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# INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## ADMINISTRATIVE AND LEGAL COMMITTEE

### First Session

Geneva, April 17 to 19, 1978

#### HARMONIZATION OF PLANT BREEDERS' RIGHTS GAZETTES

Document prepared by the Office of the Union

1. At its eighth session, the Committee of Experts on International Cooperation in Examination had a preliminary discussion on the harmonization of plant breeders' rights gazettes (see document ICE/VIII/6, paragraphs 42 to 46). The discussions were based on a memorandum prepared by the Office of the Union (document ICE/VIII/5).
2. Following the proposal made by the Consultative Committee at its sixteenth session (see document CC/XVI/5, paragraphs 19 and 20), the Council agreed at its eleventh ordinary session that the tasks of the above-mentioned Committee of Experts were to be taken over by the newly established Administrative and Legal Committee (see document C/XI/21, paragraph 58). It was envisaged that the question of the harmonization of plant breeders' rights gazettes would be discussed in the November session of the Administrative and Legal Committee (document C/XI/21, Annex III). At the request of the Chairman of that Committee, this question was already included as an additional item in the draft agenda of the Committee's April session in the event that sufficient time would be left to discuss, or to start discussing, that item (see document CAJ/I/1, item 6).
3. This document contains:
  - (i) in Annex I, an updated version of the memorandum of the Office of the Union which was prepared on the basis of document ICE/VIII/5 taking into account the observations made at the eighth session of the Committee of Experts on International Cooperation in Examination and further information which has been made available to the Office of the Union in the meantime;
  - (ii) in Annex II, the list of the proposed headings for the Plant Variety Journal of South Africa; and
  - (iii) in Annex III, the text of a letter from the representative of Switzerland in the Council sent to the Office of the Union on the question of the harmonization of plant breeders' rights gazettes.

[Three Annexes follow]

## ANNEX I

## HARMONIZATION OF PLANT BREEDERS' RIGHTS GAZETTES

Memorandum prepared and updated by the Office of the Union

1. Paragraphs 2 to 7 of the present document are identical with paragraphs 2 to 7 of document ICE/VIII/5.

## INTRODUCTION AND BACKGROUND

2. The question of the layout and the contents of national Gazettes was already discussed within UPOV at a meeting of a Group of Experts on the Exchange of Plant Variety Denominations held in Geneva on February 1, 1971 (see document UPOV/VD/V-VI/2), and, on the basis of the discussions of the Group of Experts, in the fifth session of the Council, held in Geneva on October 14 and 15, 1971. The outcome of these discussions is reflected in Annex I to the Provisional Rules of Procedure for the Exchange of Variety Denominations (document UPOV/C/V/33). That Annex--in which the Gazettes are referred to as "Bulletins"--is worded as follows:

"LAYOUT OF BULLETINS"1. Information

"Each Bulletin shall contain the necessary information regarding the following subjects, in so far as applicable in the country concerned:

- (a) proposed denominations;
- (b) changes in proposed denominations;
- (c) refusals and withdrawals of proposed denominations, as far as previously published;
- (d) approved denominations;
- (e) registered denominations;
- (f) proposals for the change of approved or registered denominations;
- (g) approved changes of registered denominations.

"2. Table of contents

"The chapters in the Bulletins shall be summarized in a table of contents indicating clearly, by means of a special UPOV reference, the chapters relevant to the examination of variety denominations.

"3. Order within each chapter and indication of species

"All varieties of the same species shall be kept together in each chapter. The species shall be indicated by their Latin (botanical) names, which may be put in brackets after the common names.

"If the chapters also contain denominations for varieties not submitted for the protection of plant breeders' rights, this should be specially indicated for each such variety.

"4. Reference to other Bulletins

"Each Bulletin shall, at least from time to time, contain a reference to the Bulletins of the other UPOV States, recommending breeders and other interested people to study them."

3. While it seems that the former discussions within UPOV aimed mainly at promoting the exchange of information between the offices of the different member States, the purpose of the present document is to request the Committee to study how the use of Gazettes can be facilitated not only for those offices but also for the reader or user of a Gazette which has been issued in a State other than his own. At present, any such reader will encounter two main difficulties: (i) a Gazette issued in a State other than his own is usually published in a language unknown to him, and (ii) the presentation of the data published in Gazettes differs from State to State. Not only do these difficulties make it hard for an interested person to find and to understand the information he is looking for in a Gazette of a State other than his own, but there is also a great danger of misunderstanding. These difficulties are expected to become more serious with the increase in the number of member States and in the amount of marketing of seed across frontiers.

