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UPOV/C/IV/11  
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INTERNATIONALER VERBAND  
ZUM SCHUTZ VON  
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE  
POUR LA PROTECTION  
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION  
FOR THE PROTECTION OF  
NEW PLANT VARIETIES

COUNCIL

Fourth Session

Geneva, October 28 and 29, 1970

DOCUMENT CONCERNING TECHNICAL WORKING PARTIES

presented by the Secretary General

1. In accordance with the decision made by the Council at its second meeting (Berne, February 11 and 12, 1969), Mr. A. F. Kelly, in his capacity as Coordinator of the Technical Working Parties, presented a statement on the activities of the Working Parties and progress reports from the Chairmen of the Technical Working Parties on Agricultural Crops, Self-Fertilized (Mr. A.F. Kelly), Agricultural Crops, Cross-Fertilized (Mr. Höppner) and Vegetables (Mr. Dorsman).
2. Later, a progress report from the Working Party for Ornamental Plants (dated September 1970 and signed by its Chairman, Mr. V. Aa. Hallig) was presented.
3. The United Kingdom Delegation has forwarded a proposal concerning joint trial arrangements for the examination of roses for the purpose of avoiding repeated examinations in different States.
4. The statement and the reports mentioned in paragraphs 1 and 2 above and the proposal from the United Kingdom Delegation mentioned in paragraph 3 are attached to this document as Annexes 1 to 6.

5. In the statement of the Coordinator (Annex 1), the Council is requested:

- (i) to approve, regarding Agricultural Crops, Self-fertilized,
  - (a) the decision of the Working Party to concentrate on cereals (Annex 2, paragraph 4),
  - (b) the recommendation of the Working Party regarding judgements and acceptance of uniformity (Annex 2, paragraph 5), and
  - (c) the recommendation that the Working Party continue its study concerning recording scales for characters (Annex 2, paragraphs 7 to 9);
- (ii) to approve, regarding Agricultural Crops, Cross-fertilized, the continuation of studies on characters and recording scales for ryegrass and maize (Annex 3, final paragraph);
- (iii) to approve, regarding Vegetables,
  - (a) the proposal made by the Working Party concerning the particulars of each individual variety to be recorded (Annex 4, paragraph 3, subparagraph 1),
  - (b) the agreement of the Working Party concerning technical questionnaires and its proposal that the same questionnaire should be used in all member States (Annex 4, paragraph 6),
  - (c) the recommendation of the Working Party concerning the exchange of information and plant material (Annex 4, paragraph 8);
- (iv) to express its opinion concerning
  - (a) the preparation of handbooks on procedures for the examination of new varieties (Annex 1, paragraph 3.1),

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- (b) Common forms for technical information from breeders to be recommended for use in all countries (Annex 1, paragraph 3.2),
  - (c) registration of all applications with the Secretariat (Annex 1, paragraph 3.3),
  - (d) cooperative tests (Annex 1, paragraph 3.4), and
  - (e) adoption of a common system for punch cards or computer storage of records (Annex 1, paragraph 3.5);
- (v) to decide on the length of the term of office of the Coordinator and the Chairmen of the five Working Parties as well as the procedure for appointing successors (Annex 1, paragraphs 4.2 and 4.3).

6. The proposal contained in subparagraph 2, of paragraph 3, of the report from the Technical Working Party on Vegetables concerning central checking by the Secretariat of proposed denominations against old variety names has been submitted to the Working Party on Variety Denominations.

7. The Working Party for Ornamental Plants (see Annex 6) intends, subject to approval by the Council, to continue its work on standardization of the rules for trials and descriptions of ornamental plants, and has made proposals corresponding to those mentioned in subparagraphs (iii)(c) and (iv)(c) and (d) of Paragraph 5 above.

8. The said Working Party supports the proposal by the U.K. Delegation, mentioned in paragraph 3 above, concerning joint trial arrangements for the examination of roses. The Working Party proposes that genera other than roses should be considered.

