



TC/42/8

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL COMMITTEE

Forty-Second Session
Geneva, April 3 to 5, 2006

VARIETY DENOMINATIONS

Document prepared by the Office of the Union

1. Document UPOV/INF/12 Rev. sets out the “UPOV Recommendations on Variety Denominations”. However, at its forty-fourth session in October 2001, the Administrative and Legal Committee (CAJ) established the Working Group on Variety Denominations (WG-VD) to review those recommendations. At its forty-first session, held in Geneva from April 4 to 6, 2005, the Technical Committee (TC) considered document TC/41/8, which explained the considerations taking place in the WG-VD with regard to the revision of Recommendation 9 of document UPOV/INF/12 Rev., which establishes classes for taxonomic units which are considered to be closely related and/or liable to mislead or to cause confusion concerning the identity of the variety, and the corresponding list of classes. The document specified aspects where the advice of the TC and its Technical Working Parties (TWPs) was requested.
2. Document TC/41/8 Annex II “Consolidated WG-VD proposal concerning the revision of the list of classes” and Annex IV “Groups used in Japan” are reproduced as Annex I and Annex II to this document, respectively.

3. At its forty-first session, the TC agreed that the following matters should be considered by the TWPs as indicated below and their comments reported to the CAJ for consideration at the fifty-second session of the CAJ, to be held in Geneva on October 24 and 25, 2005:

<i>TWP</i>	<i>to consider</i>
TWF	Annex I: Part I: Proposals I-C; I-D; I-E; I-F
TWO	Annex I: Part I: Proposals I-A; I-B; Annex I: Part II: Proposals II-A; II-B; II-C; II-D; II-E; II-F; II-G

4. The TC also agreed that the Technical Working Party for Agricultural Crops (TWA) should consider the classes in Annex I and requested that the Technical Working Party for Fruit Crops (TWF) and the Technical Working Party for Vegetables (TWV) review the classes in Annex II (Group classes used in Japan) and consider if the proposals in Annex I should be modified in light of those classes. It agreed that the comments of the TWPs should be reported to the CAJ for consideration at the fifty-second session of the CAJ.

5. In response to concerns expressed by the Delegation of South Africa, the TC invited the Technical Working Party for Ornamental Plants and Forest Trees (TWO) to review the proposed deletion of the class for *Proteaceae*.

6. The outcome of the considerations by the TWPs at their sessions in 2005 was as follows:

Reports from the Technical Working Parties

Technical Working Party for Vegetables

7. At its thirty-ninth session held in Nitra, Slovakia, from June 6 to 10, 2005, the TWV heard that the Japanese Ministry of Agriculture, Forestry and Fisheries had discussed the proposed list of classes, as presented in Annex I, with the parties concerned such as the Seed Growers Association etc., and had been able to reach a consensus. That consensus was that it was able to accept the proposed list of classes except for some small changes in *Brassica* and mushrooms. With regard to *Brassica*, it was proposed to combine classes 1.2 and 1.3 into a single class because there were many leafy vegetable varieties in those two classes, and those varieties were in a similar situation in their production and distribution. That situation was liable to mislead or to cause confusion concerning the identity of varieties even if the varieties belonged to different groups. Concerning mushrooms, it was proposed to create a class such as “edible mushrooms”, or a class including the species in Annex III to this document. It was explained that the plant materials for production of mushrooms were distributed in the form of spawn or sawdust after inoculation of mycelium. It was impossible to identify the varieties, species or genera by appearance of the spawn or sawdust and the mushrooms were identified just by denomination. If the same denomination was accepted for varieties of different genera of mushrooms, it could lead to confusion of the varieties.