#### MEANS FOR FACILITATING THE USE OF GAZETTES

4. A number of measures are conceivable to overcome the difficulties referred to above. Only those have been taken into consideration that are not in conflict with the purpose of each Gazette, which is to serve, in the first place, as a means of information within the State itself. Out of these measures, the Office of the Union is of the opinion that the following deserve discussion.

(a) Translation. The most obvious way to facilitate the use of national Gazettes by foreigners would be to have the most important information accompanied by a translation into a commonly used language. This would be a particularly good solution where the language in which the Gazette is published is not widely used. Translating whole chapters would, however, be too costly and it would make Gazettes too voluminous and involve risks for the issuing office such as liability for incorrect translation. A realistic solution, however, might be to add to titles of chapters, headings of tables and columns of tables translations into one or more other languages of the terms used. Since such translations would occupy only a few lines, there would be no fear of taking up too much space. Furthermore, the expressions to be translated would be technical terms easy to translate and more or less identical in each issue of the Gazette so that cost and effort as well as the risk of false interpretation would remain within tolerable limits. Of the present member States, Sweden has adopted this solution in its national Gazette.

(b) Glossaries. A similar solution would be to group translations of the most important expressions in a kind of glossary. This would have the advantage that translations could be made in a number of languages without detracting from the legibility of tables or other items of information in the original language for the majority of the readers of the Gazette. Denmark has chosen this solution.

(c) Guides to national Gazettes. A further development of this idea would be to issue occasionally, and separately from the issues of the Gazettes in the original language, a guide to a national Gazette for foreign readers. Such guides could be issued in a number of languages. They could even be adjusted to the special difficulties which, according to experience, readers of certain other linguistic groups usually encounter.

(d) Harmonization of Gazettes. More far-reaching assistance, however, would be rendered to foreign readers by harmonizing the structure of all Gazettes published in UPOV member States so that comparable chapters are found at the same place in the different Gazettes and tables are arranged in the same manner. To permit even greater comparability, the member States could agree to use a common system for earmarking each item of information with the same reference number. A combination of these measures--which would not exclude the application of any of the measures mentioned in the preceding sub-paragraphs of this document--would help readers who have to use a Gazette issued in a language unknown to them to spot the desired information quickly.

5. UPOV Model Gazette. In order to allow the Committee to judge whether such harmonization and common indexing could be achieved, the Office of UPOV has elaborated, as a preliminary basis for discussion, a draft UPOV Model Gazette (hereinafter referred to as "the Model Gazette"). The Model Gazette has been established along the lines indicated below.

(a) It is based on a comparison of the issues of the national Gazettes published since January 1, 1975, by the authorities of the following member States: Denmark, France, Germany (Federal Republic), Netherlands, Sweden and the United Kingdom. In Belgium, Italy and Switzerland, the protection of new plant varieties is of very recent date and so far sufficient numbers of Gazettes have not been issued to permit comparison. The Gazette of South Africa was not yet available to the Office of the Union.

(b) In its main part, the Model Gazette contains Model Tables for practically all information published at present by all member States and one Table--as an example--for such information as is published by the authorities of only one or a few of the member States. In each Table, mock entries have been made in order to demonstrate how the Table could be used.

(c) The Tables have been so arranged that member States may add additional columns, if necessary, at the right-hand side of each Table.

(d) The columns of the Tables are marked by an Arabic numeral, thus following the practice of the Gazette of the Federal Republic of Germany. This would facilitate the comparison of Tables in different Gazettes.

(e) Each Table has been given a number: those relating to information which is at present published by all member States have been given a Roman numeral; those relating to information published in only one or a few of the member States have been given a country code to which an Arabic numeral has been added. This system is considered an additional help in identifying information which can also be found in other Gazettes and information which is published in only one Gazette. If not accepted by the Committee, this system could be replaced by any other indexing system.

(f) The Tables are preceded by a Table of Contents which is to serve as a model for the Tables of Contents of the different Gazettes. It is believed that it would be helpful if the same sequence were used in each national Gazette for the information published.

6. The experts might wish to discuss whether a Summary Table of proposed variety denominations arranged according to classes ought to be added to the Model Gazette. Such Table is published in the French Gazette.

7. Guide for the entry of information in a national Gazette. The Office of the Union thinks it premature to propose for the present session guidelines concerning the entry of data in a national Gazette such as the writing of names and addresses or the use of abbreviations. This could be a future measure for further harmonization of the Gazettes.

