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UPOV

C/X/9

ORIGINAL: English

DATE: June 28, 1976

## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## COUNCIL

**Tenth Ordinary Session  
Geneva, October 13 to 15, 1976**PROGRESS REPORT ON THE WORK  
OF THE TECHNICAL STEERING COMMITTEEprepared by the Office of the Union

1. The Technical Steering Committee, hereafter referred to as "the Committee", held its seventh session on November 6 and 7, 1975, and its eighth session on May 6 and 7, 1976, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany). The respective reports are contained in documents ST/VII/4 and ST/VIII/5. Almost all items discussed during the seventh session of the Committee underwent further discussion during its eighth session. The main results achieved during the two sessions were the following.

Data Recording and Interpretation

2. The Committee discussed at length the different methods used for the testing of maize hybrids. In addition, it started discussing problems of examination in general. The results of these discussions achieved so far are reproduced in Annex I to this report. The discussions on this item will continue during the ninth session of the Committee, scheduled to be held from November 17 to 19, 1976. Once the discussions have led to further results, it is also intended to present these results to the professional organizations in the field of plant breeding and the seed trade for comments.

Test Guidelines

3. During its seventh session, the Committee adopted Test Guidelines for Carnation and Freesia and, during its eighth session, Test Guidelines for Tomato and Strawberry. These Test Guidelines have been printed and published. Some other Test Guidelines were referred back by the Committee to the Technical Working Parties for further improvement. At the moment 23 Test Guidelines in all have been adopted by UPOV.

4. Recently the different Technical Working Parties finalized the work on 16 other draft Test Guidelines, the majority of which will be presented to the Committee during its ninth session for adoption. In addition, the Technical Working Parties have prepared first drafts for 11 other Test Guidelines, which have already been or will soon be sent to the professional organizations in the field of plant breeding and the seed

trade for comments. The Committee has agreed at its eighth session that the Council should be asked to invite each Technical Working Party to check crop by crop whether scientific organizations should be invited to comment on draft Test Guidelines subject to their having already undertaken some standardization work in the same field.

#### Technical Questionnaires

5. During the seventh session, The Committee discussed the possibility of harmonizing forms for technical questionnaires to be filled in by the breeder when applying for plant breeders' rights. The Committee finally agreed on a model for a harmonized technical questionnaire as reproduced in Annex II to this report. During its eighth session, the Committee started discussing the drafts for technical questionnaires for those species for which Test Guidelines had so far been adopted by UPOV. These draft technical questionnaires will be re-examined by the Editorial Committee in the light of comments received and will be presented to the Committee again for adoption. The Committee decided that for all other species the Technical Working Parties would in future have to prepare the technical questionnaires simultaneously with the elaboration of the corresponding guidelines and that both would be published together in one document.

#### Report on Technical Examination

6. The Committee also discussed the possibility of harmonizing the reports on technical examination. This work is considered to be of special importance in cases where, under bilateral agreements based on the UPOV Model Agreement for International Cooperation in the Testing of Varieties, one national authority receives test reports from another national authority. The Committee finally agreed on a Model for the Report on Technical Examination as reproduced in Annex III to this report. With respect to the results of the technical examination, the Committee agreed that the report on distinctness could consist of a statement to the effect either that the combination of the described characteristics showed sufficient differences in the new variety as compared with other known varieties or that the variety resembled most closely some other varieties. In the latter case, a short description of the differences with the resembling varieties should be given. The report on homogeneity could merely consist of the statement "sufficient." In doubtful cases, the report could contain data concerning variants observed, with a description of the differences, the number of variants and/or the percentage. The Committee agreed that in the case of a positive conclusion, the description of the variety should be given in an annex to the Report. Page 2 of Annex III to this Report contains under A an example of how the different characteristics should be presented. With respect to the description of a variety, the Committee agreed that all characteristics of given test guidelines should be mentioned and that those characteristics which had not been observed should receive a X in the square normally provided for the note of the state of expression. Under B, in the case of protected varieties or varieties under test, the application number should also be mentioned. Under C, additional characteristics not mentioned in the UPOV Test Guidelines could be included or other details important for the description of the variety. The Committee further agreed that information on facts known to the examining authority which were not requested in the examination report, but might be important or useful for the decision of the requesting authority, should not be included in the Report on Technical Examination but should be sent to the requesting authority in a separate letter.

#### Special Problems in Connection with the Examination

7. The Committee also discussed the problems arising from the use of DDT for distinguishing barley varieties and the fact that this chemical has been banned in several of the member States of UPOV. The Committee continued its discussion on the assessment of colors in connection with the examination of new varieties. These discussions will be pursued during the coming session.

