



CAJ/60/5

ORIGINAL: English

DATE: August 5, 2009

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Sixtieth Session
Geneva, October 19 and 20, 2009

ELECTRONIC APPLICATION SYSTEMS

Document prepared by the Office of the Union

1. At its fifty-ninth session, held in Geneva on April 2, 2009, the Administrative and Legal Committee (CAJ) considered document CAJ/59/5 “Electronic application systems” and the oral report by the Vice Secretary-General of the comments made by the Technical Committee (TC) at its forty-fifth session, held in Geneva from March 30 to April 1, 2009.
2. Document CAJ/59/5 presented the following proposals concerning the development of electronic applications systems:

Proposal 1: Standardized reference by authorities to the UPOV Model Application Form, UPOV Model TQ and/or UPOV Test Guidelines TQ

A proposal based on members of the Union making reference in the relevant fields of their application forms and technical questionnaires (TQ) to the corresponding item in the UPOV Model Application Form and UPOV Model TQ or UPOV Test Guidelines TQ.

Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)

A proposal based on an approach whereby the applicant would use the UPOV Model Application Form, and possibly the UPOV Model TQ or UPOV Test Guidelines TQ, to provide information to an authority as a part of an application for a breeder’s right.

3. The CAJ agreed that the Office of the Union should prepare a set of detailed references for the document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders’ Rights” for consideration at the sixtieth session of the CAJ. In addition, it requested the Office of the Union to provide information on the resource implications of Proposals 1 and 2 for the consideration of the CAJ at its sixtieth session.

Abbreviations

UPOV Model Application Form:	UPOV Model Form for the Application for Plant Breeders’ Rights (document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders’ Rights”)
UPOV Model TQ:	Generalized UPOV Model Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights – document TGP/7/1, Annex 1: TG Template, Chapter 10 “Technical Questionnaire” (see document TGP/5 “Experience and Cooperation in DUS Testing”, Section 3/1: “Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights”)
UPOV Test Guidelines TQ:	Model Technical Questionnaire specific for the relevant UPOV Test Guidelines (e.g. the Test Guidelines for Rose, document TG/11/8, contains a model Technical Questionnaire for rose)

4. This document is structured as follows:

- I. Background
 - II. Proposal 1: Standardized reference by authorities to the UPOV Model Application Form and UPOV Model TQ
 - III. Proposal 2: Use of information provided in an electronic version of the UPOV Model Application Form and possibly the UPOV Model TQ
-
- Annex I UPOV Model Application Form, with standard references indicated
 - Annex II Set of standard references for UPOV Model Application Form
 - Annex III UPOV Model TQ, with standard references indicated
 - Annex IV Set of standard references for UPOV Model TQ

I. BACKGROUND

5. On January 18, 2007, the Office of the Union (Office) received a letter from the International Seed Federation (ISF) proposing that UPOV should consider the development of an electronic version of the UPOV model application form¹ and technical questionnaire² for use by members of the Union. It was noted that such an approach would allow a standard application form and technical questionnaire to be completed in a language of the applicant's choice and then converted electronically to the language of the member of the Union where an application was to be made. It was suggested that the individual members of the Union could have a separate appendix containing additional questions not covered by the standard application form and technical questionnaire, although ISF suggested that such appendices should be minimized. ISF clarified that the intention was to make the forms available for use by members of the Union as they considered appropriate.

6. The Office received a letter from the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) on January 19, 2007, supporting the proposal made by ISF. It requested, in addition, that any initiative should not lead to a result that application forms which were short and simple would become more complex. The Office also received a letter from the European Seed Association (ESA) on January 30, 2007, expressing its support for the proposal made by ISF.

7. In agreement with the Chairperson of the Technical Committee (TC), ISF was invited to make a presentation on its proposal at the forty-third session of the TC, held in Geneva, from March 26 to 28, 2007.

8. At its forty-third session, the TC thanked ISF for its presentation on a proposal for the development of an electronic application form and technical questionnaire and noted that a copy of the presentation would be posted on the ISF website (www.worldseed.org). The TC noted that any developments should take into account the initiatives by a number of the members of the Union to develop on-line application facilities. The Vice Secretary-General welcomed the initiative of ISF and looked forward to investigating ways in which this matter could be taken forward in the most appropriate and beneficial way, within UPOV's resources. In that respect, the Vice Secretary-General informed the TC that, at its fifty-fifth session, to be held in Geneva on March 29, 2007, the CAJ would be considering the possibility to invite ISF to make a similar presentation to the CAJ in October 2007 (see document TC/43/13 "Report", paragraph 111).

9. The CAJ, at its fifty-fifth session, held in Geneva on March 29, 2007, agreed to invite ISF to make a presentation on its proposal for the development of an electronic application form and technical questionnaire at its fifty-sixth session in conjunction with the CAJ discussions on the revision of document TGP/5. In addition, the CAJ invited members of the Union to present their initiatives on the development of on-line application facilities.

10. At its fifty-sixth session, held in Geneva on October 22 and 23, 2007, the CAJ received presentations by a representative of ISF and by the Delegations of Brazil, Germany and the United Kingdom on experiences and initiatives for the development of electronic application forms and technical questionnaires. Those presentations (in English only) are reproduced in

¹ See document TGP/5 "Experience and Cooperation in DUS Testing", Section 2/2: "UPOV Model Form for the Application for Plant Breeders' Rights"

² See document TGP/5 "Experience and Cooperation in DUS Testing", Section 3/1: "Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights"

Annexes II to V to document CAJ/56/6 “Report”, respectively, and on the UPOV website at http://www.upov.int/restrict/en/caj/index_caj56.htm.

