to the described type.

Section 3: Variety Denomination

Article 13

Principles for Coining

(1) A variety denomination may consist of one or more words which should be easy to pronounce and to remember, and capable of acting as an objective denomination.

(2) A designation shall not be acceptable as a variety denomination:

- (a) when it does not permit the variety to be distinguished, particularly when it consists exclusively of figures (Article 6(2)(c) of the Law);
- (b) when it is identical to or may be confused with the denomination under which a variety of the same botanical species or a closely related species has already been filed or registered in Switzerland or in another member State (Article 6(2)(a) of the Law);
- (c) when it is likely to give offense or may mislead, particularly when it is constituted by the botanical or common name for a different species, or when it is liable to give rise to false ideas as to the origin, the characteristics or the value of the variety or in respect of the breeder or owner of the variety (Article 6(2)(a) and (b) of the Law).

(3) If the variety has already been the subject of an application for protection or registered in another member State, the same variety denomination shall be used unless the grounds for exclusion given in paragraph (2) make this impossible, or the denomination is improper for linguistic reasons, or the owner of the variety provides prima facie evidence that a third party right is opposed thereto (Article 6(3) of the Law).

(4) The Office shall publish in the Swiss Patents, Designs and Trademarks Gazette (Feuille suisse des brevets, dessins et marques / Schweizerisches Patent-, Muster- und Marken-Blatt) (Article 40(3)) the list of species it considers related for the examination of the variety denomination within the meaning of paragraph (2)(b) of this Article, of Article 15(1) and (3) of this Ordinance and of Article 6(2)(a) of the Law.

Article 14

Examination of the Variety Denomination

When a proposed variety denomination does not satisfy the requirements of Article 13, the Office shall invite the applicant to propose a new denomination within a prescribed time limit. The application shall be rejected if the applicant does not respond to this invitation.

Article 15

Trademark Belonging to the Owner of the Variety

(1) If the owner of a variety possesses a right in a trademark for the variety for which the application has been made or for another variety of the same botanical species or of a closely related species, which is identical to or may be confused with the denomination of the variety, he may no longer avail himself of the rights deriving from the trademark as from the time when he obtains variety protection (Article 7(2) of the Law). This ruling shall apply mutatis mutandis when protection was granted in another member State for a variety which, by reason of the species to which it belongs, is included in the list of species.

(2) Trademarks which have been internationally registered under the appropriate version of the Madrid Agreement of April 14, 1891, concerning the International Registration of Trademarks and which enjoy protection in Switzerland shall be assimilated to trademarks entered in the Trademark Register of the Federal Bureau of Intellectual Property.

(3) When submitting the variety denomination, the applicant shall state in writing that he renounces, as from the time when he obtains variety protection, in respect of the variety for which the application has been made and of any other variety of the same botanical species or of a closely related species, to exercise any rights deriving from trademarks which are identical to or may be confused with the variety denomination and which are protected for his benefit in another member State which grants protection for varieties of that species.

Article 16

Obligation to Use the Variety Denomination

(1) Propagating material of a protected variety may only be marketed under the registered variety denomination. The variety denomination shall also be used after protection has terminated (Article 8 of the Law).

(2) Anyone who markets propagating material of a protected variety shall ensure that the variety denomination is shown on the packaging. The denomination shall be easily recognizable and clearly legible; it may be accompanied by an additional sign.

Article 17

Cancellation of the Variety Denomination

(1) The Office shall cancel the variety denomination:

- (a) at the request of the owner of variety protection or of a third party, upon production of a final decision pronounced against the owner concerning the cancellation of the denomination, or upon production of prima facie evidence of an opposing right, where the owner of variety protection consents to the cancellation;

- (b) at the request of a person required by Article 16 to use the variety denomination, when a final decision prohibits him from using that denomination and the owner of variety protection appeared in the proceedings as a third party.

(2) The Office shall invite the owner of variety protection to submit to it, within a prescribed time limit, a different denomination for the variety. At the request of the owner of variety protection or of a third party, the Office shall establish a provisional denomination if the person making the request produces prima facie evidence of a legitimate interest. On expiry of the prescribed time limit, the Office may establish a provisional denomination ex officio.

CHAPTER II

APPLICATION FOR PROTECTION AND EXAMINATION OF THE VARIETY

Section 1: Application Procedure

Article 18

Filing

(1) Filings concerning varieties or variety denominations shall be made with the Office in three copies on an official form (Forms A and B). The filing concerning a variety shall consist of:

- (a) the application for variety protection (Form A, Article 19);
- (b) the description of the variety (Article 20);
- (c) the application fee (Article 41).

(2) Where the applicant submitting an application for variety protection (Form A) does not at the same time submit a denomination (Form B), the Office shall invite him to do so within a prescribed time limit.

(3) A separate filing shall be made for each variety.