8. The TWV warmly welcomed the intervention of Japan and expressed its support for the proposals.

Technical Working Party for Fruit Crops

9. At its thirty-sixth session, held in Kôfu, Japan, from September 5 to 9, 2005, the TWF concluded as follows with regard to the proposals which the TWF were invited to consider in Annex I, Part I:

Proposal I-C: *Mangifera* to continue to follow the general rule (one genus / one class)

Proposal I-D: *Prunus* to continue to follow the general rule (one genus / one class)

Proposal I-E: *Ribes* to continue to follow the general rule (one genus / one class)

Proposal I-F: *Rubus* to continue to follow the general rule (one genus / one class)

Technical Working Party for Ornamental Plants and Forest Trees

10. At its thirty-eighth session, held in Seoul, Republic of Korea, from September 12 to 16, 2005, the TWO concluded as follows with regard to the proposals in Annex I:

Annex I, Part I:

Proposal I-A: reject: Hibiscus to follow the general rule of one genus / one class;

Proposal I-B: reject: Potentilla to follow the general rule of one genus / one class;

Annex I, Part II:

Proposal II-A: reject: Orchidaceae to follow the general rule of one genus / one class

Proposal II-B: reject: Amaryllis and Hippeastrum to follow the general rule of one genus / one class. It was noted that there was some confusion over the use of the common name “Amaryllis” for the genus “Hippeastrum”, but it was agreed that that was not a suitable basis for creating a denomination class;

Proposal II-C: reject: Calathea and Maranta to follow the general rule of one genus / one class;

Proposal II-D: reject: Hylocereae to follow the general rule of one genus / one class;

Proposal II-E: reject: Jovibarba, Rosularia and Sedum to follow the general rule of one genus / one class;

Proposal II-F: reject: Chamaecyparis and Cupressus to follow the general rule of one genus / one class;

Proposal II-G: reject: Gladiolus and Iris to follow the general rule of one genus / one class;

11. With regard to *Proteaceae*, the TWO agreed to follow the general rule of one genus / one class.

12. The TWO agreed to propose the creation of a new class containing *Jamesbrittania*, *Sutera* and hybrids between them, on the basis that the genera are closely related and hybrids are common, as reflected in the draft UPOV Test Guidelines (TG/SUTER) covering both genera.

13. In making its recommendations, the TWO noted that the possibility of hybrids between certain genera existed and, where that occurred, a new genus and a new denomination class would, in the first instance, be created. It was noted that the GENIE database would, for information purposes, contain links between the codes for the new genus and its “parent” genera. It was observed that the general rule of one genus/one class, followed the general rule of the International Code of Nomenclature for Cultivated Plants (ICNCP), whilst some of the recommendations above would diverge from the ICNCP special denomination classes. However, it was recalled that UPOV had striven for harmonization wherever appropriate and, in that regard, ICNCP had been invited to participate in all meetings of the WG-VD.

Technical Working Party for Agricultural Crops

14. At its thirty-fourth session, held in Christchurch, New Zealand, from October 31 to November 4, 2005, the TWA considered document TWA/34/5, which reported that the International Seed Federation (ISF) had informed the Office of the Union on May 20, 2005, that a survey it had conducted had indicated that an overwhelming majority of its members was in favor “of adding clovers in the class of grasses”. The TWA noted the information from ISF that commercial mixtures could contain varieties of species from both classes 203 and 204 of Annex I, Part II. However, the TWA did not agree that it would be appropriate to amend the proposals for classes 203 and 204, contained in Annex I, Part II. The expert from Australia expressed concern with regard to variety denomination classes based on seed mixtures.

15. The proposal to delete the class for *Helianthus* and the proposal for two classes within *Brassica* (1.1 *Brassica oleracea* and 1.2 other *Brassica*), suggested by the TWV, were agreed.

Developments in the CAJ

16. The comments of the TWV, TWF and TWO were incorporated in the Draft Explanatory Notes on Article 20 (see Appendix III of Annex II to document CAJ/52/3), which were considered by the CAJ at its fifty-second session, held in Geneva on October 24, 2005.