11. The CAJ, at its fifty-sixth session (see document CAJ/56 “Report”, paragraph 20), agreed that the Office should organize a meeting in order to explore possibilities:

(a) to provide a forum for exchanging information on electronic application systems and databasing of information;

(b) to investigate possibilities to facilitate harmonized electronic application systems and databasing of information, for interested members of the Union, by means of a standard electronic application form (including technical questionnaire), possibly with authority-specific annexes, to be made available for downloading from the UPOV website. Investigations would include:

(i) the development of a multilingual standard electronic application form in all languages provided by the relevant members of the Union (if not an official UPOV language);

(ii) options for transfer of data from the standard electronic application form for use in applications made with members of the Union (on-line transmission, e-mail, paper), including the sharing of software between members of the Union and the use of electronic signatures and verification;

(iii) means to facilitate the incorporation of data in electronic application systems in a format compatible with the UPOV-ROM Plant Variety Database;

(c) to identify legal and administrative aspects which should be considered in the development of electronic application systems by members of the Union.

12. The CAJ agreed that any standard electronic application form (including technical questionnaire) would need to be based on the UPOV model forms contained in document TGP/5 “Experience and Cooperation in DUS Testing”^{1,2} and document TGP/7 “Development of Test Guidelines”³.

13. At its fifty-seventh session, held in Geneva on April 10, 2008, the CAJ considered document CAJ/57/4, in conjunction with an oral report by the Vice Secretary-General on the Electronic Applications Systems Meeting, held in Geneva on April 9, 2008. The Vice Secretary-General reported that approximately sixty participants had attended the meeting and that a presentation had been made by the Community Plant Variety Office (CPVO) of the European Community on their project on the development of an electronic application system. As agreed by the CAJ at its fifty-sixth session, held on October 22 and 23, 2007, the meeting had explored the possibilities provided under paragraph 2 of document CAJ/57/4. The Vice Secretary-General reported that two concrete proposals had resulted from the discussions:

(a) to prepare a survey on “core” questions in the UPOV Model Application Form, by requesting members of the Union to indicate which items of the Model Application Form they use and which they consider mandatory; and

³ See document TGP/7 “Development of Test Guidelines”, Annex 1: TG Template, Section 10. Technical Questionnaire.

(b) to develop a pilot project, for a small number of crops, consisting of a downloadable application form, with or without a technical questionnaire, for testing in cooperation with breeders' organizations and a number of authorities.

14. In relation to the two proposals, the Vice Secretary-General noted that only very limited interest had been expressed at the meeting, which did not appear to be sufficient to justify the human and financial resources that such an exercise would entail for participating authorities and the Office of the Union.

15. After an initial discussion, the Vice Secretary-General noted that there had been very little time to reflect on the proposals discussed at the meeting and, given the substantial resource implications, suggested that it might be helpful to have more time for reflection.

16. The CAJ agreed that an item should be included on the agenda of its fifty-eighth session on October 27 and 28, 2008, in order to review the situation. The CAJ noted that, if there was support for a pilot project, the matter would need to be considered by the Consultative Committee in order to consider the impact on human and financial resources.

17. At its fifty-eighth session, held in Geneva on October 27 and 28, 2008, the CAJ considered document CAJ/58/5 and agreed that an item should be included on the agenda of its fifty-ninth session, and a document prepared by the Office of the Union on the basis of the agreed UPOV Model Application Form and further inputs from delegations and consultations thereof.

18. At its forty-fifth session, held in Geneva from March 30 to April 1, 2009, the TC considered document TC/45/13. The Delegation of New Zealand commented that Proposal 1 "Standardized reference by authorities to the UPOV Model Application Form, UPOV Model TQ and/or UPOV Test Guidelines TQ" would be a reasonable option for implementation in New Zealand. The Delegation of the European Community⁴ and the representative of the International Seed Federation (ISF) expressed a preference for Proposal 2 "Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)". The Delegation of the United States of America expressed concerns about the limited interest of members to make use of the form and the resource implications. It also sought further information with respect to the proposals before it could express a view. The TC noted that the matter would be considered further by the CAJ at its fifty-ninth session, to be held in Geneva on April 2, 2009.

19. At its fifty-ninth session, held in Geneva on April 2, 2009, the CAJ considered document CAJ/59/5 "Electronic application systems" and the oral report by the Vice Secretary-General of the comments made by the Technical Committee at its forty-fifth session, held in Geneva from March 30 to April 1, 2009. The discussions at the fifty-ninth session of the CAJ can be found in document CAJ/59/8 Prov. "Draft Report". Document CAJ/59/5 presented Proposals 1 and 2 (see sections below), concerning the development of electronic application systems. The criteria for developing those proposals were explained in document CAJ/59/5 as follows:

⁴ At the fifty-ninth session of the CAJ, the Delegation of the European Community noted that, at the forty-fifth session of the TC, it had expressed a preference for Proposal 2. However, taking into consideration the interventions made by other delegations at the forty-fifth session of the TC and, in particular, the resource and administrative implications of Proposal 2 "Use of information provided in an electronic version of the UPOV Model Application Form (and possibly the UPOV Model TQ or UPOV Test Guidelines TQ)", it considered that both proposals should be maintained.