8. The Council is invited to take the necessary decisions, especially with respect 4, 5 and 6 of this report.

Data recording and interpretation

I. During its seventh and eighth sessions, the Technical Steering Committee (hereinafter referred to as "the Committee") discussed at length the different methods used for the testing of maize hybrids. In a special effort to come to a compromise between the different opinions expressed, the Committee agreed on the following principles:

1. A difference in formula of a hybrid is not enough by itself and the protection of a hybrid variety of maize requires that it be sufficiently different in its characteristics when compared with other varieties. If an application is filed for protection of a hybrid variety of maize which is based on a formula already existing, the applicant has to be informed of the fact and given the possibility of withdrawing his application. If he does not withdraw his application, the authority has to test the variety.
2. A reciprocal cross of a maize hybrid is acceptable as a new variety if it is distinct in its varietal characteristics.
3. The majority of the Committee thinks that the characteristics of the seed needed for sowing are characteristics of the variety. The French Delegation, however, is of the opinion that this might have the effect of favoring the introduction of very similar varieties to the detriment of the original breeder. The other delegations feel that there is a consumer interest which has to be weighed against the breeder's interest. It is therefore the intention of the Committee to discuss this problem with the professional organizations. The Delegation of the Federal Republic of Germany is of the opinion that the characteristics of the seed used for growing the variety belong to the variety as part of the female component.
4. The characteristics establishing distinctness between two hybrid varieties of maize have to be homogeneous or, if heterogeneous, have to segregate according to predictions made on the basis of the formula of the hybrid. For segregating characteristics of maize hybrids, use has to be made of the knowledge received from components which predict a certain segregation. Clear-cut segregating characteristics have therefore to be treated as qualitative characteristics. The Technical Working Party for Agricultural Crops will prepare a special Annex to the Test Guidelines for Maize where it will group all those characteristics in respect of which the hereditary aspects are well known.
5. For three-way or double-cross varieties of maize at least the main characteristics or grouping characteristics have to be described. The Technical Working Party for Agricultural Crops will revise the existing Test Guidelines for Maize and indicate in the revised version which of the characteristics have to receive an asterisk(\*) (compulsory characteristics) and which have to be marked with an (H) (to be observed as indicated in paragraph 4 above, having regard to the particular features of the reproduction of the variety and to its examination).
6. The methods and the type of testing have to be harmonized. A minimum of 3 kg. of seed has to be requested for the variety under examination and fifty plants have to be observed on at least one station. For the observations, the characteristics of the Test Guidelines for Maize have to be used. In addition to the hybrid itself, the components also have to be tested. The Technical Working Party for Agricultural Crops will decide how many viable seeds have to be requested for testing the components.

II. Having discussed several problems specific to the examination of maize hybrids, the Committee had a discussion on examination in general. It finally reached agreement on the following points.

7. In the case of true qualitative characteristics (in the sense of discrete, discontinuous characteristics), two varieties have to be considered distinct if they show expressions which fall into two different states of the respective characteristics.

8. In the case of true quantitative characteristics--that is, characteristics in a linear scale which are measurable--two varieties have to be considered distinct if they are distinct at least at one testing place, provided that the difference between them is clear and can be expected to recur. In order to have comparable results in the different member States, the sample size has to be fixed.

9. Five delegations of the member States consider it useful that, for the testing of sexually propagated crops for distinctness, homogeneity and stability, new samples have to be demanded in each testing year. The Delegation of the Netherlands, however, is of the opinion that, if a new sample is demanded each year, the breeder might take the second and third samples from the original bag. In the view of the Delegation of the Netherlands in cases where the breeder turns in a sample which is slightly improved, the question also arises whether he still can claim the priority of the date of the application for variety protection.

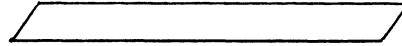
10. Where two varieties differ from each other by only one true quantitative characteristic the following was decided: in order to assess its distinctness those expressions of a characteristic of a new variety on which the distinctness is to be based must be compared with the expressions of the same characteristic in that other variety which is in this respect nearest to the new variety. It is desirable to make a direct comparison between these varieties if possible. In these cases, the differences have to be consistent. A difference occurring in two consecutive or in two out of three growing seasons with one per cent significance, based for instance on the application of the Least Significant Difference, is considered a clear difference.

11. At the present stage, the varieties with which a new variety has to be compared, are the varieties of "common knowledge" in the different member States. In the future, however, the Technical Working Parties will above all try to find reference varieties for the different expressions used in the Test Guidelines, but also to standardize the reference collections used in the different member States.

12. A quantitative characteristic which is normally observed visually but can be measured is commanded to be measured if in cases of doubt it is the only distinguishing characteristic in relation to another variety.

