



CAJ/65/3

ORIGINAL: English

DATE: February 9, 2012

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixty-Fifth Session
Geneva, March 29, 2012

TGP DOCUMENTS

Document prepared by the Office of the Union

1. The purpose of this document is: to report on developments concerning TGP documents, to provide background information to assist the Administrative and Legal Committee (CAJ) in its consideration of individual TGP documents, and to present a tentative program for the development of TGP documents.

2. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

3. The structure of this document is as follows:

I.	BACKGROUND	1
II.	DEVELOPMENT OF TGP DOCUMENTS.....	2
III.	PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS	6
ANNEX	PROGRAM FOR TGP DOCUMENTS	

I. BACKGROUND

4. The purpose of document TG/1/3 "General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants" (General Introduction), and the associated series of documents specifying Test Guidelines' Procedures (TGP documents), is to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Convention itself. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention. In addition, UPOV has developed "Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability" (Test Guidelines), for many individual species or other variety groupings. The purpose of those Test Guidelines is to elaborate certain of the principles contained in the General Introduction and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to

identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

5. As noted by the Chair at the fifty-fourth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 16 and 17, 2006, the development of TGP documents in relation to the DUS examination may be seen as another element in the preparation of information materials concerning the UPOV Convention¹ and, in addition to being published in their own right, the TGP documents can be used in support of various UPOV activities. In particular, the General Introduction and the TGP documents will form the basis of an advanced module on “Examination of Applications for Plant Breeders’ Rights” for inclusion in the Distance Learning program, which the Consultative Committee has entrusted the Office of the Union to develop.

6. The situation with regard to the development of TGP documents can be summarized as follows:

Document reference	Issue	Title	Issue date
TGP/0	/4	List of TGP Documents and Latest Issue Dates	October 20, 2011
TGP/1		General Introduction With Explanations	not yet issued
TGP/2	/1	List of Test Guidelines Adopted by UPOV	April 6, 2005
TGP/3		Varieties of Common Knowledge	not yet issued ²
TGP/4	/1	Constitution and Maintenance of Variety Collections	April 11, 2008
TGP/5		Experience and Cooperation in DUS Testing	
Introduction		Introduction	October 30, 2008
Section 1	/2	Model Administrative Agreement for International Cooperation in the Testing of Varieties	October 30, 2008
Section 2	/3	UPOV Model Form for the Application for Plant Breeders’ Rights	October 21, 2010
Section 3	/1	Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights	April 6, 2005
Section 4	/2	UPOV Model Form for the Designation of the Sample of the Variety	October 30, 2008
Section 5	/2	UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	October 30, 2008
Section 6	/2	UPOV Report on Technical Examination and UPOV Variety Description	October 30, 2008
Section 7	/3	UPOV Interim Report on Technical Examination	October 30, 2008
Section 8	/1	Cooperation in Examination	April 6, 2005
Section 9	/1	List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established	April 6, 2005
Section 10	/2	Notification of Additional Characteristics	October 20, 2011
Section 11	/1	Examples of Policies and Contracts for Material Submitted by the Breeder	October 30, 2008

¹ The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4. It also agreed the establishment of an advisory group to the CAJ (“CAJ-AG”) to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).

² At its fifty-fifth session, held in Geneva on March 29, 2007, “[t]he CAJ endorsed the conclusion of the CAJ-AG that the General Introduction already provided guidance with respect to the term ‘common knowledge’ and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 ‘Varieties of Common Knowledge’” (see document CAJ/55/7, paragraph 46).