8. The subsequent pages contain an updated version of the draft of the UPOV Model Gazette prepared by the Office of the Union as a basis for discussion for the eighth session of the Committee of Experts on International Cooperation in Examination (see Annex to document ICE/VIII/5). The text of the Model Gazette is published on the right-hand (even number) pages and Explanatory Notes appear on the left-hand (odd number) pages opposite the text.

9. The Model Gazette contained on the subsequent pages has been restricted to information concerning plant variety protection. No provision is made for the entry of information relating to the national list or effected for any other purpose than the protection of plant breeders' rights. There would seem to be no objection, however, to expanding the system as long as its purpose of ensuring the same sequence of chapters and tables and the same indexing of tables and columns of tables is left intact.

Explanatory Notes on the Model Tables of Contents

1. The Table of Contents of the Model Gazette lists all information concerning plant variety protection which is published in the national Gazette of at least one member State. It does not, however, contain any heading for new variety denominations submitted in replacement of formerly proposed other denominations, information which is published in the Gazettes of France, the Netherlands, Sweden and the United Kingdom. The main reason for this omission is that the information given under this heading would appear in other items of the Table of Contents.

2. Each item in the Table of Contents has been given a special code number. It is believed that it is helpful for the safe retrieval of information if the same items are earmarked in each national Gazette with the same code number. This result, however, would be obtained only if any deviation from the system of indexing in each Gazette of a member State were specially indicated--for instance, by a footnote.

3. In the present draft of the Model Gazette, the following code system has been applied both in the Table of Contents and in the various Tables:

(i) Items which are published, or are expected to be published, in all national Gazettes of member States are preceded by Roman numerals.

(ii) Items published in the Gazette of one member State only are preceded by a country code (the country code for car registration, with the exception of the United Kingdom, which is indicated by the letters "UK"), to which an Arabic numeral is added. Such indexing avoids permanent blanks in the national Gazettes of the majority of member States. Provision will have to be made, however, for the case where information is published by a few, but not all or practically all, of the member States. In such a case, the country code of each of these countries would be published in its Gazette before the title of the Table and the country code of the other countries publishing this information could be added in brackets.

## MODEL TABLE OF CONTENTS

UPOV Code

I	Applications for Protection
NL-1	Applications for the Entry in the Netherlands Register of Varieties Pursuant to Article 18(2) of the Law
II	Termination of the Procedure for the Grant of Protection
	1. Withdrawal of Applications
	2. Rejection of Applications
UK-1; ZA-1	Applications for a Protective Direction
UK-2; ZA-2	Grant of Protective Directions
UK-3; ZA-3	Withdrawal of Protective Directions
III	Applications for a Variety Denomination
F-1	Summary Table of the Proposed Variety Denominations
NL-2; UK-4; ) ZA-4            )	Approval of Proposed Variety Denominations
ZA-5	Synonymy
IV	Changes in the Person of the Applicant or the Agent
UK-5; ZA-6	Proposed Grant of Protection
V	Grant of Protection
NL-3	Entry in the Netherlands Register of Varieties Pursuant to Article 18(1)(b) of the Law
NL-4	Entry in the Netherlands Register of Varieties Pursuant to Article 18(2) of the Law
VI	Changes in the Person of the Holder or the Agent
VII	Applications for a New Denomination for a Protected Variety
VIII	Approval of New Denominations for Protected Varieties
D-1	Grant of Exclusive Licenses
D-2	Public Offer of Licenses ( <u>Jedermannserlaubnis</u> )
UK-6; ZA-8	Applications for a Compulsory License
UK-7	Termination of the Procedure for the Grant of a Compulsory License
	1. Withdrawal of Applications for the Grant of a Compulsory License
	2. Rejection of Applications for the Grant of a Compulsory License
UK-8; ZA-9	Grant of Compulsory Licenses
UK-9; ZA-7	Proposed Surrender of Protection
IX	Termination of Protection
	1. Surrender of Protection
	2. Forfeiture of Protection
	3. Annulment of Protection
	4. Expiration of Period of Protection

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NL-5	Forfeiture of Registration Pursuant to Article 18(2) of the Law
ZA-10	Objections and Appeals
ZA-11	Outcome of Objections and Appeals
X	Official Notices



Explanatory Notes on Table IGeneral Remarks

1. All member States publish the information given in their Gazettes in the form of tables. In drafting Table I and the subsequent Tables, the Office of the Union was guided by the following principles:

(i) each Table keeps as close as possible in view of the differences in the national Gazettes to the corresponding tables in such Gazettes;

(ii) each Table provides for all data the publication of which--to the Office's knowledge--is mandatory in at least one member State;

(iii) certain Tables contain some other data which is considered helpful to the user.