Article 19

Application

(1) The application shall contain:

- (a) the name or business name of the applicant, his place of residence or registered office and his full address;
- (b) the nationality of the applicant where the latter is a natural person;

- (c) the variety denomination or a provisional designation;
 - (d) the name and address of the agent, if appropriate. The powers of attorney shall be attached to the application;
 - (e) the name and address of the original breeder or discoverer of the variety, accompanied by confirmation that, to the knowledge of the applicant, no other person participated in the breeding or discovery of the variety;
 - (f) information regarding acquisition of the variety by the applicant where the latter is not, or not the sole, original breeder or discoverer of the variety;
 - (g) a statement that propagating material of the variety has never been offered for sale or marketed in Switzerland prior to filing, or abroad for more than four years prior to filing, with the approval of the owner of the variety or his predecessor in title;
 - (h) when the variety has already been applied for or protected in one or more other member States:
 - 1. the name of the other member State or States,
 - 2. the variety denomination,
 - 3. the number under which the application or the title of protection is registered,
 - 4. the date of the application or the date of issue of the title of protection;
 - (i) where priority is claimed under Article 11 of the Law, the date of the first application and the name of the member State in which it was submitted;
 - (k) the statement required by Article 15(3);
 - (l) the signature of the applicant or his agent.
- (2) The application shall be accompanied by:
- (a) the application fee (Article 26(1) and Article 36(1)(a) of the Law, and Article 41(1) of this Ordinance);
 - (b) a list of the forms and documents submitted to the Office. Failing this, the Office shall itself draw up a list that shall be considered correct unless proved otherwise.

Article 20

Description of the Variety

(1) The description of the variety shall state the variety denomination and its essential morphological and physiological characteristics. For those varieties of which the plants are produced by crossing certain genetic components, the essential morphological and physiological characteristics of the parents shall also be stated. The description shall further specify the varieties similar to the variety applied for and shall state in what way the latter differs from them.

(2) The description of the variety may be supplemented by illustrations.

(3) The heading of the description of the variety shall contain the name and given name or the business name of the applicant, his place of residence or registered office, and the designation of the botanical species to which the variety belongs.

(4) All copies of the description shall be signed by the applicant or his agent.

Article 21

Acceptance and Chronological Order of Applications

(1) Any application not complying with the requirements set out in Articles 18, 19 and 20 shall be returned to the applicant for rectification (Article 27(1) of the Law).

(2) Applications from abroad shall only be accepted if filed through an agent established in Switzerland or if the powers of attorney of an agent established in Switzerland are attached (Article 3 of the Law).

(3) In case of doubt, the chronological order of applications (Article 5(a)) shall be that of the entries in the Register of Applications for Variety Protection (Article 38).

(4) Amendments, additions or replacement documents filed at the same time for several filings shall only be accepted if they are identified in a way that leaves no doubt as to the application to which they belong.

Article 22

Proof of Priority

(1) The priority deriving from a first filing (Article 11(1) of the Law) shall be proved by submitting:

- (a) copies of the documents contained in the file of the first application for protection, certified by the authority that received the first application;
- (b) a certificate issued by the authority referred to in (a) attesting to the date of the first application for protection;
- (c) a translation in an official language or in English, where the description and certificate referred to in (a) and (b) are not drawn up in an official language or in English.

(2) The complete file proving the priority deriving from a first filing shall be submitted to the Office within three months, failing which the priority right shall lapse (Article 11(2) of the Law).

(3) Applications filed in non-member States shall be assimilated to those filed in member States where the non-member States concerned grant reciprocity (Article 2(2) of the Law).

Article 23

Publication

The filing of the application shall be published in the Swiss Patents, Designs and Trademarks Gazette.

Article 24

Objections

(1) Objections to the granting of variety protection or the admissibility of the variety denomination (Article 29 of the Law) shall be lodged with the Office in writing and in three copies within three months from publication. Objections shall:

- (a) state the name and place of residence or registered office of the person making the objection and, as appropriate, the name and registered place of business of his agent;
- (b) precisely and fully identify the contested application;
- (c) set out the reasons for which the variety applied for may not be protected or for which the proposed denomination may not be accepted.

Objections which do not satisfy these requirements may be taken into consideration ex officio.

(2) Where publications are to be produced as evidence that the variety cannot be the subject of a valid title of protection or that the variety denomination cannot be accepted, the date of the publications, together with the exact identification of the textual passages or drawings cited, shall be stated. Where the request to provide such information is not complied with, the person making the objections shall not be entitled to require the publications produced as evidence to be taken into consideration.

(3) Where a document produced as evidence is not drawn up in an official language or in English, the provision of a certified translation in an official language or in English may be required. If the translation is not submitted within the prescribed time limit, the person making the objections shall not be entitled to require the document produced as evidence to be taken into consideration.

Article 25

Comments of the Applicant

(1) Objections lodged in conformity with the requirements shall be communicated to the applicant to enable him to comment on them (Article 29(3) of the Law). His comments shall be submitted in writing, in three copies, within the prescribed time limit. Failing this, the applicant shall not be entitled to require his comments to be taken into consideration.

(2) As a rule no further procedure shall take place.

Article 26

Application for a New Denomination

Applications for a new denomination, submitted under Articles 14 and 17(2), shall be submitted to the Office in three copies using the official form (Form B). Articles 14 and 23 to 25 shall apply mutatis mutandis to the subsequent procedure.