Document reference	Issue	Title	Issue date
TGP/6	/1	Arrangements for DUS Testing	
Section 1	/1	Introduction	April 6, 2005
Section 2	/1	Examples of Arrangements for DUS Testing	April 6, 2005
Section 3	/1	Declaration on the Conditions for the Examination of a Variety Based on Trials Carried Out by or on behalf of the Breeder	April 6, 2005
TGP/7	/3	Development of Test Guidelines	October 20, 2011
TGP/8	/1	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	October 21, 2010
TGP/9	/1	Examining Distinctness	April 11, 2008
TGP/10	/1	Examining Uniformity	October 30, 2008
TGP/11	/1	Examining Stability	October 20, 2011
TGP/12	/1	Guidance on Certain Physiological Characteristics	October 22, 2009
TGP/13	/1	Guidance for New Types and Species	October 22, 2009
TGP/14	/1	Glossary of Terms Used in UPOV Documents	October 21, 2010
TGP/15		[New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]	under development

The General Introduction, approved TGP documents and adopted Test Guidelines are published on the UPOV website at http://www.upov.int/upov_collection/en/.

II. DEVELOPMENT OF TGP DOCUMENTS

New TGP Document

TGP/15: ~~[New Types of Characteristics]~~ [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]

- see document TGP/15/1 Draft 2

7. The TC at its forty-seventh session held in Geneva from April 4 to 6, 2011, and the CAJ, at its sixty-third session held in Geneva on April 7, 2011, agreed that document TGP/15 should be developed separately, but in parallel, to document BMT/DUS on the basis that document BMT/DUS would provide a report on the development and consideration of all models within UPOV and that document TGP/15 would provide guidance for the use of those models that had received a positive assessment and for which accepted examples could be provided, i.e. Models “Characteristic-specific molecular markers” and “Combining phenotypic [characteristics] and molecular distances in the management of variety collections” for the time being. The TC and the CAJ agreed that the purpose of both documents should be clarified within the documents and noted that both documents would need to be adopted by the Council. The TC and CAJ also agreed that consideration should be given to how to maintain both documents in an efficient way (see document TC/47/26 “Report on the Conclusions”, paragraph 16). At its forty-fifth ordinary session, held in Geneva on October 20, 2011, the Council adopted document BMT/DUS/1 “Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)” on the basis of document BMT/DUS/1 Draft 6 (see document C/45/17 “Report on the Decisions”, paragraph 21).³

³ In accordance with the sequential numbering of information materials, the reference for document “Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)” has been changed from “BMT/DUS/1” to “UPOV/INF/18/1”.

8. At its sixty-fourth session held in Geneva on October 17, 2011, the CAJ noted that the CAJ would be invited to consider document TGP/15/1 Draft 2 at its sixty-fifth session, in March 2012, and that the title of document TGP/15, currently “New Types of Characteristics”, would need to be amended (see document CAJ/64/11 “Report on the Conclusions”, paragraph 17).

9. The TC-EDC, at its session held in Geneva, on January 11 and 12, 2012, considered documents TC-EDC/Jan12/2 “TGP Documents” and TGP/15/1 Draft 1 and recommended that document TGP/15/1 Draft 1 should be redrafted (restructured) to provide the following:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

The recommendation of the TC-EDC will be considered by the TC at its forty-eighth session to be held in Geneva from March 26 to 28, 2012. In the meantime, no changes have been made to the structure of the document TGP/15/1 Draft 1.

10. The comments of the TC, at its forty-eighth session, to be held in Geneva from March 26 to 28, 2012, will be reported to the CAJ at its sixty-fifth session.

11. The CAJ is invited to consider document TGP/15/1 Draft 2, as set out in paragraphs 7 to 10 above.

Revision of TGP Documents

TGP/7: “Development of Test Guidelines”

12. The TC, at its forty-eighth session, will consider matters for a future revision of document TGP/7 “Development of Test Guidelines”. Those matters are summarized as follows:

Revisions on which the Technical Committee reached a conclusion at its forty-seventh session:

Coverage of Ornamental Varieties in Test Guidelines

13. The TC agreed to the addition of new Additional Standard Wording (ASW) for Chapter 1 of the Test Guidelines in a future revision of TGP/7 “Development of Test Guidelines”, as follows:

“In the case of [ornamental] [fruit] [industrial] [vegetable] [agricultural] [etc.] varieties, in particular, it may be necessary to use additional characteristics or additional states of expression to those included in the Table of Characteristics in order to examine Distinctness, Uniformity and Stability.”

with an explanation in document TGP/7 that such wording should not lead to any particular conclusions as to whether other types of varieties should or should not be covered by the development of separate Test Guidelines, since that would need to be considered on a case-by-case basis (see document TC/47/26 “Report on the Conclusions”, paragraph 54).