“Criteria

“14. The discussions in the CAJ have confirmed that it would not be feasible to develop an electronic application form that would satisfy the requirements for making a complete application for a breeder’s right with a member of the Union. Of the various aspects that would make such an approach unrealistic, the need for additional authority-specific information by individual members of the Union (i.e. in addition to the information included in the UPOV Model Application Form) and issues concerning electronic signatures have been consistently highlighted.

“15. In addition to practical and resource issues, the discussions in the CAJ have indicated that it would be difficult for UPOV to develop an electronic form that contained requests for information beyond those set out in the UPOV Model Application Form and the UPOV Model TQ or UPOV Test Guidelines TQ.”

20. It should be noted that these proposals would be entirely optional, i.e. it would be a matter for each member of the Union to decide whether to take advantage of the proposed scheme. In addition, the proposals are not mutually exclusive.

PROPOSAL 1: STANDARDIZED REFERENCE BY AUTHORITIES TO THE UPOV MODEL APPLICATION FORM AND UPOV MODEL TQ

21. This proposal is based on members of the Union making reference in the relevant fields of their application forms and technical questionnaires to the corresponding item in the UPOV Model Application Form and UPOV Model TQ or UPOV Test Guidelines TQ.

22. In order to provide a precise reference for all elements of information corresponding to the UPOV Model Application Form, a detailed set of references to document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders’ Rights” has been developed. To facilitate the consideration of those references and to provide an illustration of how the standard references might be presented in an application form, Annex I shows the UPOV Model Application Form with the standard references inserted. Annex II provides a list of the standard references for the UPOV Model Application Form.

23. As explained in document CAJ/59/5 , paragraph 24, an intended benefit of Proposal 1 is to minimize linguistic difficulties for applicants and to provide the possibility of greater efficiency for applicants making multiple applications. For example, if working with several electronic application forms, the applicant could complete a single UPOV Model Application Form or UPOV Test Guidelines TQ and then transfer that information by “copy/paste” to the relevant fields of the relevant authority forms.

24. On the basis above, Annex II has been developed in a linear form (“linear blank form”), with blank cells for completion by applicants that would allow them to copy the information into relevant fields in the application forms and technical questionnaires of members of the Union, according to the use of standard references by the member of the Union concerned. Those forms could be posted on the UPOV website in the UPOV languages, for downloading by applicants.

25. A detailed set of references for the UPOV Model TQ, according to TGP/7 “Development of Test Guidelines”, Annex I: TG Template, Chapter 10 “Technical Questionnaire” has also been developed. To facilitate the consideration of those references and to provide an

illustration of how the standard references might be presented in a technical questionnaire, Annex III shows the UPOV Model Technical Questionnaire with the standard references inserted. In addition to the text of the UPOV Model Technical Questionnaire, Annex III also contains certain Additional Standard Wording (ASW) from TGP/7/1, Annex 2: “Additional Standard Wording (ASW) for the TG Template”, as indicated. Annex IV provides a list of the standard references for the UPOV Model Technical Questionnaire in a “linear blank form”, similar to that used in relation to the UPOV Model Application Form.

26. Annexes II and IV could also be produced in other languages, where provided by relevant members of the Union. However, in order to ensure the validity of the translations, all interested members of the Union would be requested to verify the translations of the languages before they were made available on the UPOV website. In addition, there would be an explanation that the translations were unofficial and that it would be the responsibility of the applicant to ensure the validity on any information provided in their application.

27. With regard to providing standard references for the Technical Questionnaire, a particular matter to be considered is that the characteristics of the variety to be indicated will differ according to crop and species (see TGP/7 “Development of Test Guidelines”, Annex I: TG Template, Chapter 10 “Technical Questionnaire”: Section 5 “Characteristics of the variety to be indicated”). In that respect, the approach developed in Annexes III and IV to this document is to use a formula that will allow all members of the Union to present the characteristics in a standardized way according to the relevant Test Guidelines. Thus, the characteristics and notes would be presented as follows:

UPOV-TQ1: 5 (TG reference)(TQ reference)(TG characteristic number)(TG note)

28. Two examples of that approach are provided at the end of Annex IV. As indicated in those examples, such a reference also provides flexibility for members of the Union to provide a precise reference to any characteristic in the Test Guidelines, irrespective of whether the characteristic is one that is used in the Section 5 of the Technical Questionnaire of the Test Guidelines concerned. This approach means that it would not be necessary for the individual UPOV Test Guidelines to have specific references in order for members of the Union to have a standard form of reference.

29. The inclusion of the TG reference means that the characteristics can be linked to different versions of the Test Guidelines, which means that it would not be necessary for members of the Union to update their references each time the Test Guidelines were revised. However, in order for applicants to be able to refer to the relevant characteristics, it would mean that previous versions of adopted Test Guidelines should continue to be accessible on the UPOV website.

30. The timetable for the revision of document TGP/7/1 “Development of Test Guidelines” would mean that, subject to approval by the CAJ and TC, the standard references for the UPOV Model TQ could be included in document TGP/7/2, which is scheduled for approval by the TC and CAJ in March 2010 and for adoption by the Council in October 2010. Inclusion of the standard references in document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders’ Rights”, would require a revision of document TGP/5, Section 2/2.

Resource implications

Office of the Union

31. The following actions would be required by the Office of the Union:

- (a) Development of standard UPOV references for the UPOV Model Application Form and UPOV Model TQ:

subject to the approval of the CAJ and TC, standard references are already presented in Annexes II and IV, respectively;

- (b) Inclusion of explanation of standard references in the revision of document TGP/7 and in a revision of document TGP/5 Section 2/2;
- (c) Posting of standard references and “linear blank forms” (in “Word” format) on freely-accessible area of UPOV website; and
- (d) Posting of “linear blank forms” in languages provided by the relevant members of the Union (if not an official UPOV language).