Article 27

Other Applications

Applications other than those under Articles 19 and 26 shall be submitted to the Office in writing, in three copies. They shall contain the information necessary for them to be examined and shall state the grounds on which they are based.

Section 2: Examination of Varieties

Article 28

Place, Date and Cultivation

(1) The Authorities Responsible for the Examination shall determine the place and date of the variety examination. They may issue directives concerning the supply of material for the examination and the conduct of the variety examination.

(2) The applicant shall be required to provide the necessary information for the growing tests of the variety; inadequate documentation shall be returned for completion.

Article 29

Propagating Material

(1) The Authority Responsible for the Examination shall prescribe the amount and nature of the propagating material required for the examination, the time for supplying the material and the place to which it shall be supplied. For those varieties of which the plants are obtained by crossing certain genetic components, the Authority Responsible for the Examination may also require the supply of propagating material of such components.

(2) Unless otherwise required by the Authority Responsible for the Examination, the propagating material for each examination shall be taken from the growing period preceding the examination. The propagating material shall not have been subject to chemical treatment unless the Authority Responsible for the Examination authorizes or prescribes such treatment. Where the propagating material has been chemically or physically treated for reasons of plant protection, full details shall be supplied.

Article 30

Provision of Information to the Applicant

- (1) The Authority Responsible for the Examination shall provide the applicant, at his request, with information on the test in progress.
- (2) By indicating his wishes in advance, the applicant may inspect the test in progress on the spot (Article 30(3) of the Law).

Article 31

Examination Report

- (1) Once the Authority Responsible for the Examination considers that the results of the examination are sufficient for the variety to be assessed, it shall draw up an examination report addressed to the Office. It shall proceed in the same manner when the applicant, on the basis of test results over a number of years, requires that a decision be taken on his application for variety protection.
- (2) The examination report shall state whether the requirements of novelty, homogeneity and stability of the variety have been met. Where such is the case, the morphological and physiological characteristics of the variety or the combinations of such characteristics which give the variety its novelty shall be recorded in a draft variety description. Where it is not possible to adequately distinguish the variety concerned from another existing variety, the reasons for the inadequacy shall be stated.
- (3) The applicant shall be given the opportunity to comment on the examination report and on the draft variety description.

Article 32

Assistance from Other Authorities

- (1) The Authority Responsible for the Examination, in agreement with the Office, may call upon the services of other qualified authorities to carry out the growing test of the variety and conduct other tests (Article 24(2) of the Law).
- (2) In cases where the Authority Responsible for the Examination is itself the applicant, the Office shall ex officio appoint a qualified third party to conduct the examination (Article 10 of the Federal Law on Administrative Procedure).

Article 33

Taking Over of Examination Results

- (1) The Authority Responsible for the Examination may take into consideration results of growing tests and other tests carried out by other qualified authorities.

(2) The results of growing tests and other tests carried out by foreign authorities may only be taken over if the examination methods used satisfy the requirements of the Law and of this Ordinance. Any agreements concluded between the Office and foreign authorities as regards the exchange of examination results shall remain unaffected.

CHAPTER III

PROTECTION AND CHECKING OF THE MAINTENANCE OF THE VARIETY

Section 1: Granting of Variety Protection

Article 34

Decision

(1) On a proposal by the Authority Responsible for the Examination, the Office shall decide to grant variety protection or to reject the application (Article 31 of the Law).

(2) The decision shall be notified to the applicant or to his successor in title, and to those persons who have lodged objections to the application under Article 24.

Article 35

Entry in the Register

(1) On entry into force of the decision establishing that the conditions for granting variety protection have been satisfied (Article 47(1)), protection shall be granted to the variety by entry in the Variety Protection Register (Article 31(2) of the Law).

(2) The official date of entry in the Variety Protection Register shall be that of the last working day of each half month.

Article 36

Title of Protection

The applicant shall receive a title of protection attesting to the entry of the variety in the Variety Protection Register (Article 31(2) of the Law).

Section 2: Checking of the Maintenance of the Protected Variety**Article 37****Subsequent Examination**

(1) Where there are reasons to believe that the requirements placed on the characteristics of the variety are no longer satisfied, the Authority Responsible for the Examination may require the owner of protection to supply all information, documents and propagating material required for checking the maintenance of the protected variety and may, where necessary, require a subsequent examination (Article 17(1)(b) of the Law). Articles 28 and 29 shall apply mutatis mutandis to the subsequent examination of the continued existence of the variety.

(2) If the owner of the title hinders, by his behavior, the checking of the maintenance of the protected variety or if the protected variety does not prove to be sufficiently homogeneous, stable and true to its description in the subsequent examination, the Authority Responsible for the Examination shall refer the matter to the Office, accompanied by an examination report in the latter case, for the purpose of instituting proceedings for declaring variety protection forfeit under Article 17(1) of the Law.

CHAPTER IV**VARIETY PROTECTION REGISTER, PUBLICATION AND FEES****Section 1: Registers and Publications****Article 38****Register of Applications for Variety Protection**

(1) Applications for protection of a variety shall be entered without delay in the Register of Applications for Variety Protection, in their chronological order of receipt, stating:

- (a) the provisional serial number;
- (b) the genus or species to which the variety belongs;
- (c) the name or business name of the applicant, his place of residence or registered office and his full address;
- (d) the provisional variety denomination or, if the variety has already been applied for or protected in one or more other member States, the denomination given in those member States;
- (e) the relevant filing date and member State, if a priority right under Article 11 of the Law is claimed.