2. Each column of Table I and the subsequent Tables is marked by an Arabic numeral, thus following the example of the Gazette of the Federal Republic of Germany. This is believed to be helpful in understanding tables in a foreign language and in comparing tables.

3. It is understood that any member State would be permitted to add further columns which would be marked with higher Arabic numerals. It might, however, be desirable to adopt procedures to prevent the same Arabic numerals from appearing in different Gazettes for different information.

Special Remarks

4. All member States publish in their Gazettes tables on applications for protection and indicate the following information:

INFORMATION GIVEN IN NATIONAL TABLES CONCERNING APPLICATIONS FOR PROTECTION									
Data	Bel- gium	Den- mark	France	Germany (Fed. Rep. of)	Nether- lands	Sweden	Switzer- land	United King- dom	Model Table
Species	x	x	x	x	x	x	x	x	x
Application Number	x	x	x	x	x	x	x	x	x
Date	x	x	x	x	x	x	x		x
Applicant	x	x	x	x	x	x	x	x	x
Breeder (Owner)	x	x	x	x		x	x		x
Agent	x			x		x	x		x
Breeder's Reference/ Proposed Denomination	x	x	x	x	x	x	x	x	x
Priority: State		x			x	x	x		x
Date		x			x	x	x		x
Application Number						x			x
Short Description	x		x						x

5. Table I provides for the indication of information published in any member State. Indications concerning the priority should--as in the Gazettes of Denmark and the Netherlands--be made in a special line as shown in Table I. This procedure makes it unnecessary to add one or more additional columns as done at present in the Swedish and Swiss Gazettes.

## MODEL TABLE CONCERNING APPLICATIONS FOR PROTECTION

TABLE I. APPLICATIONS FOR PROTECTION

Application Number  Date	a: Applicant b: Breeder (if different from a) c: Agent	<u>Proposed Denomination/ Breeder's Reference</u>	Short Description
1	2	3	4*
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250 30-8-1977	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1, D-3000 Hannover 72  c: Jim Proxy, Postbus 5 NL-Wageningen	T 33	Winter wheat
E 251 30-8-1977	See Application E 250	<u>Dabo</u>	Spring wheat
E 252 30-8-1977	a: See Application E 250  c: See Application E 250	T 34	Half alter- native wheat
E 253 31-8-1977	a: Charles Breeder King's Street, Ashford, Kent	<u>Klim</u>	Winter wheat

Priority of Application No. 01281 filed in France on 24.12.1976

\* Unless all member States agree to include in future a short description in their Gazettes, this column would appear only in the French and Belgian Gazettes.

Explanatory Notes on Table II

1. All member States publish in their Gazettes the withdrawal and rejection of applications in either of the two following forms:

(i) one table being either subdivided into two parts of which one is for cases of rejection and the other for cases of withdrawal of the application (Denmark) or not being so subdivided (Federal Republic of Germany and Sweden); or

(ii) two tables, one being for cases of rejection and the other for cases of withdrawal of the application, the second following immediately the first (Netherlands) or being separated from it by other tables (France and United Kingdom).

2. The following information is published in the respective tables of the Gazettes of member States:

INFORMATION GIVEN IN NATIONAL TABLES CONCERNING THE TERMINATION OF THE PROCEDURE FOR THE GRANT OF PROTECTION							
Data	Denmark	France	Germany (Fed. Rep. of)	Netherlands	Sweden	United Kingdom	Model Table
Species	x	x	x	x	x	x	x
Application Number	x	x	x	x	x	x	x
Applicant	x	x	x	x	x	x	x
Breeder (Owner)	x	x					x
Breeder's Reference/ Proposed Denomination	x	x	x	x	x	x	x
Date of Withdrawal/Rejection		x	x	x			x
Ground of Rejection						x	x

3. Table II is subdivided--like the corresponding table in the Danish Gazette--into the subdivisions "Withdrawal of Applications" and "Rejection of Applications." It provides for the indication of all information published by at least one member State.

4. The breeder is indicated in this and other Tables since it helps to establish a cross reference in cases where, as is often done, the right in the variety is transferred to other persons for obtaining plant variety protection in foreign countries and therefore the names of the applicants differ in different countries.

