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UPOV/C/V/20
Original: English
Date: September 16, 1971



INTERNATIONALER VERBAND
ZUM SCHUTZ VON
PFLANZENZÜCHTUNGEN

UNION INTERNATIONALE
POUR LA PROTECTION
DES OBTENTIONS VÉGÉTALES

INTERNATIONAL UNION
FOR THE PROTECTION OF
NEW PLANT VARIETIES

COUNCIL
FIFTH MEETING

Geneva, October 13-15, 1971

GENERAL REMARKS ON GUIDELINES
FOR THE CONDUCT OF TESTS OF NEW PLANT VARIETIES

Report by the Secretary General

This document contains remarks on the layout of the guidelines and a proposal for a general introduction to these guidelines. It should be discussed in connection with document UPOV/C/V/14.

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1. It is recalled that the Council at its fourth meeting held in Geneva on October 28 and 29, 1970 (see document UPOV/C/IV/17),

- (i) requested the Technical Working Groups to prepare, as a matter of first priority, draft guidelines with respect to the following species:

wheat; potatoes;
maize;
roses;
apples;
peas;

- (ii) requested the Coordinator to convene a meeting of the Chairmen of the Technical Working Groups for the purpose of harmonization of the drafts;
- (iii) decided that the results of the work should be submitted to the Council at its fifth meeting.

2. The meeting referred to in paragraph 1(ii) above took place in Geneva on February 3, 1971. At that meeting it was decided:

- (i) to use the 1-9 scale to express the state of the characters;
- (ii) to adopt a common layout for the guidelines;
- (iii) that the individual guidelines should appear on loose-leaf sheets and be preceded by a general introduction to be prepared by the Secretariat in cooperation with the Coordinator.

3. The layout for the guidelines and the general introduction are attached to this document as Annexes I and II.

4. The Council is invited to take note of the above and in particular:

- (i) to accept the layout agreed upon by the Chairmen of the Technical Working Groups, and
- (ii) to adopt the draft contained in Annex II.

√End of document;
Annexes follow√

LAYOUT FOR GUIDELINES FOR THE CONDUCT OF TESTS
OF NEW VARIETIES WITH REGARD TO NOVELTY
(DISTINCTNESS), UNIFORMITY AND STABILITY

I. General remarks

Under this heading it should be indicated that the Guidelines are not to be considered a rigid system, but that special conditions may make it necessary to deviate from them and that they should be regarded as recommendations rather than mandatory rules. Naturally, the rules should normally be complied with.

In the same section reference should be made to environmental factors.

The general question of novelty should also be treated here; and, particularly with regard to sexually-propagated plants, uniformity and stability should be mentioned.

II. Technical reference to preparations for test growing

This section should contain indications as to the plant material to be supplied (latest date for submission of the material, quantity and quality.) Further, according to the necessities of the different species, indications about growing plots, their number, different ecological surroundings, the preparation of sowing or planting beds, the size of the plots, repetitions of plots and the sequence and grouping of the varieties.

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III. Test growing

This section should indicate the number of growing seasons, the method of recording and how to deal with varieties that are found to be not sufficiently new, uniform or stable.

IV. Table of characters for the assessment of novelty, uniformity and stability

In this section it should be indicated which characters have to be considered, the number of classes and the ranges of classes for each variety.

Annex: Information to be supplied by the breeder

The breeder must give sufficient information to enable the examining institute to identify the variety. The question whether or not the breeder should give information as to the origin of the new variety may depend on the species in question.

/End of Annex I;
Annex II follows/

Draft
General Remarks to Guidelines for the
Examination of New Plant Varieties with
Respect to Distinctness, Uniformity and Stability

by

the Council of UPOV

1. The Convention for the Protection of New Plant Varieties provides that protection shall only be granted after examination of the new variety in the light of the criteria laid down for the grant of rights.

2. These criteria are:

- (i) The variety must be new, which in this context means that it must be clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time when protection is applied for. The characteristics which confer distinctness must be capable of precise description and recognition. An important characteristic is not necessarily a quality which is of importance for marketing purposes.
- (ii) The variety must be sufficiently homogeneous (uniform), having regard to the particular features of its sexual reproduction or vegetative propagation.

(iii) The variety must be stable in its essential characteristics, that is to say, it must remain true to its description after repeated reproduction or propagation or, where the breeder has defined a particular cycle of reproduction or multiplication, at the end of each cycle.

3. The prescribed examination should be adapted to the special requirements of each genus or species, and must of necessity take account of any special requirements for growing the plants adequately.

4. The new plant varieties must be described by the examining authority. This description should in all cases be made by written words, but for species of which a great number of new varieties are created it is recommended that characters be recorded by means of agreed scores which can be used for computer or other data storage.

5. The Council of UPOV has decided to publish Guidelines for the Conduct of Tests of New Plant Varieties. These will primarily outline recommended procedures for testing distinctness, but will also indicate minimum requirements for homogeneity (uniformity) and stability in all necessary cases. It is recognized that individual countries will have to take account of the different ecological conditions prevailing.

6. It is the intention of the Council to cover a range of species as wide as possible, and Guidelines for additional species will be published as soon as they are available.

7. The guidelines are intended for use, first of all, for the prescribed examination prior to the grant of plant breeders' rights. They should also be used for subsequent examination with a view of checking whether or not the holders of plant breeders' rights have preserved their varieties stable and uniform.

8. The establishment of the guidelines has a dual purpose: to assist the competent authorities of the member States in the assessment of important characters, and to contribute to a harmonization of the trials in the member States. Countries will thus have a common basis for trials, so making it easier for the special agreements, foreseen by Article 30(2) of the Convention, with a view to the joint utilization of authorities entrusted with the examination of new varieties.

9. It is recommended that the terms used in the guidelines should be used in all written descriptions. Recognized translations of these terms in all the working languages of the Union are available. This should also be useful to plant breeders who are making an application for plant breeders' rights and wish to describe a new variety.

10. Each country is expected to maintain a reference collection of viable seed or other propagating material of those varieties which are already protected in that country, unless the protection has been granted on the basis of trials carried out in another member State. In addition, the reference collection should contain seed or other propagating material of any other varieties which are likely to be useful as a

reference. Normally, seed or vegetative plant material should be obtained from the breeder, and when it is necessary to renew the seed or plant material in stock the new lot should be checked in a growing test before use. Countries are expected to maintain a list of the varieties in their reference collection and to make the list available to other countries. Whenever there is sufficient material available a country should be prepared to supply samples on request.

11. As an annex to each Guideline a technical questionnaire to be filled in by the breeder (applicant) is attached. The questionnaires contain only those questions which should be answered by the breeders in any case, and the individual examination authorities are free to ask additional questions.

/End of Annex II
and end of document/