32. No additional resources, beyond those approved in the Program and Budget for the 2008-2009 and those proposed in the draft Program and Budget for the 2010-2011 Biennium, would be required by the Office of the Union.

Members of the Union

33. The individual members of the Union would, as appropriate, include in their applications forms and technical questionnaires a standardized reference to indicate the corresponding item in the UPOV Model Application Form and UPOV Model TQ (see Annexes I and III).

34. It would be a matter for each authority to decide if the field in the individual authority form corresponded sufficiently precisely to a field in the UPOV Model Application Form or UPOV Model TQ such that a reference could be made. For example, if there were any substantial differences in the information being requested in the UPOV model form, compared to the individual authority form, it would not be appropriate to indicate a reference to the UPOV model form.

35. In order to monitor the usefulness of this approach, if approved, it is proposed that, on a regular basis, the members of the Union be invited to provide information to the Office of the Union on the extent to which they use the standard references in their application forms and technical questionnaire.

PROPOSAL 2: USE OF INFORMATION PROVIDED IN AN ELECTRONIC VERSION OF THE UPOV MODEL APPLICATION FORM AND UPOV MODEL TQ

36. This proposal is based on an approach whereby the applicant would use the UPOV Model Application Form and possibly the UPOV Model TQ, to provide information to an authority as a part of an application for a breeder’s right. It would be a matter for each authority to decide if it could accept such information as a part of the application and, if appropriate, the procedure to be followed.

37. The basis for such an approach would be to use the “linear blank forms” in Annexes II and IV to this document as the basis for the applicant to provide information to an authority as a part of an application for a breeder’s right.

Resource implications

Office of the Union

38. The initial actions for the Office of the Union would be similar to those of Proposal 1, although the “linear blank forms” might also need to be developed into a format that would facilitate electronic transmission of data to authorities (e.g. in XML format). However, the full resource implications of Proposal 2 would require further evaluation in conjunction with members of the Union that would wish to pursue such an approach (see below) and interested breeders’ organizations. In that regard, the International Seed Federation (ISF) has indicated in informal consultations that, in principle, it would be willing to contribute resources to the development of Proposal 2.

Members of the Union

39. The authority would need to develop a procedure to accept the information “requested” in the UPOV Model Application Form and UPOV Model TQ as a part of its application. That information could, for example, be requested to be transmitted to the authority in electronic form (e.g. data in XML format), in the form of a Word document transmitted by e-mail, or as a hard copy by post. However, for applicants using this approach, the authority would also need to develop a procedure for the applicant to provide any additional information by a separate action, e.g. a supplementary form. It would also need to ensure that both sets of information could be combined in a reliable way to form the single application. Furthermore, it would be necessary to consider how to facilitate the completion of relevant fields in the UPOV Model Application Form in an efficient way, e.g. to ensure that the correct alternative (1991 Act or 1978 Act wording) for Question 8 in the UPOV Model Application Form was provided.

40. *The CAJ is invited to:*

(a) *consider Proposal 1 on the basis of paragraphs 21 to 30 of this document and to approve the:*

(i) *standard UPOV references for the UPOV Model Application Form and UPOV Model TQ, as set out in Annexes II and IV of this document;*

(ii) *inclusion of an explanation of the standard references in the revision of document TGP/7 and in a revision of document TGP/5 Section 2/2;*

(iii) *posting of standard references and “linear blank forms” (in “Word” format) on the freely-accessible area of*

UPOV website, on the basis of Annexes II and IV; and

(iv) translation of “linear blank forms” into other languages, as set out in paragraph 26; and

(b) to consider Proposal 2, on the basis of paragraphs 36 and 37 of this document, and:

(i) to invite members of the Union to indicate their interest in Proposal 2; and,

(ii) if appropriate, to request the Office of the Union to further develop Proposal 2, in consultation with members of the Union that express an interest in Proposal 2 and interested breeders’ organizations, for consideration by the CAJ at its sixty-first session.

[Annexes follow]

ANNEX I

DOCUMENT TGP/5 “EXPERIENCE AND COOPERATION IN DUS TESTING”
SECTION 2/2: “UPOV MODEL FORM FOR THE APPLICATION FOR PLANT BREEDERS’ RIGHTS”
UPOV MODEL APPLICATION FORM, WITH STANDARD REFERENCES

(Authority where application is filed)

NOTE: First consult the instructions

(file mark)
(Date of receipt)