[Annex II follows]

Reference Number (not to be filled in by the applicant)  
Référence (réservé aux Administrations)  
Referenznummer (nicht vom Anmelder auszufüllen)



TECHNICAL QUESTIONNAIRE  
to be completed in connection with an application for plant breeders' rights

QUESTIONNAIRE TECHNIQUE  
à remplir en relation avec une demande de certificat d'obtention végétale

TECHNISCHER FRAGEBOGEN  
in Verbindung mit der Sortenschutzrechtsanmeldung auszufüllen

1. Species/Espèce/Art

2. Applicant (Name and address)/Demandeur (nom et adresse)/Anmelder (Name und Adresse)

3. Proposed denomination or breeder's reference  
Dénomination proposée ou référence de l'obtenteur  
Vorgeschlagene Sortenbezeichnung oder Anmeldebezeichnung

4. Information on origin, maintenance and reproduction of the variety  
Renseignements sur l'origine, le maintien et la reproduction de la variété  
Information über Ursprung, Erhaltung und Vermehrung der Sorte

5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in the test guidelines; please mark the state of expression which best corresponds)

Caractères de la variété à indiquer (le nombre entre parenthèses renvoie au caractère correspondant dans les principes directeurs d'examen; prière de marquer d'une croix le niveau d'expression approprié)

Anzugebende Merkmale der Sorte (die in Klammern angegebene Zahl verweist auf das entsprechende Merkmal in den Prüfungsrichtlinien; die Ausprägungsstufe, die der der Sorte am nächsten kommt, bitte ankreuzen)

Characteristics Caractères Merkmale	English	français	deutsch	Reference Références Referenz	Note
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[To be filled in by the Technical Working Party]  
[à remplir par le Groupe de travail technique]  
[von der Technischen Arbeitsgruppe auszufüllen]

6. Similar varieties and differences from these varieties  
Variétés voisines et différences par rapport à ces variétés  
Ähnliche Sorten und Unterschiede zu diesen Sorten

Denomination of varieties  
Dénomination des variétés  
Bezeichnung der Sorten

Differences  
Différences  
Unterschiede

7. Additional information which may help to distinguish the variety  
Renseignements complémentaires pouvant faciliter la détermination des caractères distinctifs de la variété  
Zusätzliche Information zur Erleichterung der Unterscheidung der Sorte

- 7.1 Resistance to pests and diseases  
Résistances aux parasites et aux maladies  
Resistenzen gegenüber Schadorganismen

- 7.2 Special conditions for the examination of the variety  
Conditions particulières pour l'examen de la variété  
Besondere Bedingungen für die Prüfung der Sorte

- 7.3 Other information  
Autres renseignements  
Andere Information



UPOV MODEL FOR A REPORT ON TECHNICAL EXAMINATION

Requesting authority .....	Application No. ....
Reporting authority .....	Reference No. ....

GENERAL INFORMATION

1. <u>species</u> (common and Latin name):	2. <u>date of application</u> :
3. <u>applicant</u> (name and address):	
4. <u>proposed denomination</u> :	<u>breeders reference</u> :
5. <u>testing station</u> :	6. <u>site(s) and year(s) of tests</u> :

RESULTS OF THE TECHNICAL EXAMINATION

7. <u>report on distinctness</u> :
8. <u>report on homogeneity</u> :
9. <u>report on stability</u> :

CONCLUSION

10. <u>Conclusion of the reporting authority on the basis of the results of the technical examination:</u>
(a) The variety
<input type="checkbox"/> is distinguishable from any other variety,
<input type="checkbox"/> is not distinguishable from all varieties,
whose existence is known to us.
(b) The variety
<input type="checkbox"/> is sufficiently homogeneous,
<input type="checkbox"/> is not sufficiently homogeneous,
having regard to the particular features of its
<b>sexual reproduction or vegetative propagation.</b>
(c) The variety
<input type="checkbox"/> is stable
<input type="checkbox"/> is not stable
in its essential characteristics.
In the case of a positive conclusion, a description of the variety is given in an annex to this report.

ANNEX TO THE REPORT ON TECHNICAL EXAMINATION

Requesting authority .....	Application No. ....
Reporting authority .....	Reference No. ....

## DESCRIPTION OF THE VARIETY

A. <u>Characteristics</u> , mentioned in the UPOV Test Guidelines TG/..../. .... (dated 1976-..-..)		
characteristic	note*	remarks
<u>(as an example: wheat)</u>		
1. Coleoptile: antho- cyanin coloration	1.2.3.4.5.6.7.8.9. <input type="checkbox"/>	
2. growth habit	1.2.3.4.5.6.7.8.9. <input type="checkbox"/>	
3. plant: height	... cm; smaller/larger than variety .....	
4. straw: antho- cyanin coloration	1.2.3.4.5.6.7.8.9. <input type="checkbox"/>	
etc.	etc.	
B. <u>Differences from those varieties which most closely resemble the variety</u>		
<u>variety denomination</u>		<u>differences</u>
C. <u>Additional data</u>		

\* To avoid errors a circle should be made around the righth figure and the figures should be written in the open square. A cross in the open square means that this characteristic has not been observed.

[End of Annex III and of document;  
Fin de l'annexe III et du document;  
Ende der Anlage III und des Dokuments]