

**TGP/5: Section 6/2 Draft 3****ORIGINAL:** English**DATE:** September 10, 2007

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

DRAFT

Associated Document
to the
General Introduction to the Examination
of Distinctness, Uniformity and Stability and the
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 6:

UPOV Report on Technical Examination

~~adopted by the Technical Committee on October 6, 1989~~
~~reproduced from TC/XXV/12, Annex~~

and

UPOV Variety Description

~~adopted by the Technical Committee on October 12, 1990~~
~~reproduced from TC/26/6, Annex I, pages 1 to 3~~

Document prepared by the Office of the Union

to be considered by the
Administrative and Legal Committee at its fifty-sixth session,
to be held in Geneva on October 22 and 23, 2007

TC/XXV/12
ANNEX

UPOV REPORT ON TECHNICAL EXAMINATION

1. Reference number of Reporting Authority
 2. Requesting Authority
 3. Reference number of Requesting Authority
 4. Breeder's reference
 5. Date of application in requesting State member of the Union
 6. Applicant (Breeder)¹ (name and address)
 7. Agent (name and address)(if applicable)
-

8. Botanical name of taxon
9. Common name of taxon

[new] UPOV code

10. Variety denomination

[new] Status of variety denomination: proposed [] approved []

11. Breeder Person² who bred, or discovered
and developed, the variety (name and address)
- (if different from applicant)
12. Testing Reporting Authority
13. Testing station(s) and place(s)
14. Period of testing
15. Date and place of issue of document

¹ The “applicant” should be the “breeder” according to the definition of “breeder” in Article 1(iv) of the 1991 Act of the UPOV Convention which is:

“ – the person who bred, or discovered and developed, a variety,
– the person who is the employer of the aforementioned person or who has commissioned the latter’s
work, where the laws of the relevant Contracting Party so provide, or
– the successor in title of the first or second aforementioned person, as the case may be”.

² In this document, the term “person” in Article 1(iv) of the 1991 Act of the UPOV Convention should be understood as embracing both physical and legal persons (e.g. companies).

16. RESULTS OF THE TECHNICAL EXAMINATION AND CONCLUSION

(a) Report on Distinctness

The variety

- is clearly distinguishable from any other variety is distinct []
 - is not clearly distinguishable from all varieties is not distinct []
- ~~whose existence is a matter of common knowledge known to us.~~

(b) Report on Uniformity

The variety

- is sufficiently homogeneous uniform []
- is not sufficiently homogeneous uniform []

~~having regard to the particular features of its sexual reproduction or vegetative propagation in its relevant characteristics.~~

(c) Report on Stability

The variety

- is stable []
- is not stable []

~~in its essential characteristics.~~

In the case of a positive conclusion, a description of the variety is ~~given~~ as provided in an annex to this report.

17. Remarks

.....

18. Signature

UPOV VARIETY DESCRIPTION

1. Reference number of Reporting Authority
 2. Reference number of Requesting Authority
(bilateral agreements only)
 3. Breeder's reference
 4. Applicant (Breeder)³ (name and address)
-
5. Botanical name of taxon
 6. Common name of taxon
 - [new] UPOV code
 7. Variety denomination
 - [new] Variety status:
 - subject of an application for Plant Breeder's Right (PBR) []
 - granted PBR []
 - subject of an application for [.....] (to be completed by the Authority as appropriate)⁴ []
 - entered in the [.....] (to be completed by the Authority as appropriate)⁴ []
 8. Date and document number of UPOV
Test Guidelines
 9. Date and/or document number of national
Reporting Authority's test guidelines
 10. Testing Reporting Authority
 11. Testing station(s) and place(s)
 12. Period of testing
 13. Date and place of issue of document

UPOV No.	Reporting Authority National No.	Characteristics	States of Expression	Note	Remarks
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14. Group: (if characteristics of number 15 are used for grouping, they are marked with a G in that number)

³ The "applicant" should be the "breeder" according to the definition of "breeder" in Article 1(iv) of the 1991 Act of the UPOV Convention which is:
 "- the person who bred, or discovered and developed, a variety,
 - the person who is the employer of the aforementioned person or who has commissioned the latter's work, where the laws of the relevant Contracting Party so provide, or
 - the successor in title of the first or second aforementioned person, as the case may be".

⁴ If appropriate, to insert the relevant term to cover an official register, for example, of varieties admitted to trade (e.g.: National List, Official Catalogue, etc.).

Reference number of Reporting Authority

UPOV No.	Reporting Authority National No.	Characteristics	States of Expression	Note	Remarks
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15. Characteristics Included in the UPOV Test Guidelines or National Reporting Authority's Test Guidelines

16. Similar Varieties and Differences from These Varieties

Denomination(s) of similar variety(ies) similar to the candidate variety	Characteristic(s) in which the similar candidate variety is different differs from the similar variety(ies) ⁹⁾	Describe the state of expression of the characteristic(s) for the similar variety(ies)	Describe the state of expression of the characteristic(s) for the candidate variety
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⁹⁾ In the case of identical states of expression of both varieties, please indicate the size of the difference.

17. Additional Information

(a) Additional Data

(new) Photograph

(new) RHS Colour Chart version used (if appropriate)

(b) Remarks

[New] Varieties (other than candidate variety) included in DUS test

~~TC/26/6~~

~~Annex I, page 4~~

~~Annex, page 3~~

18. Explanatory Notes to the UPOV Variety Description Form

(a) General

The reference number of the Reporting Authority should be repeated on each page of the report.

(b) Ad Number 14

Only information on the group to which the variety belonged should be given or information on groupings other than by characteristics listed in Number 15. Grouping by characteristics mentioned in Number 15 should be indicated simply by marking the respective characteristic in Number 15 with the letter “G” before the number of the characteristic.

(c) Ad Number 15

(i) All characteristics of the UPOV Test Guidelines should be reproduced, including those which are not applicable and those which have not been recorded. Those not applicable should be marked “not applicable,” those not recorded, “not recorded.”

(ii) The asterisks from the UPOV Test Guidelines should be repeated on the form.

(iii) Additional ~~national~~ characteristics from the Reporting Authority’s test guidelines should not be placed after the UPOV Test Guidelines characteristics, but in their sequence according to the UPOV ~~rules~~ principles, as the main purpose of the form is still for ~~national~~ the authority’s use. They do not need to be specially marked as they are sufficiently identified by the ~~national~~ Reporting Authority’s number.

(iv) The list contains only a small column for brief remarks or for a reference to lengthier remarks which should be reproduced in a footnote.

(d) Ad Number 16

Only those characteristics that show sufficient differences to establish distinctness should be given. Information on differences between two varieties should always contain the states of expression with their notes for both varieties; if possible, in columns if more varieties are mentioned.

[End of Section 6]