<p>1.(a) Applicant(s)¹</p> <p>Name(s) _____ <i>UPOV-A1: 1(a)(i)</i></p> <p>Address(es) _____ <i>UPOV-A1: 1(a)(ii)</i></p> <p>_____</p> <p>Telephone No.(s) _____ <i>UPOV-A1: 1(a)(iii)</i></p> <p>Fax No.(s) _____ <i>UPOV-A1: 1(a)(iv)</i></p> <p>E-mail address(es) _____ <i>UPOV-A1: 1(a)(v)</i></p> <p>(b) nationality(ies): _____ <i>UPOV-A1: 1(b)</i></p> <p>(c) residence (State): _____ <i>UPOV-A1: 1(c)</i></p> <p>(d) registered offices for legal entities (State): _____ <i>UPOV-A1: 1(d)</i></p> <p>(e) A procedural representative/agent/proxy will be used: Yes <input type="checkbox"/> No <input type="checkbox"/> <i>UPOV-A1: 1(e)(i) UPOV-A1: 1(e)(ii)</i></p>	<p>2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)):</p> <p>Name _____ <i>UPOV-A1: 2(a)(i)</i></p> <p>Address _____ <i>UPOV-A1: 2(a)(ii)</i></p> <p>_____</p> <p>Telephone No.(s) _____ <i>UPOV-A1: 2(a)(iii)</i></p> <p>Fax No.(s) _____ <i>UPOV-A1: 2(a)(iv)</i></p> <p>E-mail address(es) _____ <i>UPOV-A1: 2(a)(v)</i></p> <p>(b) This is the name and the address:</p> <p><input type="checkbox"/> of one of the applicants <i>UPOV-A1: 2(b)(i)</i></p> <p><input type="checkbox"/> of the procedural representative/ /agent/proxy <i>UPOV-A1: 2(b)(ii)</i></p>	<div style="border: 1px solid black; padding: 5px; width: 100%;"> <p style="text-align: center; margin: 0;">FOR OFFICIAL USE ONLY</p> </div>
<p>3. (a) Botanical name: _____ <i>UPOV-A1: 3(a)</i></p> <p>(b) Common name: _____ <i>UPOV-A1: 3(b)</i></p>		
<p>4. (a) Proposed denomination (in block letters): _____ <i>UPOV-A1: 4(a)</i></p> <p>(b) Breeder's reference: _____ <i>UPOV-A1: 4(b)</i></p>		
<p>5. (a) The person(s)² who bred, or discovered and developed, the variety is (are)</p> <p><input type="checkbox"/> the (all) applicant(s) <input type="checkbox"/> the following person(s): _____ <i>UPOV-A1: 5(a)(i) UPOV-A1: 5(a)(ii) UPOV-A1: 5(a)(iii)</i></p> <p>(b) To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety. <i>UPOV-A1: 5(b)</i></p> <p>(c) The variety was transferred by the person(s)² who bred, or discovered and developed, the variety to the applicant(s) by:</p> <p><input type="checkbox"/> contract _____ <i>UPOV-A1: 5(c)(i)</i></p> <p><input type="checkbox"/> succession _____ <i>UPOV-A1: 5(c)(ii)</i></p> <p><input type="checkbox"/> other (specify) _____ <i>UPOV-A1: 5(c)(iii) UPOV-A1: 5(c)(iv)</i></p> <p>(d) The variety was bred in (State(s)): _____ <i>UPOV-A1: 5(d)</i></p>		

¹ The “applicant” should be the “breeder” according to the definition of “breeder” in Article 1(iv) of the 1991 Act of the UPOV Convention which is:

- the person who bred, or discovered and developed, a variety,
- the person who is the employer of the aforementioned person or who has commissioned the latter’s work, where the laws of the relevant Contracting Party so provide, or
- the successor in title of the first or second aforementioned person, as the case may be”.

² The term “person” in Article 1(iv) of the 1991 Act of the UPOV Convention should be understood as embracing both physical and legal persons (e.g. companies).

ANNEX II

SET OF STANDARD REFERENCES TO:
DOCUMENT TGP/5 “EXPERIENCE AND COOPERATION IN DUS TESTING”
SECTION 2/2: “UPOV MODEL FORM FOR THE APPLICATION FOR PLANT BREEDERS’ RIGHTS”
UPOV MODEL APPLICATION FORM

(note)

“A” is the abbreviation of TGP/5 “Experience and Cooperation in DUS Testing”, Section 2: “UPOV Model Form for the Application for Plant Breeders’ Rights”; “1” indicates the version of TGP/5 Section 2 (if TGP/5 Section 2/2 is revised, the reference would need to change to “A2”)

<u>Item in UPOV Model Application Form</u> <i>(document TGP/5 “Experience and Cooperation in DUS Testing”, Section 2/2: “UPOV Model Form for the Application for Plant Breeders’ Rights”)</i>	<u>Reference to be quoted in the application form of the authority</u> ^(note)	(Clear cell indicates text to be completed in form. Highlighted cell indicates tick box, declaration or information to be attached)
1.(a) Applicant(s) ¹ Name(s)	UPOV-A1: 1(a)(i)	
1.(a) Applicant(s) ¹ Address(es)	UPOV-A1: 1(a)(ii)	
1.(a) Applicant(s) ¹ Telephone No.(s)	UPOV-A1: 1(a)(iii)	
1.(a) Applicant(s) ¹ Fax No.(s)	UPOV-A1: 1(a)(iv)	
1.(a) Applicant(s) ¹ E-mail address(es)	UPOV-A1: 1(a)(v)	
1.(b) Applicant(s) ¹ nationality(ies):	UPOV-A1: 1(b)	
1.(c) Applicant(s) ¹ residence (State)	UPOV-A1: 1(c)	
1.(d) Applicant(s) ¹ registered offices for legal entities (State)	UPOV-A1: 1(d)	
1.(e) Applicant(s) ¹ A procedural representative/agent/ proxy will be used: Yes	UPOV-A1: 1(e)(i)	<input type="checkbox"/>
1.(e) Applicant(s) ¹ A procedural representative/agent/ proxy will be used: No	UPOV-A1: 1(e)(ii)	<input type="checkbox"/>
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Name(s)	UPOV-A1: 2(a)(i)	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Address(es)	UPOV-A1: 2(a)(ii)	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Telephone No.(s)	UPOV-A1: 2(a)(iii)	
2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): Fax No.(s)	UPOV-A1: 2(a)(iv)	

¹ The “applicant” should be the “breeder” according to the definition of “breeder” in Article 1(iv) of the 1991 Act of the UPOV Convention which is:

- the person who bred, or discovered and developed, a variety,
- the person who is the employer of the aforementioned person or who has commissioned the latter’s work, where the laws of the relevant Contracting Party so provide, or
- the successor in title of the first or second aforementioned person, as the case may be”.