(2) The Register of Applications for Variety Protection shall not be open to the public but, upon request, the Office shall give third parties information on pending applications subject to the indication by such third parties of the name of the applicant or the provisional serial number given to the application.

(3) Information supplied under paragraph (2) shall be subject to a fee (Article 44(2)).

Article 39

Variety Protection Register

(1) The information listed in Article 32(1) of the Law shall be entered in the Variety Protection Register. The variety description shall contain the morphological and physiological characteristics of the variety on which the grant of protection was based; it may be replaced by a reference to other documents of the Office. In the case of varieties of which the plants are obtained by crossing specific genetic components, a corresponding note shall be included.

(2) The Variety Protection Register shall also contain:

- (a) the serial number of the title of protection;
- (b) the genus or species to which the protected variety belongs;
- (c) changes affecting continued protection;
- (d) changes affecting the right to protection, where evidence is given to the Office. Such changes shall also include the granting of restricted rights such as a pledge or a license, or the termination of such rights;
- (e) withdrawal of the powers of attorney or changes as regards the identity of the agent, where the powers of attorney given to a new agent are produced.

(3) As long as an exclusive license is entered in the Register, no other license incompatible with that license may be entered for the same variety.

(4) The Office may enter any other information it considers useful.

Article 40

Publication

(1) Pursuant to Article 33(1) of the Law, the Office shall publish in the Swiss Patents, Designs and Trademarks Gazette:

- (a) the entry of the variety in the Variety Protection Register, indicating the serial number, the genus or species to which the variety belongs, the variety denomination, the owner of the title and, where appropriate, his agent, the breeder, where he is not the owner of the title, the date of the application and of its publication and, where appropriate, the country and date of priority;
- (b) the cancellation of the variety from the Variety Protection Register;

- (c) the cancellation of a former denomination and the entry of the new denomination for the variety in the Variety Protection Register;
 - (d) changes entered in the Register concerning continued protection and the right to protection (Article 39(2)(c) and (d));
 - (e) withdrawal of the powers of attorney or changes as to the identity of the agent (Article 39(2)(e)) entered in the Register.
- (2) Publication shall normally be made every two months.
- (3) In the journal referred to in paragraph (1), the Office may communicate other information it considers useful or general information concerning the protection of varieties.

Section 2: Fees and Time Limits for Payment

Article 41

Application Fee

- (1) The application fee (Article 36(1)(a) of the Law) shall be 150 francs when the application for protection (Form A) is filed together with the application for a variety denomination (Form B). Where the application for protection is only accompanied by a provisional designation, the application fee shall be 200 francs.
- (2) The application fee shall cover all costs incurred in examining the variety denomination, publishing the filing of the application and the variety denomination, and granting variety protection.
- (3) Where the application fee is not paid on filing of the application, the Office shall inform the applicant that unless payment is made within 30 days (Articles 20 to 24 of the Federal Law on Administrative Procedure) of notification, the application shall be held to be void.

Article 42

Examination Fees

- (1) The examination fees (Article 36(1)(b) of the Law) shall be calculated according to the expenses of the competent federal agricultural research station. If the examination is carried out by a foreign authority, the applicant shall meet all the costs charged by that authority.
- (2) The examination fees shall be paid for each full or partial examination year. They shall, in each case, become due on the first day of the examination year and shall be paid within 30 days after their falling due. The examination year shall begin at the expiration of the time limit for supplying propagating material.

(3) If the debtor is in arrears, the Office shall set a further time limit of 30 days and shall inform him that the application will be rejected if payment is not made within the prescribed time limit.

(4) Where the Authority Responsible for the Examination calls upon the services of other authorities under article 32(1), the applicant shall pay the amount charged by these authorities.

(5) Where the Authority Responsible for the Examination takes over the results of examinations, carried out by foreign authorities (Article 24(2) of the Law and Article 33(2)), the applicant shall bear the costs thereby incurred.

Article 43

Annual Fees

(1) For the duration of protection of the variety (protection years), the owner of protection shall pay an annual fee (Article 36(1)(c) of the Law) according to the following scale¹:

The first protection year shall begin at the start of the calendar year following the grant of variety protection (Articles 34 to 36). Variety protection shall expire at the end of the twentieth full calendar year (Article 14 of the Law). During the period between the grant of variety protection (Article 35) and the start of the first protection year, the annual fee shall be payable in proportion to the time elapsed. Pursuant to Article 35(2), the time elapsed shall be calculated in half months, each of which shall correspond to one twenty-fourth of the first annual fee.

(2) The annual fee shall fall due on the first day of each new protection year and shall be payable within three months. The Office shall set a further time limit of 30 days for debtors in arrears and shall inform them that variety protection will lapse if payment is not made within the prescribed time limit.

(3) On a proposal by the Committee of Variety protection Experts (Article 55 of the Law), the annual fees may be suitably reduced for species of little commercial importance and which are newly entered in the list of species.