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MODEL TABLE CONCERNING THE TERMINATION OF THE  
PROCEDURE FOR THE GRANT OF PROTECTION

TABLE II. TERMINATION OF THE PROCEDURE FOR THE GRANT OF PROTECTION

Application Number	a: Applicant b: Breeder (if different from a)	<u>Proposed Denomination/ Breeder's Reference</u>	Date of Withdrawal/ Rejection
1	2	3	4
<b>1. <u>Withdrawal of Applications</u></b>			
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1 D-3000 Hannover 72	T 33	15-9-1977
E 251	See Application E 250	<u>Dabo</u>	15-9-1977
<b>2. <u>Rejections of Applications</u><sup>1</sup></b>			
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 252	a: See Application E 250	T 34	19-9-1977
on the ground that it does not conform with the novelty prescriptions <sup>2</sup>			
E 253	a: Charles Breeder King's Street, Ashford, Kent	<u>Klim</u>	19-9-1977
on the ground that it cannot be distinguished from ' <u>Crane</u> ' <sup>2</sup>			

<sup>1</sup> In the Federal Republic of Germany, the title could be "Rejections or Termination Pursuant to Article 32(4) of the Plant Varieties Protection Law," if necessary.

<sup>2</sup> If the present practice is maintained, this indication would appear only in the Gazette of the United Kingdom.

Explanatory Notes on Table III

1. All member States publish tables indicating proposed denominations. France, the Netherlands, Sweden and the United Kingdom publish in addition separate tables on proposed denominations which are to replace certain previously proposed denominations. South Africa intends to do the same.
2. The following information is published in the Gazette of member States in the table on proposed denominations:

INFORMATION GIVEN IN NATIONAL TABLES CONCERNING PROPOSED DENOMINATIONS								
Data	Belgium	Denmark	France	Germany (Fed. Rep. of)	Netherlands	Sweden	United Kingdom	Model Table
Species	x	x	x	x	x	x	x	x
Application Number	x	x	x	x	x	x	x	x
Date						x		
Applicant	x	x	x	x	x	x	x	x
Breeder (owner)	x	x	x					x
Agent	x			x				x
Breeder's Reference/ Previous Denomination	x	x	x	x	x	x		x
Proposed Denomination	x	x	x	x	x	x	x	x
Date of Proposal	x				x			x

3. Table III provides for the indication of all information which is published by at least one member State with the exception of the dates of applications for protection, which are indicated only in Sweden.
4. Table III takes into account the practice of France, the Netherlands, Sweden and the United Kingdom by publishing any previously proposed denomination in the third column and by stating whether the previously proposed denomination was already approved, rejected and/or withdrawn.

## MODEL TABLE CONCERNING APPLICATIONS FOR A VARIETY DENOMINATION

TABLE III. APPLICATIONS FOR A VARIETY DENOMINATION

Application Number	a: Applicant b: Breeder (if different from a) c: Agent	<u>Previous Proposed Denomination (if different from 4)/ Breeder's Refer- ence</u>	Proposed Denomination  Date of Proposal
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1 D-3000 Hannover 72  c: Jim Proxy Postbus 5, NL-Wageningen	T 33	Tatu 19-9-1977
E 251	See Application E 250	<u>Dabo</u> *	Daboce 19-9-1977
E 252	a: See Application E 250  c: See Application E 250	T 34	Kali 23-9-1977
E 253	a: Charles Breeder King's Street, Ashford, Kent		Klim 19-9-1977

\* Reference would be made to one of the three following footnotes  
(or to footnotes 1 and 3):

"1 Already approved"

"2 Rejected"

"3 Withdrawn"

Explanatory Notes on Table NL-2 (UK-4; ZA-4)

1. Only the Netherlands and the United Kingdom publish information on approved denominations. South Africa intends to do the same. It is to be noted that these denominations are approved before the title of protection is issued in respect of the varieties for which they have been proposed. The other member States have no tables of that kind and publish the denominations at the same time as they announce the grant of the title of protection. The following information is published by the above-mentioned States:

- (i) Netherlands: species; application number; breeder's reference (previous denomination in the case where a modified one is approved); applicant; denomination and date of approval thereof.
- (ii) United Kingdom: species; application number; applicant; denomination (and previous denomination in the case where a modified denomination is approved).

2. It is not proposed that all member States publish tables on the approved variety denominations. It is only suggested that those States which publish such tables adapt them to a model table, a draft of which is proposed for consideration overleaf.

3. The proposed Table NL-2 provides for the indication of all information published by at least one member State (in fact, by the Netherlands) and for the indication of the breeder, for the reasons stated in paragraph 3 of the Explanatory Notes on Table II. As in the case of Table III, the information on approved denominations which have been proposed in replacement of another previously proposed denomination would also appear in the Table under consideration.

4. It is to be noted that the title of the Table has been presented in the version to be published in the Dutch Gazette. In the Gazette of the United Kingdom, the title would read: "UK-4. APPROVAL OF PROPOSED VARIETY DENOMINATIONS (NL-2; ZA-4)."