2.(a) Name and address to which correspondence is to be sent (if different from 1.(a)): E-mail address(es)	UPOV-A1: 2(a)(v)	
2.(b) This is the name and the address: of one of the applicants (yes)	UPOV-A1: 2(b)(i)	<input type="checkbox"/>
2.(b) This is the name and the address: of the procedural representative/agent/proxy (yes)	UPOV-A1: 2(b)(ii)	<input type="checkbox"/>
3.(a) Botanical name	UPOV-A1: 3(a)	
3.(b) Common name	UPOV-A1: 3(b)	
4.(a) Proposed denomination (in block letters)	UPOV-A1: 4(a)	
4.(b) Breeder's reference	UPOV-A1: 4(b)	
5.(a) The person(s) ² who bred, or discovered and developed, the variety is (are) the (all) applicant(s) (yes)	UPOV-A1: 5(a)(i)	<input type="checkbox"/>
5.(a) The person(s) ² who bred, or discovered and developed, the variety is (are) the following person(s) (yes)	UPOV-A1: 5(a)(ii)	<input type="checkbox"/>
5.(a) The person(s) ² who bred, or discovered and developed, the variety is (are) the following person(s):	UPOV-A1: 5(a)(iii)	
5.(b) To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety.	UPOV-A1: 5(b)	declaration
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by contract (yes)	UPOV-A1: 5(c)(i)	<input type="checkbox"/>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by succession (yes)	UPOV-A1: 5(c)(ii)	<input type="checkbox"/>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by other (specify) (yes)	UPOV-A1: 5(c)(iii)	<input type="checkbox"/>
5.(c) The variety was transferred by the person(s) who bred, or discovered and developed, the variety to the applicant(s) by: other (specify)	UPOV-A1: 5(c)(iv)	
5.(d) The variety was bred in (State(s)):	UPOV-A1: 5(d)	
6. Other applications: (a) Protection: Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(a)(i)	
6. Other applications: (a) Protection: Application No.	UPOV-A1: 6(a)(ii)	

² The term “person” in Article 1(iv) of the 1991 Act of the UPOV Convention should be understood as embracing both physical and legal persons (e.g. companies).

6. Other applications: (a) Protection: Stage	UPOV-A1: 6(a)(iii)	
6. Other applications: (a) Protection: Denomination or breeder's reference	UPOV-A1: 6(a)(iv)	
6. Other applications: (b) Official variety list ³ : Filing (State or Intergovernmental Organization / date)	UPOV-A1: 6(b)(i)	
6. Other applications: (b) Official variety list ³ : Application No.	UPOV-A1: 6(b)(ii)	
6. Other applications: (b) Official variety list ³ : Stage	UPOV-A1: 6(b)(iii)	
6. Other applications: (b) Official variety list ³ : Denomination or breeder's reference	UPOV-A1: 6(b)(iv)	
7. Priority is claimed in respect of the application filed in: (State / Intergovernmental Organization) (first application)	UPOV-A1: 7(i)	
7. Priority is claimed in respect of the application filed in (State / Intergovernmental Organization) (first application): on (date)	UPOV-A1: 7(ii)	
7. Priority is claimed in respect of the application filed in (State / Intergovernmental Organization) (first application): under the denomination	UPOV-A1: 7(iii)	
7. An official copy of the first application, including the date of filing, is requested as a certification ⁴ of priority.	UPOV-A1: 7(iv)	to be provided

³ General term to cover an official register, for example, of varieties admitted to trade (e.g. National List, Official Catalogue etc.).

⁴ Within the prescribed time limit (minimum 3 months).

1991 ACT alternative		
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety ⁵ in territory of application:	UPOV-A1: 8(91)(a)	the territory of application is inserted by the Authority
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: not yet	UPOV-A1: 8(91)(b)	<input type="checkbox"/>
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: yes	UPOV-A1: 8(91)(c)(i)	<input type="checkbox"/>
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: for the first time (date)	UPOV-A1: 8(91)(c)(ii)	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in territory of application: under the denomination	UPOV-A1: 8(91)(c)(iii)	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in: [other territories]:	UPOV-A1: 8(91)(d)(i)	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in other territories: not yet	UPOV-A1: 8(91)(d)(ii)	<input type="checkbox"/>
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: yes	UPOV-A1: 8(91)(d)(iii)	<input type="checkbox"/>
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time: in [territory]	UPOV-A1: 8(91)(d)(iv)	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time [in territory]: [date]	UPOV-A1: 8(91)(d)(v)	
8. The variety has been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in [other territories]: for the first time [in territory]: under the denomination	UPOV-A1: 8(91)(d)(vi)	

⁵ Article 6(1) of the 1991 Act.