Article 44

Other Fees

(1) The following other fees shall be charged (Article 36(3) of the Law)¹:

(2) The Federal Department of Public Economy may require fees to be charged for other services provided by the Office, such as presentation of registers, information given as to the content of the registers, provision of extracts from the registers, certificates, etc.

¹ see Miscellaneous Information

Article 45**Advance Payments**

Any administrative act for which fees are payable may be subject to an appropriate advance payment or the provision of securities up to the amount of the total fees which will fall due.

Article 46**Reduction of Fees**

(1) When an application for which fees are payable is withdrawn before a decision has been taken thereon, the fees, except the examination fee (Article 42), shall be reduced by half.

(2) If an applicant withdraws his application for variety protection or if it is rejected for any reason whatsoever after propagating material has already been dispatched to the Authority Responsible for the Examination, the examination fee which has fallen due shall be forfeited in whole to the Federal Exchequer.

CHAPTER V**FINAL PROVISIONS****Section 1: Administrative Jurisdiction****Article 47****Administrative Appeal**

(1) Decisions of the Office concerning the granting, refusal or forfeiture of protection may be referred, within thirty days of their notification, to the Appeals Section of the Federal Bureau of Intellectual Property (Article 25 of the Law).

(2) Where a document produced as evidence is not drawn up in an official language or in English, the presentation of a certified translation in an official language or in English may be required. If such translation is not filed within the time limit prescribed therefor, the document produced as evidence shall not be taken into consideration. For the rest, the procedure shall be governed by the Federal Law on Administrative Procedure.

Article 48**Appeal under Administrative Law**

Pursuant to Article 97 et seq. of the Federal Law on Judiciary Organization, appeal may be made to the Federal Court against decisions of the Office other than those referred to in Article 47.

Section 2: Committee of Experts**Article 49****Number of Members and Rules of Procedure**

The Committee of Variety Protection Experts (Article 55 of the Law) shall comprise a maximum of 15 members. The Federal Department of Public Economy shall draw up the rules of procedure of the Committee and shall appoint its members.

Section 3: Entry into Force**Article 50**

This Ordinance shall enter into force on June 1, 1977¹.

¹ The last amendment entered into force on July 1, 1990.

SWITZERLAND

Miscellaneous Information

1. List of taxa covered by Plant Variety Protection Legislation*
(under Article 4(1) of the Ordinance)

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Acanthaceae	Acanthaceae	Acanthacées	Bärenklaugewächse
Aceraceae	Acéraceae	Acéracées	Ahorngewächse
Acrostichaceae	Acrostichaceae	Acrostichacées	Saumfarne
Actinidiaceae	Actinidiaceae	Actinidiacées	Strahlengriffelgewächse
Adiantaceae	Adiantaceae	Adiantacées	Frauenhaarfarn
Agaricaceae	Agaricaceae	Agaricacées	Blätterpilze
Agavaceae	Agavaceae	Agavacées	Agavengewächse
Aizoaceae	Aizoaceae	Aizoacées	Eiskrautgewächse
Alismataceae	Alismataceae	Alismatacées	Froschlöffelgewächse
Amaranthaceae	Amaranthaceae	Amarantacées	Fuchsschwanzgewächse
Amaryllidaceae	Amaryllidaceae	Amaryllidacées	Narzissengewächse
Anacardiaceae	Anacardiaceae	Anacardiacées	Kaschubaumgewächse
Annonaceae	Annonaceae	Annonacées	Cherimoyagewächse
Apiaceae (Umbelliferae)	Umbelliferae	Ombellifères	Doldenblütler
Apocynaceae	Apocynaceae	Apocynacées	Hundsgiftgewächse
Aquifoliaceae	Aquifoliaceae	Aquifoliacées (Ilicacées)	Stechpalmengewächse
Araceae	Araceae	Aracées (Aroïdées)	Aronstabgewächse
Araliaceae	Araliaceae	Araliacées	Araliengewächse
Araucariaceae	Araucariaceae	Araucariacées	Araukariengewächse
Asclepiadaceae	Asclepiadaceae	Asclépiadacées	Seidenpflanzengewächse
Aspidiaceae	Aspidiaceae	Aspidiacées	Schildfarngewächse
Aspleniaceae	Aspleniaceae	Asplénacées	Streifenfarngewächse

- * Protection also extends to any species resulting from a hybridization between species belonging to different families, of which one at least is mentioned in the List.

La protection porte aussi sur toute espèce produite par hybridation d'espèces appartenant à des familles différentes dont l'une au moins est mentionnée dans la liste.

Der Schutz erstreckt sich auch auf alle aus einer Arthybridisation hervorgegangenen Arten, die verschiedenen Familien angehören, von denen mindestens eine in der Liste aufgeführt ist.

