

Technical Working Party for Ornamental Plants and Forest Trees TWO/50/8**Fiftieth Session****Victoria, British Columbia, Canada, September 11 to 15, 2017****Original:** English**Date:** August 16, 2017


CASE STUDY ON MINIMUM DISTANCES BETWEEN VEGETATIVELY REPRODUCED ORNAMENTAL AND FRUIT VARIETIES*Document prepared by an expert from the Netherlands**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 Netherlands, to be made at the fiftieth session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO).

[Annex follows]

CASE STUDY ON MINIMUM DISTANCES BETWEEN VEGETATIVELY REPRODUCED
ORNAMENTAL AND FRUIT VARIETIES

Presentation by an expert from the Netherlands



CPVO
Community Plant Variety Office

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

Project leader: Kees van Ettehoven

Presentation on behalf of CPVO by Bert Scholte (Naktuinbouw)

Foreword

- Objective of the project

Statement from CIOFORA

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 others.



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



Foreword

Objective of the project

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



Project partners

- Partners



Foreword

- '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



Conclusions

- Effect 'mock' Technical Protocols
 - Not the effect on D as expected by CIOPORA.
 - Some varieties visually obviously D no 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 to be presented
 - TWO and
 - TWF
2. Further discussion on the basis of living plants
 - to improve mutual understanding.
 - CIOPORA to supply actual cases of varieties they consider not clearly distinct in order to clarify their position.
3. CIOPORA is invited to ensure stronger involvement by breeders in the discussions on the revision and drafting of Test Protocols and Guidelines.
4. Legal clarity needed
 - characteristics used for U (and S) can differ from those used for D



Thank you for your attention

