

Commission Regulation (EC) No 637/2009 of 22 July 2009
establishing implementing rules as to the suitability of the
denominations of varieties of agricultural plant species and
vegetable species (Codified version) (Text with EEA relevance)

Article 6

A variety denomination shall be considered to mislead or to cause confusion if:

- (a) it conveys the false impression that the variety has particular characteristics or value;
- (b) it conveys the false impression that the variety is related to, or derived from, another specific variety;
- (c) it refers to a specific characteristic or value in a way which conveys the false impression that only that variety possesses it, whereas in fact other varieties of the same species may possess the same characteristic or value;
- (d) by reason of its similarity to a well-known trading name other than a registered trade mark or variety denomination, it suggests that the variety is another variety, or conveys a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;
- (e) it consists of, or contains:
 - (i) comparatives or superlatives;
 - (ii) the botanical or common names of species, within the group either of agricultural plant species or of vegetable plant species, to which the variety belongs;
 - (iii) the name of a natural or legal person, or a reference thereto, so as to convey a false impression concerning the identity of the applicant, the person responsible for the maintenance of the variety, or the breeder;
- (f) it includes a geographical name that would be likely to deceive the public as to the characteristics or the value of the variety.

Status:

Point in time view as at 22/07/2009.

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 637/2009, Article 6.