



TWF/41/19

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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**

REVISION OF DOCUMENT TGP/7:  
PROVIDING PHOTOGRAPHS WITH THE TECHNICAL QUESTIONNAIRE

*Document prepared by experts from the European Union*

**BACKGROUND**

1. At its thirty-ninth session, held in Lisbon, Portugal, from June 2 to 6, 2008, the Technical Working Party for Fruit Crops (TWF) made the following proposal concerning ASW 16 (TG Template: Chapter 10: TQ 7.3) – “Where a photograph of the variety is to be provided”: the TWF proposed to add text indicating that guidance would be provided by the authority to enhance the usefulness of the photograph (e.g. to include a metric scale in the picture, to define what parts of the plant should be included; light conditions, background color, etc). The TWF agreed that the European Union, in collaboration with Australia, would prepare a draft text. At its forty-first session, held in Wageningen, Netherlands, from June 9 to 13, 2008 the Technical Working Party for Ornamental Plants and Forest Trees (TWO) agreed that the European Union, in collaboration with Australia and Canada, should prepare such a draft text.

2. At its forty-second session, held in Angers, France, from September 14 to 18, 2009, the TWO considered document TWO/42/16 “Guidance for Applicants on Providing Suitable Photographs of the Candidate Variety as an Accompaniment to the Technical Questionnaire”, prepared by an expert from the European Union. The TWO agreed that the document provided a good basis to develop Additional Standard Wording (ASW) for inclusion in a

future revision of document TGP/7, but agreed that the text was too prescriptive and would need to be edited to be more suitable for applicants completing the Technical Questionnaire. In addition, it was agreed that it would be useful to explain that the photograph(s), if provided in an appropriate format, “may help the examination authority to conduct its examination of distinctness in a more efficient way” (quote from the TG/Template, Technical Questionnaire: Section 6). The TWF, at its fortieth session, agreed with the proposals of the TWO and also agreed that the text should be of a suitable length for applicants, although it should be explained that it would be possible for authorities to make the full explanation available by means of a link, rather than including all the text in the Technical Questionnaire. The TWO agreed that the European Union, in collaboration with experts from Australia, Canada, Germany, New Zealand and the United Kingdom, should prepare draft text of an ASW for consideration by the Technical Working Parties at their sessions in 2010.

3. At its thirty-ninth session, held in Osijek, Croatia, from May 24 to 28, 2010, the Technical Working Party for Agricultural Crops (TWA) considered document TWA/39/19 (see document TWA/39/27 “Report”, paragraphs 61 and 62).

4. With regard to the proposed new text for ASW 16 in document TWA/39/19, paragraph 5 (paragraph 7 in this document), the TWA agreed that the wording should indicate that a photograph “would” help the examination authority to conduct its examination of distinctness in a more efficient way and “would” be used by the examination authority.

5. The following proposal has been amended in response to the comments made by the TWA at its thirty-ninth session and comments received from ornamental and fruit experts from Germany, New Zealand and the United Kingdom.

## PROPOSAL

### Additional Standard Wording (ASW)

6. Currently, TGP/7 (TG Template: Chapter 10: TQ 7.3) ASW 16 “Where a photograph of the variety is to be provided” states the following:

“A representative color photograph of the variety should accompany the Technical Questionnaire”

7. That text could be expanded in the Technical Questionnaire (TQ) in order to briefly explain to applicants the purpose of the color photograph. A weblink could also be created via the new text in the TQ in order to provide greater details on the best manner in which to take photographs, based on documents TWO/42/16 and TWF/40/14. The proposed new text for ASW 16 could read as follows

“A representative color photograph (image) of the variety displaying its main distinguishing feature(s), must accompany the Technical Questionnaire. A photograph provided in an appropriate format will help the examination authority to prepare its examination of distinctness in a more efficient way by giving a visual illustration of the candidate variety. The information provided by the photograph may be used in the selection of the most appropriate varieties of common knowledge to be grown alongside the candidate variety in the trial, as well as to place the variety optimally within the DUS trial. For greater details, please consult the following weblink: [www.\[.....\]](#).”