17. A new version of the Draft Explanatory Notes will be presented at the fifty-third session of the CAJ in April 2006, incorporating certain editorial amendments. The CAJ noted that the TWA had not met before the fifty-second session of the CAJ and heard that, in the event of a proposal by the TWA for a change to Appendix III of Annex II to document CAJ/52/3, the CAJ would be informed accordingly. As explained in paragraph 14, above, the TWA did not propose any such changes. The CAJ agreed that, once the Draft Explanatory Notes were approved by the CAJ and adopted by the Council of UPOV, the “UPOV Recommendations on Variety Denominations” should be superseded by those Explanatory Notes.

18. The TC is invited to note the comments made by the TWPs to the CAJ and the developments in the CAJ.

[Annexes follow]

ANNEX I

CONSOLIDATED WG-VD PROPOSAL CONCERNING
THE REVISION OF THE LIST OF CLASSES

Part I

Plant species, which are in different classes in Part I of the List of Classes, notwithstanding the fact that they may belong to the same genus, are considered not to be closely related and are not liable to mislead or to cause confusion concerning the identity of the variety.

* indicates old class has been modified

“Proposal” indicates that the introduction of a class has not been agreed at present.

	<u>Old class</u>	<u>Botanical names</u>	<u>UPOV codes</u>
Class 1.1	5*	Brassica oleracea	BRASS_OLE
Class 1.2	5*	Brassica rapa (B. campestris): Chinensis group and the Pekinensis group	BRASS_RAP_CHI; BRASS_RAP_PEK
Class 1.3	6*, 28*	Brassica other than classes 1.1 and 1.2	other than classes 1.1 and 1.2
Class 2.1	10	Beta vulgaris L. var. alba DC., Beta vulgaris L. var. altissima	BETAA_VUL_GVA; BETAA_VUL_GVS
Class 2.2	11	Beta vulgaris ssp. vulgaris var. conditiva Alef. (syn.: B. vulgaris L. var. rubra L.), B. vulgaris L. var. cicla L., B. vulgaris L. ssp. vulgaris var. vulgaris	BETAA_VUL_GVC; BETAA_VUL_GVF
Class 2.3	31	Beta other than classes 2.1 and 2.2.	other than classes 2.1 and 2.2
Class 3.1	13	Cucumis sativus	CUCUM_SAT
Class 3.2	14*	Cucumis melo	CUCUM_MEL
Class 3.3	32*	Cucumis other than classes 3.1 and 3.2	other than classes 3.1 and 3.2
Class 4.1	21	Solanum tuberosum L.	SOLAN_TUB
Class 4.2	33	Solanum other than class 4.1	other than class 4.1
Proposal I-A (WG-VD)	possible new	2 classes: for Hibiscus rosa-sinensis L. / other Hibiscus (see ICNCP classes) <i>- to be considered further by TC / TWO</i>	HIBIS_ROS / other HIBIS
Proposal I-B (WG-VD)	possible new	2 classes: for Potentilla fruticosa L. / other Potentilla (see ICNCP classes) <i>- to be considered further by TC / TWO</i>	POTEN_FRU / other POTEN
Proposal I-C (WG-VD)	possible new	2 classes: for Mangifera indica L. / other Mangifera (see ICNCP classes) <i>- to be considered further by TC / TWF</i>	MANGI_IND / other MANGI