9. In the proposal by the United Kingdom mentioned in paragraph 2 above, it is stated that roses offer a good starting point for joint trial arrangements, as the examination of roses gives rise to few practical difficulties. The document deals with the questions of trial fees, documentation and procedures, and duration of trials.

10. The Secretariat will be involved in the printing and distribution of handbooks (paragraph 5(iv.a) above) and registration of applications (paragraph 6(iv.c)).

11. The tasks mentioned in the preceding paragraph can be done by the Secretariat, provided that the budget will allow it, and it should be pointed out that central registration with UPOV of all applications would be of advantage in view of the arrangements to be made under Article 13(6) of the Convention for the exchange of variety denominations, as this registration would permit the exchange procedure to be performed under the central registration number.

12. However, the registration procedure must be prepared so as to enable the Secretariat to do the registration as pure routine work.

13. It seems highly desirable that the national authorities be able to receive and give information to other national authorities on the results of the examinations, and to exchange plant material. However, it is understood that in at least one member State it is felt that legal obstacles prevent such cooperation.

14. The Secretary General proposes that the question mentioned in paragraphs 10 to 13 above be studied in detail by the Secretariat.

15. The Council is invited to decide upon (i) the U.K. proposal dealt with in paragraphs 3 and 9; (ii) the questions raised by the Technical Working Parties as mentioned in paragraphs 5 and 7 to 9, and (iii) the proposal made by the Secretariat in paragraph 14.

/Annexes follow/

UPOV.

Annex 1 to UPOV/C/IV/11

Technical Working Parties.

Statement by the Co-ordinator. 31 July 1970.

1. Activity during the year:
  - 1.1. Two of the Working Parties have met during the year, and a third has made progress by correspondence. Reports from these three are attached - Agricultural crops, self-fertilised; agricultural crops, cross fertilised; and vegetables.
  - 1.2. The Working Party on Decorative Plants will meet in August 1970.
  - 1.3. There has been no activity in the Working Party for fruit crops.
2. Proposals from Working Parties:

The following paragraphs in the attached reports contain matters on which Council approval is desired:

  - 2.1. Agricultural crops, self-fertilised: Paragraphs 6 and 9.
  - 2.2. " " , cross- " : Final paragraph on future work.
  - 2.3. Vegetables: Paragraphs 3, 6, and 8.
3. Future development of the Working Parties; points on which the opinion of Council is required:
  - 3.1. Four of the Working Parties have now produced agreements on technical matters which need to be drawn together into a comprehensive document. It is suggested that each Working Party might be asked to produce a hand book setting out agreed procedures for the conduct of examinations. These should be designed in such a way that they can be added to as additional information becomes available.
  - 3.2. Technical information about varieties which is needed with an application has been specified for several crops. It is necessary to decide whether these agreements should now be assimilated into common forms which could be recommended for use in all countries.
  - 3.3. All Working Parties have stressed the need for exchange of information. As a first step it is suggested that all applications should be registered with the Secretariat and lists circulated regularly to all member countries.
  - 3.4. All Working Parties have pointed to the need for co-operative tests so as to ensure that standards agreed on paper are being fulfilled in practice. When it is known in advance that a particular variety is the subject of applications in several different member States, it might be possible to arrange for an exchange of results to serve this purpose. Alternatively, special tests could be established on the basis of common samples, but all members of Working Parties have stressed the difficulty of dealing with more field work.

- 3.5. Punch card or computer storage of records is likely to be developed in some member States. It is suggested that a common system should be adopted so that records can be exchanged between offices in the form of punched cards or tape.
4. Personalia:
- 4.1. During the year it was noted that Hungary had expressed an interest in the Convention; accordingly contact was made with the National Institute for Agricultural Variety Testing, inviting participation in the Technical Working Parties. To date, however, no nominations have been received.
- 4.2. The Chairmen of the five Working Parties were appointed at the second meeting of Council in February 1969. No formal decision has yet been taken by Council as to how long they should serve, nor is any procedure agreed to appoint successors.
- 4.3. The Co-ordinator was also appointed in February 1969, and a decision is needed on the length of his term of office.