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Asteraceae (Compositae)	Compositae	Composées (Composacées)	Korbblütler
Balsaminaceae	Balsaminaceae	Balsaminacées	Springkrautgewächse
Begoniaceae	Begoniaceae	Bégoniacées	Schiefblattgewächse
Berberidaceae	Berberidaceae	Berbéridacées	Sauerdorngewächse
Betulaceae	Betulaceae	Bétulacées	Birkengewächse
Bignoniaceae	Bignoniaceae	Bignoniacées	Bignoniengewächse
Blechnaceae	Blechnaceae	Blechnacées	Farnpflanzen
Boraginaceae	Boraginaceae	Borraginacées	Rauhblattgewächse
Brassicaceae (Cruciferae)	Crucifers	Crucifères	Kreuzblütler
Bromeliaceae	Bromeliaceae	Broméliacées	Ananasgewächse
Buddlejaceae	Buddlejaceae	Buddléiacées	Buddlejagewächse
Buxaceae	Buxaceae	Buxacées	Buchsbaumgewächse
Cactaceae	Cactaceae	Cactacées	Kaktusgewächse
Campanulaceae	Campanulaceae	Campanulacées	Glockenblumengewächse
Cannabinaceae	Cannabinaceae	Cannabinacées	Hanfgewächse
Cannaceae	Cannaceae	Cannacées	Cannagewächse
Caprifoliaceae	Caprifoliaceae	Caprifoliacées	Geissblattgewächse
Caricaceae	Caricaceae	Caricacées	Melonenbaumgewächse
Caryophyllaceae	Caryophyllaceae	Caryophyllacées	Nelkengewächse
Celastraceae	Celastraceae	Célastracées	Baumwürgergewächse
Chenopodiaceae	Chenopodiaceae	Chénopodiacées (Salsolacées)	Gänsefussgewächse
Cistaceae	Cistaceae	Cistacées	Zistrosengewächse
Commelinaceae	Commelinaceae	Commélinacées	Commelinengewächse
Convolvulaceae	Convolvulaceae	Convolvulacées	Windengewächse
Cornaceae	Cornaceae	Cornacées	Hartriegelgewächse
Crassulaceae	Crassulaceae	Crassulacées	Dickblattgewächse
Cucurbitaceae	Cucurbits	Cucurbitacées	Kürbisgewächse
Cupressaceae	Cupressaceae	Cupressacées	Zypressengewächse
Cyperaceae	Cyperaceae	Cypéracées	Zypergrasgewächse
Dipsacaceae	Dipsacaceae	Dipsacées	Kardengewächse
Droseraceae	Droseraceae	Droséracées	Sonnentaugewächse
Ebenaceae	Ebenaceae	Ebénacées	Ebenholzgewächse
Elaeagnaceae	Elaeagnaceae	Eléagnacées	Oelweidengewächse
Equisetaceae	Equisetaceae	Equisetacées	Schachtelhalmgewächse
Ericaceae	Ericaceae	Ericacées	Heidekrautgewächse
Euphorbiaceae	Euphorbiaceae	Euphorbiacées	Wolfsmilchgewächse

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Fabaceae (Leguminosae)	Leguminosae, Legumes	Légumineuses	Hülsenfrüchtler
Fagaceae	Fagaceae	Fagacées (Cupulifères)	Buchengewächse
Flacourtiaceae	Flacourtiaceae	Flacourtiacées	Flacourtiengewächse
Gentianaceae	Gentianaceae	Gentianacées	Enziangewächse
Geraniaceae	Geraniaceae	Géraniacées	Storcheschnabelgewächse
Gesneriaceae	Gesneriaceae	Gesnériacées	Gesneriengewächse
Ginkgoaceae	Ginkgoaceae	Ginkgoacées	Ginkgogewächse
Goodeniaceae	Goodeniaceae	Goodéniacées	Goodeniengewächse
Gramineae	Gramineae	Graminées	Gräser
Haemodoraceae	Haemodoraceae	Hémodoracées	Haemodoragewächse
Hamamelidaceae	Hamamelidaceae	Hamamélidacées	Zaubernussgewächse
Hippocastanaceae	Hippocastanaceae	Hippocastanacées	Roskastaniengewächse
Hydrophyllaceae	Hydrophyllaceae	Hydrophyllacées	Wasserblattgewächse
Hypericaceae (Guttiferae)	Guttiferae (Hypericaceae)	Hypéricacées (Guttifères)	Johanniskrautgewächse
Iridaceae	Iridaceae	Iridacées	Schwertliliengewächse
Juglandaceae	Juglandaceae	Juglandacées	Walnussgewächse
Juncaceae	Juncaceae	Juncacées	Binsengewächse
Lamiaceae (Labiatae)	Labiatae	Labiatacées (Labiées)	Lippenblütler
Lardizabalaceae	Lardizabalaceae	Lardizabalacées	Lardizabalengewächse
Leguminosae	Leguminosae	Légumineuses	Hülsengewächse
Liliaceae	Liliaceae	Liliacées	Liliengewächse
Linaceae	Linaceae	Linacées	Leingewächse
Loganiaceae	Loganiaceae	Loganiacées	Brechnussgewächse
Lythraceae	Lythraceae	Lythracées	Weiderichgewächse
Magnoliaceae	Magnoliaceae	Magnoliacées	Tulpenbaumgewächse
Malvaceae	Malvaceae	Malvacées	Malvengewächse
Marantaceae	Marantaceae	Marantacées	Marantengewächse
Melastomataceae	Melastomataceae	Mélastomacées	Schwarzmundgewächse
Moraceae	Moraceae	Moracées	Maulbeergewächse
Musaceae	Musaceae	Musacées	Bananengewächse
Myrsinaceae	Myrsinaceae	Myrsinacées	Myrsinengewächse
Myrtaceae	Myrtaceae	Myrtacées	Myrtengewächse
Nepenthaceae	Nepenthaceae	Nepenthacées	Kannenstrauchgewächse
Nephrolepidaceae	Nephrolepidaceae	Nephrolépidacées	Schwertfarne
Nyctaginaceae	Nyctaginaceae	Nyctaginacées	Wunderblumengewächse
Oleaceae	Oleaceae	Oléacées	Oelbaumgewächse