	<u>Old class</u>	<u>Botanical names</u>	<u>UPOV codes</u>
Proposal I-D (WG-VD / TWF Chairman)	possible new	classes within Prunus <i>- to be considered further by TC / TWF</i>	
		Class D.1: Almond, Apricot, Peach, Nectarine (plus hybrids within the class)	PRUNU_DUL; PRUNU_ARM; PRUNU_PER; (PRUNU_AMY); (PRUNU_DUP)
		Class D.2: Sweet Cherry, Sour Cherry (plus hybrids within the class)	PRUNU_AVI; PRUNU_CSS; (PRUNU_GON)
		Class D.3: Japanese Apricot	PRUNU_MUM
		Class D.4: Japanese Plum	PRUNU_SAL
		Class D.5: Ornamental class	PRUNU_CIS; PRUNU_CON; PRUNU_DAW; PRUNU_FRU; PRUNU_GLA; PRUNU_LAU; PRUNU_LUS; PRUNU_MAR; PRUNU_PAD; PRUNU_PRO; PRUNU_SAR; PRUNU_SER; PRUNU_SPI; PRUNU_SRU; PRUNU_SUB; PRUNU_TEN; PRUNU_TRI; PRUNU_YED
		Class D.6: Plum	PRUNU_DOM
		Class D.7: Rootstocks (plus hybrids within the class)	PRUNU_CAN; PRUNU_CSF; PRUNU_MAH; PRUNU_MRN; PRUNU_PAV; PRUNU_PUM; PRUNU_TOM; (PRUNU_CTO); (PRUNU_PCF); (PRUNU_TCS);
		Class D.8: Other	to include: PRUNU_AME; PRUNU_BLI; PRUNU_CSD; PRUNU_DAV; PRUNU_INC; PRUNU_MIR; PRUNU_MUN; PRUNU_PSE;
		Hybrids not attributed	PRUNU_ACD; PRUNU_ADA; PRUNU_ADO; PRUNU_AFR; PRUNU_APS; PRUNU_ASA; PRUNU_CCA; PRUNU_CIN; PRUNU_CMU; PRUNU_CPE; PRUNU_DAR; PRUNU_DBL; PRUNU_DOP; PRUNU_DPE; PRUNU_DPM; PRUNU_FCS; PRUNU_MAV; PRUNU_PDA; PRUNU_PDO; PRUNU_PDP; PRUNU_SAM; PRUNU_SAS; PRUNU_SPE; PRUNU_SSP;

	<u>Old class</u>	<u>Botanical names</u>	<u>UPOV codes</u>
Proposal I-E (TWF Chairman)	possible new	classes within Ribes <i>- to be considered further by TC / TWF</i>	
		Class E.1: Black currant	RIBES_NIG
		Class E.2: Gooseberry	RIBES_UVA
		Class E.3: Jostaberry	RIBES_CUL; RIBES_NID;
		Class E.4: Red Currant, White Currant	RIBES_RUB; RIBES_NIV
		Class E.5: Other	to include: RIBES_AUR; RIBES_PAU; RIBES_SAN
Proposal I-F (TWF Chairman)	possible new	classes within Rubus <i>- to be considered further by TC / TWF</i>	
		Class F.1: Blackberry	RUBUS_EUB; RUBUS_LAC
		Class F.2: Raspberry	RUBUS_IDA; RUBUS_ILL; RUBUS_OCC
		Class F.3: Other	to include: RUBUS_ALL; RUBUS_ARC; RUBUS_CAE; RUBUS_CHA; RUBUS_HAY; RUBUS_LOG; RUBUS_NEG; RUBUS_STR; RUBUS_TRI
		Hybrids not attributed	RUBUS_INE

Part II

Plant species that belong to any of the genera in the same class in Part II of the List of Classes, are considered to be closely related and/or are liable to mislead or cause confusion concerning the identity of the variety.