A.F. Kelly.  
Co-ordinator of the  
Technical Working Parties.

End of Annex 1 to UPOV/C/IV/11

## Annex 2 to UPOV/C/IV/11

UPOV

Technical Working Party - Agricultural Crops, Self-fertilised.

Progress Report 31 July 1970.

1. The last report to 31 July 1969 was contained in CPU Doc. 15.
2. During the year, business was conducted by correspondence, and no meetings were held.
3. At the third Session of the Council (8-9 October 1969), it was agreed that the Working Party should continue its studies with particular reference to questions of uniformity and stability.
4. Since there are no particular problems of uniformity or stability in the vegetatively reproduced potato, it was decided to concentrate on the cereals. A letter setting out proposals was despatched to members of the Working Party in January, 1970.
5. In respect of uniformity, this letter proposed that:
  - 5.1. Judgements should be based on at least 200 ear-rows;
  - 5.2. for acceptance, not more than 1 row per 100 should appear different from the rest; in making this judgement, the average rate per 100 would be considered.
6. No comments were made by members of the Working Party on these proposals, which are now recommended to Council.
7. Proposals were also made in respect of recording scales for characters. These used a scale of 0 to 9, and the states for each character were coded according to this scale. The principle that such codes should be prepared was accepted by the Working Party; however, there were some points of detail about the application of the codes which require further clarification before a recommendation can be made.
8. The main point at issue is the use of zero (0). It has been suggested that this should be reserved for the situation where there is no observation and therefore no information; all observations would then be coded 1-9. This proposal is still under discussion.
9. It is proposed to continue this study, and it is recommended that Council approve this.

A.F. Kelly.  
Chairman of the Working Party.

/End of Annex 2 to UPOV/C/IV/11/

## Annex 3 to UPOV/C/IV/11

## SHORT REPORT

CONCERNING THE RESULTS OF THE MEETING OF THE WORKING PARTY FOR AGRICULTURAL CROPS (CROSS-FERTILIZED), HELD AT COPENHAGEN ON MAY 12 AND 13, 1970

The following States were represented by experts:

Belgium  
Denmark  
France  
Germany  
Great Britain  
Netherlands  
Switzerland

The items on the agenda were:

1. Approval of the minutes of the preceding meeting and
2. Discussion on classes and class variations with respect to the characteristics of maize.

After item 1 had been finalized by answers to three questions, item 2 was started by a debate on future documentation on the results of trials. For this debate, the German delegation had prepared a working paper, which was accepted. The most important points of this paper are:

(a) The observation scale is graded from 1 to 9. The lower figures should be used for less distinct and the higher figures for more distinct characteristics.

(b) If the distinction of a characteristic can be divided into 5, 4 or 3 classes only, the corresponding figures to be used are:

1, 3, 5, 7, 9  
2, 4, 6, 8  
3, 5, 7

(c) If an unequivocal statement is impossible or if no observation was made, this should be recorded by

0

(d) The distinctness "medium" should always be

5

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(e) Alternative classification should be made by the figures 1 and 9

(f) Qualitative characteristics such as color or form should be fixed by means of successive figures. 1, 2, 3 ... 9

Subsequently we discussed in detail the classes and class varieties of the characteristics of maize on the basis of a list set up by the Chairman.

Background material for this list had been prepared by Swiss, French and German experts. Agreement was reached on the classification and the class variations of 7 characteristics for double cross, top cross and triple hybrids and for further 23 characteristics of the hereditary components.

Because of lack of time, the remaining 12 characteristics of hereditary components could not be treated.