## MODEL TABLE CONCERNING THE APPROVAL OF PROPOSED VARIETY DENOMINATIONS

TABLE NL-2. APPROVAL OF PROPOSED VARIETY DENOMINATIONS (UK-4; ZA-4)

Application Number	a: Applicant b: Breeder (if different from a)	Previous Proposed Denomination (if different from 4)/ Breeder's Refer- ence	Approved Denomination  Date of Approval
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1, D-3000 Hannover 72	T 33	Tabu 7-9-1977
E 251	See Application E 250	<u>Dabo</u>	Daboce 7-9-1977
E 252	a: See Application E 250	T 34	Kali 7-9-1977
E 253	a: Charles Breeder King's Street, Ashford, Kent		Klim 7-9-1977



Explanatory Notes on Table IV

1. Table IV concerns the publication of a change in the person of the applicant, for instance where the application is transferred to another person, or a change in the person of the agent, for instance where the applicant designates another agent. Such an event is so rare that it was not possible for the Office of the Union to determine which States announced such changes in their Gazettes.
2. Table IV which is proposed for the Committee's consideration is very similar to the table published by the Federal Republic of Germany.

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MODEL TABLE CONCERNING CHANGES IN THE PERSON  
OF THE APPLICANT OR THE AGENT

TABLE IV. CHANGES IN THE PERSON OF THE APPLICANT OR THE AGENT

Application Number	Previous	New	Date of Change
<u>Proposed Denomination/ Breeder's Reference</u>	a: Applicant c: Agent	a: Applicant c: Agent	
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250 T 33	a: John Smith 11 London Street, Cambridge CB3 0LF  c: Jim Proxy Postbus 5, NL-Wageningen	a: J. Müller Rathausstrasse 1 D-3000 Hannover 72  c: None	11-9-1977
E 251 <u>Dabo</u>	a-c: See Application E 250	a-c: See Application E 250	11-9-1977
E 252 T 34	a: See Application E 250  c: See Application E 250	c: Jan Kweker Postbus 13, NL-Amsterdam	11-9-1977
E 253 <u>Klim</u>	a: Charles Breeder King's Street Ashford, Kent  c: None	c: Jim Proxy Postbus 5, NL-Wageningen	13-9-1977

Explanatory Notes on Table V

1. All member States publish tables on the grant of protection in which the following information is indicated:

INFORMATION GIVEN IN NATIONAL TABLES CONCERNING THE GRANT OF PROTECTION							
Data	Denmark	France	Germany (Fed. Rep. of)	Netherlands	Sweden	United Kingdom	Model Table
Species	x	x	x	x	x	x	x
Date of Publication of Application					x		
Application Number	x	x	} x	x	x	x	x
Grant Number	x	x		x	x	x	x
Date of Grant	x	x	x	x	x	x	x
Holder (Applicant)	x	x	x	x	x	x	x
Breeder (Owner)	x						x
Agent			x				x
Denomination	x	x	x	x	x	x	x
Breeder's Reference					x		
Duration of Protection		x					

2. Table V provides for the indication of information which is published by all member States and, in addition, information on the breeder (for the reasons stated in paragraph 3 of the Explanatory Notes on Table II) and on the agent (since, in several States, the agent continues to act as the representative of the holder after the grant).

3. Table V does not provide for the indication of the date of publication of the application, of the breeder's reference (both indicated in Sweden) or the duration of protection (indicated in France). It is recommended that those States, should they wish to continue to provide for this kind of information but not to succeed in convincing all member States of its necessity, add further columns in Table V. The same is proposed should the Federal Republic of Germany also wish to indicate in this Table the entry of a variety in the national list. In such a case, the States concerned could agree on the numbers to be used for the additional columns to avoid confusion.

## MODEL TABLE CONCERNING THE GRANT OF PROTECTION

TABLE V. GRANT OF PROTECTION

Application Number	a: Holder b: Breeder (if different from a) c: Agent	Denomination	Grant Number and Date
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
E 250	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1, D-3000 Hannover 72  c: Jim Proxy Postbus 5, NL-Wageningen	Tatu	100 15-9-1977
E 251	See Application E 250	Daboce	101 15-9-1977
E 252	a: See Application E 250  c: See Application E 250	Kali	102 15-9-1977
E 253	a: Charles Breeder King's Street Ashford, Kent	Klim	103 15-9-1977

Explanatory Notes on Table VI

The explanations on Table IV apply also to the case where there is a change in the person of the holder or of the agent.