Guidance for applicants on providing suitable photographs of the candidate variety as accompaniment to the Technical Questionnaire

*Introduction*

8. The submission of photographs of a candidate variety together with the technical questionnaire is an obligation by many PBR authorities in order to have a complete PBR application. The purpose of the photograph is to provide useful and discriminatory information about the candidate variety for the organization of the DUS technical examination. The photograph may be published in the PBR authority's Official Journal to inform third parties of the details of new applications. The information provided by photographs, submitted by the breeder may in particular be useful for ornamental and fruit species, but certain other agricultural and vegetable species can also benefit from having photographs in order to have an optimal DUS trial design. In essence, the photographs complement the information furnished in the technical questionnaire and provide visual information on how a variety may be distinct from similar varieties of common knowledge, thereby assisting in the determination of reference varieties to be included or excluded in the DUS trial.

9. The taking of photographs of candidate varieties is influenced by various factors, including light conditions, the background, the quality and resolution of the camera or the screen on which the photos are viewed. It is certainly not possible to standardize all conditions when photos are taken in the premises of breeders but this paper aims to provide guidance in order to provide meaningful and coherent information on the candidate variety, while decreasing the influence of the origin of the photograph (location, equipment, etc). By decreasing the influence of these external factors on the taking of photographs, it will help to ensure that "color", the most significant trait liable to be affected by an imprecise picture, will be reliably represented in photographs provided by applicants. It should be noted that whilst a photograph may broadly depict color, reference to the relevant RHS Colour Chart in the text provides greater precision.

*Criteria for taking photographs*

(i) Photographs must be in color and submitted either in print form of at least 10cm x 15 cm, or as an electronic photo in jpeg format (minimum 960x1280 pixels). However, it should be noted that different makes/models of computer screens can influence the expression of the color and the advantage of a printout is that the breeder can make a comment, e.g. actual color darker, and the examination office would see exactly the same printout. The photograph must be well focused and aim to have the plants or plant parts occupy as much of the frame of the photograph as possible;

(ii) Photographs must illustrate plants of the candidate variety at the stage when the distinctive features of the variety are most apparent. Often this is when the plants are fully developed and at the stage when they are of commercial value (e.g. flowering for many ornamentals, fruiting for many fruit species), which usually corresponds to the main set of characteristics in the corresponding UPOV Test Guidelines for the species in question;

(iii) The plants of the candidate variety appearing in the photographs should have been grown under standard growing conditions for the crop in question, which may be indicated in the TQ (e.g. indoor, outdoor, season of the year). If this is not the case, then any possible alteration in the expression of the characteristic(s) appearing in the photographs must be

specified (e.g. seasonal conditions may influence the color and pattern of flowers in certain ornamental species). Furthermore, the photographs must not illustrate the original bred or discovered plant, or in the case of a new mutation or sport the plant part from which the variety originated. Instead, the photograph supplied must be based upon plants or trees propagated from the original plant or plant part;

(iv) The photographs should show the plant parts that are a distinguishing feature of the candidate variety, as well as those of the whole plant and the most important commercial organs (flower, fruit, etc.). If the distinctive features of the candidate variety are very specific (e.g. seed size, shape of leaf, length of awns, etc.), it is recommended to remove those plant parts from the plant and take a well-focused close-up photograph of them.

(v) If the applicant wishes to illustrate differences between the candidate variety and the variety thought to be the most similar by the applicant, as nominated by them under Section 6 of the TQ, it may be useful to provide photographs of the candidate variety alongside the nominated similar variety. In such photographs, the distinguishing plant parts of the candidate variety should be photographed alongside the same plant parts of the nominated similar variety. In order to have consistency in the display of such photographs for the use of the examination office, the candidate variety must always be on the left side of the photograph taken alongside the similar variety; special care must also be taken that both the candidate variety and the similar variety are correctly labeled. Where there is more than one similar variety named by the applicant, a separate photograph of the relevant plant parts of the candidate variety and each of those of the similar varieties could be provided.