	<u>Old class</u>	<u>Botanical names</u>	<u>UPOV codes</u>
Class 201	1*	Secale, Triticale, Triticum	SECAL; TRITL; TRITI
Class 202	2	Panicum, Setaria	PANIC; SETAR
Class 203	4*	Agrostis, Dactylis, Festuca, Festulolium, Lolium, Phalaris, Phleum and Poa	AGROS; DCTLS; FESTU; FESTL; LOLIU; PHALR; PHLEU; POAAA
Class 204	7	Lotus, Medicago, Ornithopus, Onobrychis, Trifolium	LOTUS; MEDIC; ORNTP; ONOBR; TRFOL
Class 205	12*	Cichorium, Lactuca	CICHO; LACTU
Class 206	new	Petunia and Calibrachoa	PETUN; CALIB
Class 207	new	Chrysanthemum and Ajanía	CHRYS; AJANI
Class 208	new	(Statice) Goniolimon, Limonium, Psylliostachys	GONIO; LIMON; PSYLL_
Class 209	new	(Waxflower) Chamelaucium, Verticordia	CHMLC; VERTI; VECHM
Proposal II-A (WG-VD)	(see old class 25)	Classes within Orchidaceae: – <i>to be considered further by TC / TWO</i>	
Proposal II-B (WG-VD)	possible new	Amaryllis and Hippeastrum – <i>to be considered further by TC / TWO</i>	AMARY; HIPPE
Proposal II-C (WG-VD)	possible new	Calathea and Maranta – <i>to be considered further by TC / TWO</i>	CALAT; MARAN
Proposal II-D (WG-VD)	possible new	Hylocereeae (Britton & Rose) Buxb. (tribe within Cactaceae): Disocactus Lindl. + Epiphyllum Haw. + Hylocereus (A. Berger) Britton & Rose + Pseudorhipsalis Britton & Rose + Selenicereus (A. Berger) Britton & Rose, + Weberocereus Britton & Rose + their hybrids (see ICNCP classes) – <i>to be considered further by TC / TWO</i>	[no code]; [no code]; HYLOC; [no code]; SELEN; [no code]
Proposal II-E (WG-VD)	possible new	Jovibarba Opiz + Rosularia (DC.) Stapf + Sempervivum L. (Crassulaceae) (see ICNCP classes in Annex III) – <i>to be considered further by TC / TWO</i>	[no codes]
Proposal II-F (WG-VD)	possible new	Chamaecyparis Spach + Cupressus L. + their hybrids (Cupressaceae) (see ICNCP classes) – <i>to be considered further by TC / TWO</i>	CHMCP; CUPRE
Proposal II-G (WG-VD)	possible new	Gladiolus L. and Iris L. (Iridaceae) (see ICNCP classes) – <i>to be considered further by TC / TWO</i>	GLADI; IRISS

Deleted classes

The following classes are proposed to be deleted and to follow the general recommendation i.e. “all plant species that belong to a different genus are considered not to be closely related and are not liable to mislead or to cause confusion concerning the identity of the variety”.

<u>Old class</u>	<u>Botanical names</u>
3	Sorghum, Zea
15	Anthriscus, Petroselinum
16	Daucus, Pastinaca
17	Anethum, Carum, Foeniculum
18	Bromeliaceae
19	Picea, Abies, Pseudotsuga, Pinus, Larix
20	Calluna, Erica
25	Orchidaceae
26	Epiphyllum, Rhipsalidopsis, Schlumbergera, Zygocactus
27	Proteaceae
8 & 29	Lupinus albus L., L. angustifolius L., L. luteus L. / other Lupinus
9 & 30	Vicia faba L. / other Vicia
22 & 34	Nicotiana rustica L., N. tabacum L. / other Nicotiana
23, 24 & 35	Helianthus tuberosus / Helianthus annuus / other Helianthus

[Annex II follows]

ANNEX II

GROUPS USED IN JAPAN

1. Fruit Vegetables

<i>Botanical Name</i>	<i>UPOV Code</i>
Cucumis sativus L.	CUCUM_SAT
Cucumis melo L.	CUCUM_MEL
Cucurbita L.	CUCUR
Abelmoschus esculentus Moench	ABELM_ESC
Benincasa hispida Cogn.; Lagenaria siceraria Standl.	BENIN_HIS
Capsicum annuum L.	CAPSI_ANN
Citrullus lanatus Matsum. et Nakai	CTRLS_LAN
Fragaria L.	FRAGA
Luffa cylindrica Roem.	LUFFA_CYL
Lycopersicon esculentum P. Mill.	LYCOP_ESC
Momordica charantia L.	MOMOR_CHA
Solanum L. except S. tuberosum L.	SOLAN (except_TUB)