## MODEL TABLE CONCERNING CHANGES IN THE PERSON OF THE HOLDER OR THE AGENT

TABLE VI. CHANGES IN THE PERSON OF THE HOLDER OR THE AGENT

Grant Number	Previous	New	Date of Change
Denomination	a: Holder c: Agent	a: Holder c: Agent	
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
100 Tatu	a: John Smith 11 London Street, Cambridge CB3 0LF	a: J. Müller Rathausstrasse 1 D-3000 Hannover 72	24-10-1977
101 Dabo	a: See Grant 100	a: See Grant 100	24-10-1977
102 Kali	a: See Grant 100  c: Jim Proxy Postbus 5, NL-Wageningen	c: Jan Kweker Postbus 13 NL-Amsterdam	24-10-1977
103 Klim	a: Charles Breeder King's Street, Ashford, Kent  c: None	c: See Grant 102, column 2	25-10-1977

Explanatory Notes on Table VII

This Table concerns the publication of a change in the denomination of the variety during the term of protection. Since this is a very rare event, it was not possible for the Office of the Union to determine which States publish information on the procedure for changing the denomination of a protected variety. Table VII and the following Table VIII would serve as a model in the case where a member State had to publish information on such denominations. They closely follow Table III and Table NL-2/UK-4/ZA-4.

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MODEL TABLE CONCERNING APPLICATIONS FOR A NEW  
DENOMINATION FOR A PROTECTED VARIETY

TABLE VII. APPLICATIONS FOR A NEW DENOMINATION FOR A PROTECTED VARIETY

Grant Number	a: Holder b: Breeder (if different from a) c: Agent	Present Denomination	Proposed New Denomination Date of proposal
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
100	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1, D-3000 Hannover 72  c: Jim Proxy Postbus 5, NL-Wageningen	Tatu	Jupiter 9-9-1977
102	a: See Grant 100  c: See Grant 100	Kali	Apollo 9-9-1977
103	a: Charles Breeder King's Street, Ashford, Kent	Klim	Klima 9-9-1977



MODEL TABLE CONCERNING THE APPROVAL OF NEW  
DENOMINATIONS FOR PROTECTED VARIETIES

TABLE VIII. APPROVAL OF NEW DENOMINATIONS FOR PROTECTED VARIETIES

Grant Number	a: Holder b: Breeder (if different from a) c: Agent	Previous Denomination	New Denomination  Date of Approval
1	2	3	4
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
100	a: John Smith 11 London Street, Cambridge CB3 0LF  b: a and J. Müller Rathausstrasse 1, D-3000 Hannover 72  c: Jim Proxy Postbus 5, NL-Wageningen	Tatu	Jupiter 19-9-1977
102	a: See Grant 100  c: See Grant 100	Kali	Apollo 19-9-1977
103	a: Charles Breeder King's Street, Ashford, Kent	Klim	Klima 19-9-1977

Explanatory Notes on Table IX

1. All member States publish tables on the termination of protection, either specifying or without specifying the ground of the termination (surrender or forfeiture). In the latter case, two tables (or more) are published. It is to be noted that, in the United Kingdom and in South Africa, an application offering to surrender a plant breeder's right has to be made first. The following information is given in such tables:

INFORMATION GIVEN IN NATIONAL TABLES CONCERNING THE TERMINATION OF PROTECTION							
Data	Denmark	France	Germany (Fed. Rep. of)	Netherlands	Sweden	United Kingdom	Model Table
Species	x	x	x	x	x	x	x
Application Number	x			x			
Grant Number	x	x	x	x	x	x	x
Grant Date	x				x	x	
Holder (Applicant)	x	x	x	x	x	x	x
Owner	x						
Denomination	x	x	x	x	x	x	x
Date of Termination		x	x	x		x	x

2. Table IX provides for the indication of all information published by the majority of the member States. Subheadings are provided for in order to classify the entries according to the grounds for termination. The proposed Table could, if necessary, be completed later with the subheading "4. Expiration of the Period of Protection."