Applications for Varieties with Low Germination

14. The TC agreed that, for the time being, no revisions should be considered for document TGP/7 in relation to applications for varieties with low germination (see document TC/47/26 “Report on the Conclusions”, paragraph 58).

Selection of Asterisked Characteristics

15. The TC agreed that the final sentence of document TGP/7/2, GN 13.1 “Asterisked characteristics”, Section 1.2, should be amended to read “The number of asterisked characteristics should, therefore, be determined by the characteristics which are required to achieve useful internationally harmonized variety descriptions”. On the basis of that change, the TC agreed that the guidance provided in document TGP/7, GN 13, on the selection of asterisked characteristics was appropriate and sufficient and that it would only be

necessary to ensure that the guidance was followed in the development of Test Guidelines (see document TC/47/26 "Report on the Conclusions", paragraph 59).

Indication of Grouping Characteristics

16. The TC agreed that it would not be appropriate to revise document TGP/7 in order to include an indication of grouping characteristics in the Table of Characteristics in the UPOV Test Guidelines (see document TC/47/26 "Report on the Conclusions", paragraph 60).

Standard References in the Technical Questionnaire

17. The TC agreed to delay consideration of the approach for providing standard references for the UPOV Technical Questionnaire and for the characteristics in the Test Guidelines with a view to a future revision of document TGP/7, pending the outcome of work on the Linear Blank Form for PBR Applications (see document TC/47/26 "Report on the Conclusions", paragraph 68).

Revisions to be considered by the Technical Committee at its forty-eighth session:

18. The TC will consider the following matters at its forty-eighth session:

- Quantity of Plant Material Required;
- Guidance on the Number of Plants to be Examined (for Distinctness);
- Guidance for Method of Observation;
- Example Varieties;
- Providing Photographs with the Technical Questionnaire; and
- Procedure for the Development of Test Guidelines.

19. The program for the revision of TGP/7 will be considered by the TC, at its forty-eighth session, and the conclusions of the TC will be reported to the CAJ at its sixty-fifth session.

20. The CAJ is invited to note the developments concerning the revision of document TGP/7 "Development of Test Guidelines", as set out in paragraphs 12 to 19 above.

TGP/12 : "Guidance on Certain Physiological Characteristics"

- see document TGP/12/2 Draft 2

21. At its forty-fifth session, held in Geneva from March 30 to April 1, 2009, the Technical Committee (TC) considered a proposal made by Mr. Kees van Ettehoven (Netherlands) at the forty-second session of the Technical Working Party for Vegetables (TWV), held in Cracow, Poland, from June 23 to 27, 2008, concerning the nomenclature of disease resistance. The TC agreed to invite the TWV to propose whether to include a section on the nomenclature of disease resistance in document TGP/14 "Glossary of Terms Used in UPOV Documents" or in a future revision of document TGP/12 "Guidance on Certain Physiological Characteristics".

22. At its forty-third session, held in Beijing, China, from April 20 to 24, 2009, the TWV considered documents TWV/43/13 "Nomenclature of Pathogens" and TWV/43/16 "Principles on the Use of Disease Resistance Characteristics in UPOV Test Guidelines" and concluded that the proposal should be presented to the TC and other Technical Working Parties (TWPs) for consideration for a possible future revision of document TGP/12/1 (document TGP/12/2). It also agreed that the states of expression for quantitative characteristics with three notes might be reviewed, if appropriate.