Finally it was agreed that for the purpose of evaluation of certain characteristics, the results of measurements carried out in 1969 and 1970 on species of Lolium should be sent to Mr. Zaleski, Cambridge, and Mr. Duyvendak, Wageningen. The results concerning maize should be sent to Mr. Duyvendak, Wageningen.

(signed) Höppner

Bemerode, July 21, 1970  
Bundessortenamt  
(Federal Office of Plant  
Varieties)

End of Annex 3.  
Follows Annex 4.

## Annex 4 to UPOV/C/IV/11

Technical Working Party - Vegetables Progress Report,  
July 31, 1970

1. The working party met at the National Institute for Agricultural Botany, Cambridge on January 14 and 15, 1970.

Present were:	Dr. V.H. Tilkin	Belgium
	M. Blangstrup Jørgensen	Denmark
	H. Bannerot	France
	Dr. A. Roux	Germany
	A.R. Kelly	United Kingdom
	J.L. Sneddon	United Kingdom
	J.D.C. Bowring	United Kingdom
	Ir. C. Dorsman	Netherlands
	Ir. F. Schneider	Netherlands

2. Preparatory to the meeting a questionnaire on the organization of the research in the different countries was sent out. The discussions in the working party led to the following results.

3. Documentation

The members agreed that the following particulars of each individual variety should be recorded:

- name and synonyms
- origin
- breeder/seedfirm
- source of publication
- breeders' rights
- name protection

It would be useful if there were a central documentation so that the Convention secretariat would not have to restrict its work to passing the newly proposed names to other countries but could check these names too. It will be impossible for the Convention secretariat to collect all names, especially the unregistered ones. The different countries have to assist in collecting these names.

4. List of pea varieties

In the Netherlands a start was made with a comprehensive list of all pea varieties known in Europe and in the United States. It was agreed that after completion of this draft it should be sent to the members for additions, corrections and other comments. In future the same procedure will be followed for bean and lettuce for which the IVT in Wageningen will make tentative lists.

5. List of common names

To facilitate convention work it may be useful if the representatives can find by a rapid and simple method the correct common names for fruit and vegetable crops. Therefore it was proposed by the Netherlands to draw up a list which provides Danish, Dutch, English, French, German and Italian local common names. Some specimen pages were submitted at the meeting and discussed. The general opinion was that it would be helpful and all members promised their support. In the course of 1970 every member will receive two copies of a complete draft list and will be invited to return one copy, provided with his corrections and comments.

6. Information by the applicant

The members agreed that Technical Questionnaires for every crop should contain at least the following points:

Type/Group:

Origin true-breeding, hybrid variety, mutation  
(provision of further details about origin  
should be optional)

Suitability for special cultivation circumstances

Disease resistances

Distinctness: which varieties resemble the variety  
entered for rights most closely and  
what are the differentiating characters

It would be convenient if every country used the same technical questionnaire. Therefore it was agreed that for the next meeting Dr. Roux should make a draft questionnaire for beans, Mr. Sneddon for peas and Dr. Schneider for lettuce.

In the application forms it has to be indicated if a previous application for the same variety has been made in other countries. It would be useful if at the same time the denominations are stated under which any former application was made.

The country where the later application was made has to inform the country where the previous one was made.

#### 7. Research methods

A discussion was carried on about the differences in re-search methods as these appear from the report.

The description schemes developed at former meetings were adopted by nearly all the member countries, especially as far as they do not concern the disease resistances, as not all these resistances have been taken into account by all countries. This is mostly not a matter of a difference in opinion but of a difference in facilities.

In most countries the institutes have rather large collections of living seeds of beans, peas and lettuce. France, the United Kingdom and the Netherlands gave the following numbers of varieties:

	beans	peas	lettuce
France	400	400	100
United Kingdom	600	600	500
Netherlands	800	1200	350

#### 8. Exchange of information and material

In most cases an exchange of information is only purposeful if it is combined with an exchange of material. Up to now none of the countries have created an official opportunity to exchange material which is the subject of an official application for rights.