(vi) To avoid any possible mix-up of photographs with other candidate varieties in the DUS trial, the candidate variety (and where relevant the similar variety) appearing in a photograph must be clearly labeled with the breeder's reference and/or (proposed) variety denomination; trade names may be used only in addition to the breeder's reference and/or (proposed) variety denomination. A metric scale in centimeters – and millimeters where a close-up photograph has been taken – should ideally appear along the horizontal and vertical margins of the photograph. If, in ornamental species, the photograph illustrates the color of the flower of the candidate variety, it is useful to display the relevant sheet of the RHS Colour Chart with the corresponding color alongside.

(vii) Photographs should be taken under adequate light conditions and with an appropriate background. It is preferable to have photographs taken indoors, since one can ensure homogenous photographic conditions irrespective of the type of photographs and number of candidate varieties supplied by the same applicant. The background of the photograph should be neutral (e.g. off-white in case of dark colors or grey in case of light colors) and not reflect light. If the photograph is taken indoors, then this should preferably be done in the same room and under artificial light conditions which will ensure identical and ample luminosity on repeated occasions over time. If a photograph needs to be taken outdoors, this should not be in direct sunlight but in a shaded area with as much indirect natural light as possible or on a cloudy day.

#### COMMENTS MADE BY THE TECHNICAL WORKING PARTY ON AUTOMATION AND COMPUTER PROGRAMS (TWC) AND TECHNICAL WORKING PARTY FOR VEGETABLES (TWV)

10. The Technical Working Party on Automation and Computer Programs (TWC), at its twenty-eighth session, held in Angers, France, from June 29 to July 2, 2010, considered

document TWC/28/19 (paragraphs 1 to 9 of this document) and made the following comments (see document TWC/28/36 “Report”, paragraph 40):

paragraph 9	<ul style="list-style-type: none"> <li>- to revise the first sentence to refer only to aspects affecting the image captured by the photograph and to introduce a separate sentence to address aspects affecting the reproduction of the image (e.g. resolution of the screen on which the image is viewed)</li> <li>- to replace “an imprecise picture” with “such factors”</li> </ul>
paragraph 9 (vi)	to modify the final sentence to apply to situations other than flower color in ornamental plants and to consider adding the possibility of using a standard color check chart , instead of the RHS Colour Chart
paragraph 9 (vii)	<ul style="list-style-type: none"> <li>- to replace “and not reflect light” to “should not have a shiny surface”, for example</li> <li>- to add an explanation that there should be uniform light distribution over the object to be photographed, and to give examples of how that might be achieved, e.g. by a light tent</li> </ul>

11. The Technical Working Party for Vegetables (TWV), at its forty-fourth session, held in Veliko Tarnovo, Bulgaria, from July 5 to 9, 2010, considered document TWV/44/19 (paragraphs 1 to 9 of this document) (see document TWV/44/34 “Report”, paragraphs 49 to 51).

12. The TWV agreed that the sentence in paragraph 9 (v) “In order to have consistency in the display of such photographs for the use of the examination office, the candidate variety must always be on the left side of the photograph taken alongside the similar variety; special care must also be taken that both the candidate variety and the similar variety are correctly labeled.” should be reviewed, because it was not necessarily the case that examination offices specified that the candidate variety must always be on the left side.

13. The TWV noted the concerns of ISF concerning a requirement for photographs to be required for vegetable crops, especially as a failure to provide such a photograph could result in a rejection of an application. In particular, it noted the emphasis by ISF on the need to clarify that photographs should only be requested if they would supplement the information provided in the Technical Questionnaire. In that regard, ISF considered that a photograph should be attached to the variety description by the authority if an applicant was required to provide a photograph with the Technical Questionnaire.

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