23. At its forty-sixth session, held in Geneva from March 22 to 24, 2010, the TC agreed that the TWV should develop a proposal for a revision of document TGP/12/1 in order to provide guidance on the nomenclature and use of disease resistance characteristics, as set out in paragraphs 21 and 22 above. The proposals concerning the revision of document TGP/12 are presented in document TGP/12/2 Draft 2, which will be considered by the CAJ at its sixty-fifth session.

24. The comments of the TC concerning document TGP/12/2 Draft 2, at its forty-eighth session, will be reported to the CAJ at its sixty-fifth session. The program for the development of TGP documents anticipates the adoption of the revision of document TGP/12/2 by the Council at its forty-sixth ordinary session to be held in Geneva on November 1, 2012. The French, German and Spanish translations of the original English text will be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/12/2 to the Council.

25. The CAJ is invited to consider the revision of document TGP/12/2 Draft 2 "Guidance on Certain Physiological Characteristics", in conjunction with the comments of the TC, as the basis for the adoption of the revision of document TGP/12/2 by the Council at its forty-sixth ordinary session to be held in Geneva on November 1, 2012.

III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

26. The Annex to this document proposes a program for the development of TGP documents on the basis of the program agreed by the TC at its forty-seventh session and the CAJ, at its sixty-fourth session (see documents TC/47/26 "Report on the Conclusions", paragraph 86, and document CAJ/64/11 "Report on the Conclusions", paragraph 14, respectively), and the discussions at the TWP sessions in 2011 and the recommendations of the TC-EDC at its meeting on January 11 and 12, 2012.

27. The comments of the TC concerning the program for the development of TGP documents, at its forty-eighth session, will be reported to the CAJ at its sixty-fifth session.

28. The CAJ is invited to consider the program for the development of TGP documents, as set out in the Annex to this document.

[Annex follows]

CAJ/65/3
ANNEX

Ref.	Title of document	Current approved documents	2011			2012			2013																
			TC-EDC	TC/47	CAJ/63	TWPs	CAJ/64	C45	TC-EDC	TC/48	CAJ/65	TWPs	CAJ/66	C/46	TC-EDC	TC/48	CAJ/65	TWPs	CAJ/66	C/46					
TGP/0	List of TGP Documents and Latest Issue Dates	TGP/0/4 ADOPTED																							
TGP/1	General Introduction with Explanations	-																							
TGP/2	List of Test Guidelines Adopted by UPOV	TGP/2/1 ADOPTED																							
TGP/3	Varieties of Common Knowledge	C(Ext.)/19/2 Rev.																							
TGP/4	Constitution and Maintenance of Variety Collections	TGP/4/1 ADOPTED																							
TGP/5	Experience and Cooperation in DUS Testing	ADOPTED																							
TGP/6	Arrangements for DUS Testing	TGP/6/1 ADOPTED																							
TGP/7	Development of Test Guidelines	TGP/7/3 ADOPTED	TC-EDC/Jan11/2 .6, 7, 10	TC/47/16-19																					
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	TGP/8/1 ADOPTED	TC-EDC/Jan11/8	TC/47/20																					
TGP/9	Examining Distinctness	TGP/9/1 ADOPTED																							
TGP/10	Examining Uniformity	TGP/10/1 ADOPTED																							
TGP/11	Examining Stability	TGP/11/1 ADOPTED	TGP/11/1 Draft 9	TGP/11/1 Draft 10	TGP/11/1 Draft 10																				
TGP/12	Guidance on Certain Physiological Characteristics	TGP/12/1 ADOPTED	TC-EDC/Jan11/1 2	TC/47/23																					
TGP/13	Guidance for New Types and Species	TGP/13/1 ADOPTED																							
TGP/14	Glossary of Terms Used in UPOV Documents	TGP/14/1 ADOPTED	TC-EDC/Jan11/1 3	TC/47/21,22																					
TGP/15	[New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]																								