The meeting was unanimously of the opinion that the research institutes concerned should not only be free to exchange information but to exchange material too.

9. The next meeting of the working party will be held in June, 1971 at Hanover. At this meeting special attention will be paid to the following subjects:

- a list of common names
- technical questionnaires
- a list of pea varieties
- description schemes of *Phaseolus coccineus*, *Vicia faba*  
Brussels sprouts

IR. C. DORSMAN  
Chairman of the working party

## Annex 5 to Document UPOV/C/IV/11

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS  
(UPOV)PROPOSAL BY THE UNITED KINGDOM CONCERNING THE PRELIMINARY  
EXAMINATIONI. Joint Trial Arrangements

1. In the interests of plant breeders and of economy in expenditure, the United Kingdom are anxious to make a practical start with joint arrangements with other UPOV countries in the conduct of trials for the preliminary examination and in the use of trial results.
2. Varieties of the genus ROSA offer a good starting point. In the experience of the Plant Variety Rights Office since 1965, very few difficulties have arisen in determining whether rose varieties satisfied the requirements of Article 6 of the Convention and the corresponding sections of the UK domestic law concerning distinctness, stability and uniformity. The following statistics are relevant:

	<u>Rose Varieties</u>		
	<u>UK breeders</u>	<u>Other UPOV Member State breeders</u>	<u>Other breeders</u>
Applications received:	211	68	108
Rights granted:	127	41	64
Trials in progress:	53	18	25
Withdrawn by breeders:	28	9	18
Rights refused:	3	-	1

3. Of the 4 cases where rights were refused, only 1 refusal was due to lack of distinctness. Of the applications withdrawn, problems of distinctness had arisen in 2 cases. No problems of stability or uniformity have arisen.
4. It seems reasonable therefore to expect that few practical difficulties would arise under a system where each member State

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agreed to make use of the results of trials carried out in other member States in deciding on applications for rights in rose varieties. The influence of environment on the expression of varietal characteristics, though it should not be overlooked, seems unlikely to invalidate the results of trials on rose varieties carried out in different UPOV countries.

5. The UK accordingly propose:

- (i) in respect of applications for rights first made in the United Kingdom, to offer the results of the trials, together with an opinion on distinctness, uniformity and stability, to the other member countries;
- (ii) in respect of applications for rights first made in another UPOV country, to defer the preliminary examination in the UK pending receipt from that country of the results of that country's trials and its advice on distinctness, stability and uniformity;
- (iii) normally, in case (ii), to base its decision concerning the UK application on the information and advice received from the other UPOV country concerned;
- (iv) to institute these arrangements with all member countries carrying out the preliminary examination in accordance with the recommendations of the Technical Working Party for Ornamental Plants;
- (v) to consider extending these arrangements to interested non-member countries.

6. The UK further propose that, if country 'A' does not undertake a preliminary examination but relies on the examination carried out by country 'B', no preliminary examination fee should be charged to the breeder by country 'A'. The whole of

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the income from preliminary examination fees charged by country 'B' should accrue to country 'B'. It would be desirable to standardise preliminary examination fees within UPOV so far as possible. Other fees, such as application, grant, and renewal fees, would be paid to both country 'A' and country 'B'.

Documentation and procedures

7. It is proposed that the authorities in member States should give full details of these proposals, <sup>when agreed,</sup> to their breeders and to the agents for foreign breeders. It is further proposed that breeders and agents should be informed that under the new system applicants for plant breeders' rights will be required to stipulate the country in which trials should be carried out. Alternatively, the examination would be carried out in the country of first application. It will be necessary to each country to circulate details of all applications received and to state whether it is responsible for the preliminary examination. It is suggested that these might be on the following lines:-

Member State Reference:

Name of Breeder:

Date of application:

Name of Variety or  
breeders' reference:

Parentage of variety:

Type e g floribunda  
hybrid tea  
climber etc:

Flower colour;

Country undertaking trials:

Applicants would require to know where their varieties were being examined and the country undertaking the examination in any particular case would circulate the results and its advice

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as soon as practicable.