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Onagraceae	Onagraceae	Onagracées	Nachtkerzengewächse
Orchidaceae	Orchids	Orchidées	Orchideen
Paeoniaceae	Paeoniaceae	Paeoniacées	Pfingstrosengewächse
Palmaceae	Palmae	Palmacées	Palmen
Pandanaceae	Pandanaceae	Pandanacées	Schraubenbaumgewächse
Papaveraceae	Papaveraceae	Papavéracées	Mohngewächse
Passifloraceae	Passifloraceae	Passifloracées	Passionsblumengewächse
Pinaceae	Pinaceae	Pinacées	Kieferngewächse
Piperaceae	Piperaceae	Pipéracées	Pfeffergewächse
Platanaceae	Platanaceae	Platanacées	Platanengewächse
Plumbaginaceae	Plumbaginaceae	Plombaginées	Bleiwurzwächse
Poaceae (Gramineae)	Graminaceae	Graminées	Süssgräser
Polemoniaceae	Polemoniaceae	Polémoniacées	Sperrkrautgewächse
Polygonaceae	Polygonaceae	Polygonacées	Knöterichgewächse
Polypodiaceae	Polypodiaceae	Polypodiacées	Tüpfelfarngewächse
Polyporaceae	Polyporaceae	Polyporacées	Löcherpilze
Portulacaceae	Portulacaceae	Portulacacées	Portulakgewächse
Primulaceae	Primulaceae	Primulacées	Primelgewächse
Proteaceae	Proteaceae	Protéacées	Proteagewächse
Pteridaceae	Pteridaceae	Pteridacées	Saumfarngewächse
Pteridophyta	Pteridophyta	Pteridophytes	Farnpflanzen
Punicaceae	Punicaceae	Punicacées	Granatbaumgewächse
Ranunculaceae	Ranunculaceae	Renonculacées	Hahnenfussgewächse
Rhamnaceae	Rhamnaceae	Rhamnacées	Kreuzdorngewächse
Rosaceae	Rosaceae	Rosacées	Rosengewächse
Rubiaceae	Rubiaceae	Rubiacées	Rötegewächse
Rutaceae	Rutaceae	Rutacées	Rautengewächse
Salicaceae	Salicaceae	Salicacées	Weidengewächse
Sapotaceae	Sapotaceae	Sapotacées	Sapotengewächse
Saxifragaceae	Saxifragaceae	Saxifragacées	Steinbrechgewächse
Scrophulariaceae	Scrophulariaceae	Scrophulariacées	Rachenblütler
Solanaceae	Solanaceae	Solanacées	Nachtschattengewächse
Sterculiaceae	Sterculiaceae	Sterculiacées	Sterkuliengewächse
Strophariaceae	Strophariaceae	Strophariacées	Träuschlinge
Styracaceae	Styracaceae	Styracées	Styraxgewächse
Tamaricaceae	Tamaricaceae	Tamaricacées	Tamariskengewächse
Taxaceae	Taxaceae	Taxacées	Eibengewächse
Taxodiaceae	Taxodiaceae	Taxodiacées	Sumpfyzyppressengewächse

<u>Latine</u>	<u>English</u>	<u>Français</u>	<u>Deutsch</u>
Theaceae	Theaceae	Théacées	Teestrauchgewächse
Thymelaeaceae	Thymelaeaceae	Thymélacées	Seidelbastgewächse
Tiliaceae	Tiliaceae	Tiliacées	Lindengewächse
Trapaceae	Trapaceae	Trapacées	Wassernussgewächse
Tropaeolaceae	Tropaeolaceae	Tropaeolacées	Kapuzinerkressegewächse
Ulmaceae	Ulmaceae	Ulmacées	Ulmengewächse
Urticaceae	Urticaceae	Urticacées	Brennesselgewächse
Valerianaceae	Valerianaceae	Valérianacées	Baldriangewächse
Verbenaceae	Verbenaceae	Verbénacées	Eisenkrautgewächse
Violaceae	Violaceae	Violacées	Veilchengewächse
Vitaceae	Vitaceae	Vitacées (Ampéolidées)	Weinreben gewächse
Zingiberaceae	Zingiberaceae	Zingiberacées	Ingwergewächse

2. Tariff of Fees

(Summary of fees as resulting from the Plant Variety Protection Order of May 11, 1977, as last amended on June 11, 1990 - in Swiss francs)

Application Fee (under Article 41 of the Ordinance)

