



TWF/41/6

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL WORKING PARTY FOR FRUIT CROPS

Forty-First Session
Cuernavaca, Morelos State, Mexico
September 27 to October 1, 2010

VARIETY DESCRIPTION DATABASE

Document prepared by the Office of the Union

1. The purpose of this document is to report on developments concerning variety description databases.

Background

2. At its forty-fifth session, held in Geneva from March 30 to April 1, 2009, the Technical Committee (TC) noted from the developments reported in document TC/45/9 "Publication of variety descriptions" that members of the Union were developing databases containing morphological and/or molecular data and, where considered appropriate, were collaborating in the development of databases for the management of variety collections, particularly on a regional basis. The TC agreed that it could be beneficial to offer the possibility for members of the Union to report on that work in a coherent way to the TC, the Technical Working Parties (TWP) and the BMT. On that basis, the TC agreed to replace the agenda item "Publication of variety descriptions" with an item for "Variety description databases" on the agendas of the forthcoming sessions of the TC, TWPs and the BMT. In that respect, it recalled the importance of the list of criteria for consideration for the use of descriptions obtained from different locations and sources as set out in document TC/45/9, paragraph 3. The TC also agreed that the information presented would not need to be related to the publication of descriptions (see document TC/45/16 "Report", paragraph 173).

Developments in the Technical Working Parties

3. At the forty-third session of the Technical Working Party for Vegetables (TWV), held in Beijing, China, from April 20 to 24, 2009, an expert from the Netherlands reported that the Netherlands intended to publish its variety descriptions on its website. The TWV agreed that consideration should be given to how a link to that information could be provided on the UPOV website. In response to a question from the International Seed Federation (ISF), the expert from the Netherlands explained that particular consideration would be given to the publication of variety descriptions of parent lines. It was explained that descriptions of parent lines only submitted as a part of an application for a hybrid variety would not be published.

4. The TWV noted the importance of the availability of variety description information, while recognizing in particular that variety descriptions from different locations would not necessarily be harmonized. The TWV also noted the difficulties that could arise in obtaining example varieties and noted that that matter would be considered in the discussions on document TGP/7, GN 28 "Example varieties" (see document TWV/43/17 "Report", paragraphs 56 to 58).

5. At its fortieth session, held in Angers, France, from September 21 to 25, 2009, the Technical Working Party for Fruit Crops (TWF) received a presentation on the Community Plant Variety Office of the European Union (CPVO) project on the "Management of peach tree reference collections" from Mr. Sergio Semon (European Community) and Mr. Thierry Pascal (France). Copies of their presentations are provided as Annex VIII to document TWF/40/17 "Report". It was explained that the project would run for 3 years from 2008 to 2010 and was a collaborative R&D project co-financed by CPVO, together with its examination offices for peach, which were in France, Spain, Italy and Hungary. The aim of project was "to create and manage a peach tree database via the establishment of an European Union *Prunus persica* tree collection structures in varietal groups, by using a common database containing phenotypic, visual and molecular descriptions" (see document TWF/40/17 "Report", paragraph 61).

6. At the forty-sixth session of the TC, held in Geneva from March 22 to 24, 2010, the Delegation of the European Union informed the TC that a new functionality would be added to the Community Plant Variety Office of the European Union (CPVO) database on applications and titles granted, which was available to the public through its official webpage. The aim of that new development was to provide direct access to some of the documents included in the CPVO register. Access to public inspection constituted a legal obligation in the EC Regulation 2100/94, also the EC Regulation 1049/2001 stated, at a certain stage, that institutions shall as far as possible make documents directly accessible to the public in electronic form. Presently the CPVO was providing access to documents upon request. From 2010 onwards the public would be able to read and download the following documents through the CPVO website:

- Application forms (information related to parent lines excluded)
- Technical Questionnaires (information on parent lines and breeding schemes excluded)
- Proposals for variety denomination
- Official variety descriptions
- Photos taken by the Examination Office
- Decisions to grant and refuse applications
- Decisions to cancel and declare a protected variety null and void

7. The Delegation of the European Union explained that, to avoid the issues on improper use of official variety descriptions and technical information and photos provided by applicants, the CPVO would publish a disclaimer which provided information on the status of such documents, as well as its appropriate use. Official variety descriptions published on the CPVO website are property of the CPVO or of a national authority and shall not be used for official registration purposes (national list and/or plant breeders' rights), unless the CPVO had given its consent in writing.

8. At its forty-sixth session, the TC also heard that, in relation to the report in paragraph 3 above, the Netherlands had not started to publish its variety descriptions on its website. The TC agreed that the common search platform/portal, to be developed under the UPOV-WIPO arrangement concerning the UPOV-ROM, should be extended to cover variety description databases. The Delegation of Australia indicated its willingness to provide a link to its variety description information through such a facility (see document TC/46/15 "Report on the conclusions", paragraph 75).

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