8. Further details of the procedures could be elaborated with the assistance of the UPOV Bureau.

II. Duration of trials for preliminary examination

9. In the United Kingdom at the present time rose varieties are examined for at least 2 growing seasons before PVRO gives a decision on the grant or refusal of rights. Experience shows that in most cases a 1 year trial would be sufficient. The UK sees no advantage in continuing trials beyond the minimum period required to reach a reliable decision. It is accordingly intended to introduce a 1 year trial system as soon as practicable, while reserving the right to examine varieties for a longer period if PVRO considers it necessary for any reason.

/End of Annex 5.  
Follows Annex 6/

International Convention for the Protection of New Varieties of Plants

Progress Report  
of the Working Party for Ornamental Plants  
September 1970

Members

The following countries are represented in the Working Party:

Belgium	(I. Meneve)
Denmark	(V. Aa. Hallig, chairman)
France	(M. Vinot)
Switzerland	(F. Kobel)
The Netherlands	(F. Schneider)
United Kingdom	(J. M. Evans)
West Germany	(H. Basse)

Activity and Progress

The Working Party has held its 3rd annual meeting in Wageningen 19th-21st August 1970. All members participated in this meeting.

In order to test the Technical Report Form for Roses, agreed on by the Working Party at the Copenhagen meeting in 1969, 9 rose varieties have been selected and described in the 7 different member states. This test has proved that it is not possible to recognize a rose variety on the basis of descriptions made in different countries.

The Technical Report Form for Roses was, consequently, revised according to the achieved experience and is going to be tested again on a number of selected varieties during the summer 1971. These descriptions are being supplemented with colour slides and herbarium material.

A list of all the rose varieties in rose collections of the member states has been worked out. This list includes 1775 different varieties and is going to be kept up to date by annual revision.

Proposals for Common Rules for trials with Chrysanthemums, Carnations, Freesias, Euphorbia fulgens, Euphorbia pulcherrima and Alstroemerias were discussed. The same was the case with proposals for Technical Questionnaires and Technical Report Forms for the description of varieties of the above mentioned genera. Preliminary investigations into the problems with trial and description of pansies (Viola tricolor) have been made and show that lack of uniformity within the varieties of pansies involves big difficulties.

As far as *Euphorbia pulcherrima* is concerned descriptions have been made of 24 varieties in order to investigate if these descriptions could be data processed and stored as a variety collection.

#### Future work and cooperation

The Working Party will continue its work of standardization of the rules for trials and descriptions of ornamental plants.

It was agreed to prepare an annual list of all applications for ornamentals as at 31st December to be distributed to the delegates. Eventually, this ought to be a task of the UPOV office in Geneva.

The Working Party suggests that it should be possible to exchange descriptions of varieties under trial. All member states could enjoy to this except West Germany who, nevertheless, felt that this exchange of descriptions would be desirable for them also.

The members of the Working Party would agree upon the possibility to divide the trial work between them which entails one country accepting results and decisions from another. This is legally practicable in all countries except United Kingdom and Denmark where small amendments to the law will be needed. In this connection exchange of plant material of new varieties should also be possible.

The Working Party was informed that United Kingdom is going to present a proposal concerning joined trial arrangements for roses before the Council in October. The Working Party recommends such an arrangement but feels that other genera than roses should also be considered.

For the sake of verification The Netherlands and United Kingdom would this year be exchanging *Freesia* corms of two varieties under trial in both countries and also descriptions of these varieties. The Netherlands would also be sending cuttings of varieties of *Euphorbia pulcherrima* under trial to Denmark which maintains a collection of *Euphorbia pulcherrima* varieties.

V. Aa. Hallig

/End of document/