

Technical Working Party for Agricultural Crops**TWA/47/4****Forty-Seventh Session
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MINIMUM DISTANCE BETWEEN VARIETIES*Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance*

The Annex to this document contains a copy of a presentation on “Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties”, prepared by an expert from the European Union, to be made at the forty-seventh session of the Technical Working Party for Agricultural Crops (TWA).

[Annex follows]



CPVO

Community Plant Variety Office

Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties

TWA/47; Naivasha, Kenya
Anne Weitz, CPVO

Foreword

- Project leader: Kees van Ettekovén (author of a large part of this presentation)
- Objective of the project

Statement from CIOPORA

the 'distance' between varieties is becoming too small and thus the Plant Breeders' Right is becoming weaker. The threshold for the distance between varieties should be raised. It is more urgent for some species compared to other.



Foreword

Objective of the project

- Distinction
 - only on important characteristics and
 - less states of expression in certain characteristics
- Uniformity and Description
 - full set of current characteristics



Project

Objective of the project

- Material tested: 50 last CPVO protected varieties re-examined
 - apple
 - rose and
 - pelargonium



Project

- Partners



GEVES

nak'tuinbouw

Bundesministerium für Ernährung und Landwirtschaft

ÚKZÚZ

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CIOPORA
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Community Plant Variety Office



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Project

- 'Mock protocols' designed and implemented
 - selection of reference varieties
 - re-assessment of distinctness between the candidate and the varieties grown in the (original) trial
 - re-assessment of distinctness between the candidate and the closest varieties identified in the (original) trial



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Project Conclusions

- Effect 'mock' Technical Protocols
 - Not the effect on D as expected by CIOPORA.
 - Some varieties visually obviously D not longer D on paper
 - more difficult to exclude varieties of common knowledge
- Consequence:
 - more varieties in the trials
 - Test more expensive.



Reports by the participating Examination Offices on apple

	No of varieties checked	No longer distinct	No of char. in TG	No of char. deleted	No of char. with less notes	No of char. unchanged
DE	22	3				
CZ	8	0				
FR	26	3				
total	56	6	56	25	7	24



Reports on Rose by the participating Examination Offices

Rose (DE and GB Garden Roses, NL Cut Roses)

	No of varieties checked	No longer distinct	Number of char. in TG	No of char. Unimportant for Distinctness	No of char. with fewer notes	No of char. unchanged
DE	16	2				
GB	7	3*				
total	23	5	51	20	13	18
NL	29	26*				

* no longer distinct after first year of test, further study would be needed



Report on Pelargonium by the participating Examination Office

	No of varieties checked	No longer distinct	No of char. in TG	No of char. deleted	No of char. with fewer notes	No of char. unchanged
DE	50	2	60	16	3	41



Possible follow-up

1. Results case study presented

- TWO
- TWf

2. Further discussion on the basis of living plants

- to improve mutual understanding.
- Ornamental sector: CIOPORA to supply actual cases of varieties they consider not clearly distinct in order to clarify their position
 - ✓ Pelargonium follow-up's project under discussion
- Fruit sector: UPOV revision of the apple guideline, CIOPORA committed to participate actively in discussions
 - ✓ Possibility to propose removal/addition of some characteristics or of some stages of expression

3. CIOPORA is invited to ensure stronger involvement by breeders in the discussions on the revision and drafting of Test Protocols and Guidelines.



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Possible follow-up

4. Legal clarity needed

- 'Important' vs 'unimportant characteristics'
 - ✓ use of characteristics for Uniformity, Stability and description, but not for Distinctness
 - ✓ different approaches in fruit and ornamentals vs agriculture and vegetables
- ⇒ Discussions will take place at the TC



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