## MODEL TABLE CONCERNING THE TERMINATION OF PROTECTION

TABLE IX. TERMINATION OF PROTECTION

Grant Number	Holder	Denomination	Date of Termination
1	2	3	4
<u>1. Surrender of Protection</u>			
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
100	John Smith 11 London Street Cambridge CB3 0LF	Tatu	19-9-1977
<u>2. Forfeiture of Protection</u>			
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
102	See Grant 100	Kali	19-9-1977
<u>3. Annulment of Protection</u>			
<u>Wheat</u> (Triticum aestivum L. emend. Fiori et Paol.)			
101	See Grant 100	Daboce	19-9-1977

[Annex II follows]

## ANNEX II

PLANT VARIETY JOURNAL OF SOUTH AFRICAPROPOSED HEADINGSA. Plant Breeders' Rights

1. Information and Notices
2. Applications received
3. Applications withdrawn
4. Application for a Protective Direction
5. Granting of a Protective Direction
6. Withdrawal of a Protective Direction
7. Proposed names
8. Approved names
9. Application for change of approved name
10. Approved change of name
11. Synonymy
12. Proposed Grant of Plant Breeders' Rights
13. Refusal of application for the granting of Plant Breeders' Rights
14. Granting of Plant Breeders' Rights
15. Transfer of Plant Breeders' Rights
16. Application to surrender Plant Breeders' Rights
17. Termination or Lapse of Plant Breeders' Rights
18. Application for a compulsory license
19. Granting of a compulsory license
20. Objections and Appeals
21. Outcome of objections and Appeals
22. Corrections

B. Variety List

1. Application for inclusion in Variety List
2. Application withdrawn
3. Proposed Name
4. Approved Name
5. Change of Approved Name
6. Synonymy
7. Registration of Variety
8. Refusal of Registration
9. Proposed deletion from the Variety List
10. Deletion from the Variety List
11. Corrections

C. Miscellaneous Information

[Annex III follows]

## ANNEX III

LETTER DATED DECEMBER 15, 1977, FROM THE REPRESENTATIVE OF  
SWITZERLAND IN THE COUNCIL TO THE VICE SECRETARY-GENERAL

Subject: Harmonization of plant breeders' rights gazettes

On November 16, 1977, the Committee of Experts on International Cooperation in Examination requested member States to send you comments on the draft of a UPOV Model Plant Breeders' Rights Gazette by the end of the year.

We hereby comply with the request and inform you of our opinion on the harmonization of plant breeders' rights gazettes. Our considerations are based, on the one hand, on document ICE/VIII/5 and, on the other hand, on the opinions which were already expressed on this matter at the meeting of November 16.

In principle we share the opinion put forward in paragraph 3 of the said document and support the proposed harmonization. The harmonization promises indeed to facilitate the work of each competent authority, which has had up to now--and still has--to rely on various different official gazettes when checking modifications to variety denominations within UPOV.

You propose in paragraph 4(a), as one means of facilitating the use of the official gazettes, that the headings of the tables and the terms used in them be translated into a UPOV language. We in particular are able to support this proposal provided that it does not cause unbearable additional costs to member States which do not publish in a UPOV language. The first issues of our plant varieties gazette demonstrate our opinion that the clarity of the tables can be improved by the use of abbreviations, with corresponding glossaries or tables of abbreviations. With respect to a special guide to national gazettes, we wonder whether that in fact would not be an impractical tool, since there is little likelihood that the user would have the guide at his disposal just when he needed to use it.

Before making comments on the harmonization of gazettes as such, we should like to submit a further possibility for discussion. The uniform and generally understandable publication of data on plant variety protection in all UPOV member States is indeed to a large extent in the interests of the Union itself. The Union periodically publishes a journal of the Union, the Newsletter. Would it not be conceivable for all data from member States to be published in the Newsletter in English? The advantages of such concentration would be the following: increased demand for the Newsletter, which leads to a greater number printed of each issue, centralized and therefore clear presentation of all data, which would be valid for the whole Union, centralized control of plant variety protection matters by the secretariat, and possibility of nevertheless applying Article 13(7) of the proposed new text in the near future. The main disadvantage of concentrated publication would be the cost of the additional staff at the Office of the Union which would be required for fulfilling such a task.

The great number of publishing methods and subjects published that is suggested by the Model Table of Contents gives an idea of the difficulties which will hamper real harmonization. We are therefore of the opinion that one should first discuss and elaborate a framework for harmonization, which would serve later as the basis for detailed harmonization. The short discussion that took place at the November session on the publication of addresses, for instance, showed quite clearly that it is not yet time to discuss the harmonization of details.

As a framework for harmonization, we can imagine national gazettes consisting uniformly of a standardized table of contents and a standardized order for the items contained, and of a translation of the titles of the tables, with the addition of a glossary in at least one UPOV language. If necessary and if no additional pressure is put on national usages, discussion could also take place on the presentation of the tables. But to harmonize details further at this early stage seems premature to us.

We would be in favor of having alternative proposals for harmonization submitted to the international organizations on plant variety protection for comment, in order to allow future recipients of official gazettes to participate in the work from the beginning.

We hope that we have positively contributed with these comments to the discussions on the harmonization of plant breeders' rights gazettes.