1978 ACT alternative		
8. The variety has been offered for sale or marketed, with the agreement of the breeder⁶ in territory of application:	UPOV-A1: 8(78)(a)	the territory of application is inserted by the Authority
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: not yet	UPOV-A1: 8(78)(b)	<input type="checkbox"/>
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: yes	UPOV-A1: 8(78)(c)(i)	<input type="checkbox"/>
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: for the first time (date)	UPOV-A1: 8(78)(c)(ii)	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in territory of application: under the denomination	UPOV-A1: 8(78)(c)(iii)	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]:	UPOV-A1: 8(78)(d)(i)	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in other territories: not yet	UPOV-A1: 8(78)(d)(ii)	<input type="checkbox"/>
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: yes	UPOV-A1: 8(78)(d)(iii)	<input type="checkbox"/>
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time: in [territory]	UPOV-A1: 8(78)(d)(iv)	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time [in territory]: [date]	UPOV-A1: 8(78)(d)(v)	
8. The variety has been offered for sale or marketed, with the agreement of the breeder in [other territories]: for the first time [in territory]: under the denomination	UPOV-A1: 8(78)(d)(vi)	

⁶ Article 6(1)(b) of the 1978 Act.

9.(a) The technical examination of the variety: has already been completed: yes	UPOV-A1: 9(a)(i)(1)	<input type="checkbox"/>
9.(a) The technical examination of the variety has already been completed: in:	UPOV-A1: 9(a)(i)(2)	
9.(a) The technical examination of the variety has already been completed: date completed (if known):	UPOV-A1: 9(a)(i)(3)	
9.(a) The technical examination of the variety: is in progress: yes	UPOV-A1: 9(a)(ii)(1)	<input type="checkbox"/>
9.(a) The technical examination of the variety: is in progress in:	UPOV-A1: 9(a)(ii)(2)	
9.(a) The technical examination of the variety: is in progress: date started (if known)	UPOV-A1: 9(a)(ii)(3)	
9.(a) The technical examination of the variety: has not yet been started	UPOV-A1: 9(a)(iii)	<input type="checkbox"/>
9.(b) I/We declare that the material provided with the first application is representative of the variety and relevant to this application.	UPOV-A1: 9(b)	declaration
9.(c) Authorization is hereby given to the Authority to exchange with the competent authorities of any UPOV member all necessary information and material related to the variety, provided that the rights of the applicant are safeguarded.	UPOV-A1: 9(c)	declaration
Other forms and documents attached: 1 Variety description: Attach the description of the variety on the special Technical Questionnaire for the species to which the variety belongs and mark box 1 with a cross	UPOV-A1: 10(1)	<input type="checkbox"/>
Other forms and documents attached: 2 Power of attorney: If one joint applicant has been authorized to act for the other joint applicants or a procedural representative, agent or proxy has been named, attach the power of attorney referred to in [2.4] and mark box 2 with a cross	UPOV-A1: 10(2)	<input type="checkbox"/>

<p>Other forms and documents attached: 3 Priority claim: If the priority of the first application is claimed, a certified copy of the documents which constitute that application must be forwarded to the Authority within the prescribed time in the applicable law (minimum of three months from the date of filing of the present application); if that copy is attached, mark box 3 with a cross</p>	<p>UPOV-A1: 10(3)</p>	<p><input type="checkbox"/></p>
<p>I/We hereby apply for the grant of plant breeders' rights.</p>	<p>UPOV-A1: 11(a)</p>	<p>declaration</p>
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: place</p>	<p>UPOV-A1: 11(b)</p>	
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: date</p>	<p>UPOV-A1: 11(c)</p>	
<p>I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct: signature</p>	<p>UPOV-A1: 11(d)</p>	

[Annex III follows]

ANNEX III

DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES”
ANNEX I: “TG TEMPLATE”, CHAPTER 10. TECHNICAL QUESTIONNAIRE, WITH
STANDARD REFERENCES

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
		Application date: (not to be filled in by the applicant)
<p>TECHNICAL QUESTIONNAIRE to be completed in connection with an application for plant breeders’ rights</p> <p style="text-align: center;">ASW 13</p> <p>“In the case of hybrid varieties which are the subject of an application for plant breeders’ rights, and where the parent lines are to be submitted as a part of the examination of the hybrid variety, this Technical Questionnaire should be completed for each of the parent lines, in addition to being completed for the hybrid variety.”</p> <p><i>UPOV-TQ1: ASW 13</i></p>		
<p>1. Subject of the Technical Questionnaire</p> <p>1.1 Botanical name { Botanical name } <i>UPOV-TQ1: 1(a)</i></p> <p>1.2 Common name { Common name } <i>UPOV-TQ1: 1(b)</i></p> <p style="text-align: center;">ASW 14</p>		
<p>2. Applicant</p> <p>Name <i>UPOV-TQ1: 2(a)</i></p> <p>Address <i>UPOV-TQ1: 2(b)</i></p> <p>Telephone No. <i>UPOV-TQ1: 2(c)</i></p> <p>Fax No. <i>UPOV-TQ1: 2(d)</i></p> <p>E-mail address <i>UPOV-TQ1: 2(e)</i></p> <p>Breeder (if different from applicant) <i>UPOV-TQ1: 2(f)</i></p>		

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
3. Proposed denomination and breeder's reference		
Proposed denomination (if available) <i>UPOV-TQI: 3(a)</i>	<input type="text"/>	
Breeder's reference <i>UPOV-TQI: 3(b)</i>	<input type="text"/>	