- if the application is filed with the variety denomination 150
- if the application is filed with a breeder's reference only 200

Examination Fee (see Article 42 of the Ordinance)

Annual Fees (under Article 43 of the Ordinance)

Protection Year Année de protection Schutzjahr	Group Groupe Gruppe 1	Group Groupe Gruppe 2	Group Groupe Gruppe 3
1	240	180	120
2	300	200	140
3	400	250	160
4	500	300	180
5	600	400	200
6 - 15	700	500	250
16 et seq.	500	300	180

Group 1: Soft Wheat (excluding Spelt), maize, potato

Groupe 1: Blé tendre (à l'exclusion de l'épeautre), maïs, pomme de terre

Gruppe 1: Weichweizen (ausschliesslich Spelz), Mais, Kartoffel

- Group 2: All other cereals, all seed-propagated agricultural crops, fruit crops, glasshouse roses
 Groupe 2: Toutes les autres céréales, toutes les graines fourragères, les fruits, les roses de serre
 Gruppe 2: Alle übrigen Getreide, alle Feldsaaten, Obst und Beeren, Glashauserosen
- Group 3: All vegetables and ornamental plants, open-air roses
 Groupe 3: Tous les légumes et toutes les plantes ornementales, les roses de plein champ
 Gruppe 3: Alle Gemüse und Zierpflanzen, Freilandrosen

Other Fees (under Article 44 of the Ordinance)

- | | |
|--|-----|
| (a) Application for a new variety denomination, including its application (Articles 14 and 17(2), first sentence)..... | 50 |
| (b) Application for cancellation of of a denomination (Article 17(1))..... | 50 |
| (c) Application for establishment of a provisional denomination (Article 17(2), second sentence)..... | 50 |
| (d) Application for amendment of entries in the variety Protection Register..... | 50 |
| (e) Taking over of examination results from foreign authorities, per examination result..... | 350 |
| (f) Procedure for establishing a provisional denomination (Article 17(2), third sentence)..... | 100 |
| (g) Procedure for terminating variety protection following | |
| 1. renouncement pursuant to Article 15(1)(a) of the Law..... | 50 |
| 2. failure to pay an annual fee pursuant to Article 15(1)(b) of the Law (Article 43(2))..... | 100 |
| 3. forfeiture pursuant to Article 17 of the Law..... | 200 |

* * *

STATISTICS ON THE PROTECTION OF PLANT VARIETIES IN 1989

State	Applications filed by			Titles issued to:			Titles having ceased to be in force in reference year	Titles in force at end of reference year
	Residents	Non- Residents	Total	Residents	Non- Residents	Total		
AU Australia	23	111	134	12	10	22	-	22
BE Belgium	37	107	144	17	69	86	50	362
CH Switzerland	8	92	100	16	84	100	26	337
DE Germany	650	335	985	289	207	496	300	3467
DK Denmark	80	173	253	51	175	226	62	954
ES Spain	138	201	339	19	96	115	31	602
FR France	645	251	896	306	177	483	268	3042
GB United Kingdom	207	338	545	117	164	281	259	1684
HU Hungary	38	29	67	4	12	16	-	88
IE Ireland	8	15	23	2	8	10	14	117
IL Israel	80	61	141	30	6	36	15	474
IT Italy	117	165	282	28	38	66	-	-
JP Japan	475	62	537	234	6	240	140	1776
NL Netherlands	879	369	1248	577	293	870	646	3338
NZ New Zealand	30	66	96	18	29	47	24	368
PL Poland	62	34	96	37	11	48	-	57
SE Sweden	34	29	63	16	43	59	27	294
*US United States <u>A</u>	274	43	317	107	-	107	1	2228
of America <u>B</u>	208	175	383	345	242	587	199	3793
ZA South Africa	74	23	97	23	29	52	7	436

* A = Applications and protection certificates for sexually reproduced plant varieties under the Plant Variety Protection Act
B = Applications and patents for asexually reproduced plant varieties under the Plant Patent Act and applications and patents for plant varieties under the Utility Patent Act

CALENDAR

UPOV Meetings in 1991

March 4 to 19	Diplomatic Conference for the Revision of the Convention
March 18	Consultative Committee
May 13 to 17 (Beltsville, United States of America)	Technical Working Party for Agricultural Crops
May 29 to 31 (La Minière, France)	Technical Working Party on Automation and Computer Programs
June 4 to 7 (Kecskemet, Hungary)	Technical Working Party for Vegetables
June 11 to 14 (Bordeaux, France)	Technical Working Party for Fruit Crops
June 24 to 28 (Cambridge, United Kingdom)	Technical Working Party for Ornamental Plants and Forest Trees
October 16 to 18	Technical Committee
October 21 and 22	Administrative and Legal Committee
October 23	Consultative Committee
October 24 and 25	Council
November 12 to 15 (Tokyo, Japan)	UPOV 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. Subscription orders may be placed with:

The International Union for the Protection of New Varieties of Plants (UPOV)
 34, chemin des Colombettes, 1211 Geneva 20 (POB 18)
 (Telephone: (022) 730 91 11 - Telex: 412 912 ompi ch -
 Telefax: (022) 733 54 28)