2. Leaf Vegetables

<i>Botanical Name</i>	<i>UPOV Code</i>
Asparagus L.	ASPAR
Apium graveolens L.	APIUM_GRA
Allium bakeri Regal; Allium cepa L.; Allium fistulosum L.; Allium sativum L.; Allium schoenoprasum L.; Allium tuberosum Rottler ex Spreng.	ALLIU_CHI; ALLIU_CEP; ALLIU_FIS; ALLIU_SAT; ALLIU_SCH; ALLIU_TUB
Beta vulgaris L. var. vulgaris	BETAA_VUL
Brassica juncea Czern. et Coss in Czern; Brassica oleracea L. convar. botrytis (L.) Alef. var. botrytis L.; Brassica oleracea L. convar. botrytis (L.) Alef. var. italica Plenck; Brassica oleracea L. convar. capitata (L.) Alef. var. capitata (L.) Alef.; Brassica oleracea L. convar. oleracea var. gemmifera DC. ; Brassica pekinensis (Lour.) Rupr.	BRASS_JUN; BRASS_OLE_GBB; BRASS_OLE_GBC; BRASS_OLE_GC; BRASS_OLE_GGM; BRASS_RAP_PEK
Chrysanthemum coronarium L.	CHRYC_COR
Cryptotaenia japonica Hassk.	CRPTT_JAP
Lactuca sativa L.	LACTU_SAT
Perilla L.	PERIL
Petroselinum crispum (Mill) Nym. ex A.W. Hill	PETRO_CRI
Spinacia oleracea L.	SPINA_OLE

3. Root vegetables

<i>Botanical Name</i>	<i>UPOV Code</i>
Arctium lappa L.	ARCTI_LAP
Brassica rapa L.	BRASS_RAP
Colocasia Schott	COLOC
Daucus carota L.	DAUCU_CAR
Dioscorea L.	DIOSC
Raphanus sativus L.	RAPHA_SAT

4. Mushrooms

All mushrooms	
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[Annex III follows]

ANNEX III

EDIBLE MUSHROOMS IDENTIFIED BY JAPAN

<u>Botanical name</u>	<u>UPOV code</u>
Agaricus bisporus	AGARI_BIS
Agaricus blazei	AGARI_BLA
Agrocybe cylindracea	AGROC_CYL
Auricularia auricula	AURIC_AUR
Auricularia polytricha (Mont.) Sacc.	AURIC_POL
Dictyophora indusiata (Ventenat:Persoon) Fischer	DICTP_IND
Flammulina velutipes	FLAMM_VEL
Ganoderma lucidum (Leyss:Fries) Karsten	GANOD_LUC
Grifola frondosa	GRIFO_FRO
Hericius erinaceum	HERIC_ERI
Hypsizygus marmoreus	HYPSI_MAR
Hypsizygus ulmarius	HYPSI_ULM
Lentinula edodes	LENTI_ELO
Lepista nuda (Bulliard:Fries) Cooke	LEPIS_NUD
Lepista sordida (Schumacher:Fries) Singer	LEPIS_SOR
Lyophyllum decastes	LYOPH_DEC
Lyophyllum shimeji (Kawamura) Hongo	LYOPH_SHI
Meripilus giganteus (Persoon:Fries) Kärten	MERIP_GIG
Mycoleptodonoides aitchisonii (Berkeley) Maas Geesteranus	MYCOL_AIT
Naematoloma sublateritium	NAEMA_SUB
Panellus serotinus	PANEL_SER
Pholiota adiposa	PHLIO_ADI
Pholiota nameko	PHLIO_NAM
Pleurotus cornucopiae var.citrinooileatus	PLEUR_COR
Pleurotus cystidiosus	PLEUR_CYS
Pleurotus cystidiosus subsp. Abalonus	PLEUR_CYS_ABA
Pleurotus eryngii	PLEUR_ERY
Pleurotus ostreatus	PLEUR_OST
Pleurotus pulmonarius	PLEUR_PUL
Polyporus tuberaster (Jacquin ex Persoon) Fries	POLYO_TUB
Sparassis crispa (Wulfen) Fries	SPARA_CRI
Tricholoma giganteum Massee	MACRO_GIG

[End of Annex III and of document]