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
#4. Information on the breeding scheme and propagation of the variety		
4.1 Breeding scheme		
ASW 15 (a) Alternative 1		
“Variety resulting from:		
“4.1.1 Crossing		
“(a) controlled cross	[]	
<i>UPOV-TQ1: 4(1)(I)(a)(i)</i>		
(please state parent varieties)		
<i>UPOV-TQ1: 4(1)(I)(a)(ii)</i>		
“(b) partially known cross	[]	
<i>UPOV-TQ1: 4(1)(I)(b)(i)</i>		
(please state known parent variety(ies))		
<i>UPOV-TQ1: 4(1)(I)(b)(ii)</i>		
“(c) unknown cross	[]	
<i>UPOV-TQ1: 4(1)(I)(c)</i>		
“4.1.2 Mutation	[]	
<i>UPOV-TQ1: 4(1)(II)(i)</i>		
(please state parent variety)		
<i>UPOV-TQ1: 4(1)(II)(ii)</i>		
“4.1.3 Discovery and development	[]	
<i>UPOV-TQ1: 4(1)(III)(i)</i>		
(please state where and when discovered		
and how developed)		
<i>UPOV-TQ1: 4(1)(III)(ii)</i>		
“4.1.4 Other	[]”	
<i>UPOV-TQ1: 4(1)(IV)(i)</i>		
(please provide details)”		
<i>UPOV-TQ1: 4(1)(IV)(ii)</i>		
<div style="border: 1px solid black; height: 150px; width: 100%;"></div>		

Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
-------------------------	-----------------	-------------------

4.2 Method of propagating the variety

GN 31 *Example 1*

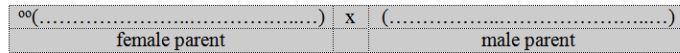
“4.2.1 Seed-propagated varieties

- “(a) Self-pollination []
UPOV-TQ1: 4(2)(I)(a)
- “(b) Cross-pollination []
(i) population []
UPOV-TQ1: 4(2)(I)(b)(i)
(ii) synthetic variety []
UPOV-TQ1: 4(2)(I)(b)(ii)
- “(c) Hybrid []
UPOV-TQ1: 4(2)(I)(c)(i)
{ ...see GN 32 for example... }

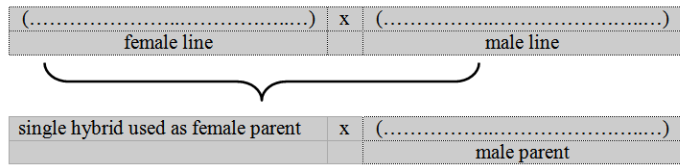
GN 32 (TG Template: Chapter 10: TQ 4.2) – Information on method of propagation of hybrid varieties

“In the case of hybrid varieties the production scheme for the hybrid should be provided on a separate sheet. This should provide details of all the parent lines required for propagating the hybrid e.g.

“Single Hybrid



“Three-Way Hybrid



“and should identify in particular:

- “(a) any male sterile lines
“(b) maintenance system of male sterile lines.”

UPOV-TQ1: 4(2)(I)(c)(ii)

- “(d) Other []
UPOV-TQ1: 4(2)(I)(d)(i)
(please provide details)”
UPOV-TQ1: 4(2)(I)(d)(ii)

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
GN 31 <i>Example 2</i>		
“4.2.1 Vegetative propagation		
“(a) cuttings	[]	
<i>UPOV-TQ1: 4(2)(II)(a)</i>		
“(b) <i>in vitro</i> propagation	[]	
<i>UPOV-TQ1: 4(2)(II)(b)</i>		
“(c) other	[]	
<i>UPOV-TQ1: 4(2)(II)(c)(i)</i>		
(state method)		
<i>UPOV-TQ1: 4(2)(II)(c)(ii)</i>		
“4.2.3 Other []”		
<i>UPOV-TQ1: 4(2)(III)(i)</i>		
(please provide details)”		
<i>UPOV-TQ1: 4(2)(III)(ii)</i>		
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>		

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
<p>5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the note which best corresponds). UPOV-TQ1: 5</p>		
Characteristics	Example Varieties	Note
UPOV-TQ1: 5 (TG reference) (TQ reference) (TG characteristic number) (TG note)		
<p>See Examples A and B at end of Annex IV</p>		

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:	
<p>6. Similar varieties and differences from these varieties</p> <p><i>Please use the following table and box for comments to provide information on how your candidate variety differs from the variety (or varieties) which, to the best of your knowledge, is (or are) most similar. This information may help the examination authority to conduct its examination of distinctness in a more efficient way.</i></p>			
Denomination(s) of variety(ies) similar to your candidate variety	Characteristic(s) in which your candidate variety differs from the similar variety(ies)	Describe the expression of the characteristic(s) for the similar variety(ies)	Describe the expression of the characteristic(s) for your candidate variety
<div style="border: 1px solid black; display: inline-block; padding: 2px;">GN 33</div> <i>Example</i>	<i>[e.g. Flower color]</i>	<i>[e.g. orange]</i>	<i>[e.g. orange red]</i>
<i>UPOV-TQ1: 6(a)</i>	<i>UPOV-TQ1: 6(b)</i>	<i>UPOV-TQ1: 6(c)</i>	<i>UPOV-TQ1: 6(d)</i>
<p>Comments: <i>UPOV-TQ1: 6(e)</i></p>			

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
<p>#7. Additional information which may help in the examination of the variety</p> <p>7.1 In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety?</p> <p>Yes <input type="checkbox"/> <i>UPOV-TQ1: 7(1)(a)(i)</i> No <input type="checkbox"/> <i>UPOV-TQ1: 7(1)(b)</i></p> <p>(If yes, please provide details) <i>UPOV-TQ1: 7(1)(a)(ii)</i></p> <p>7.2 Are there any special conditions for growing the variety or conducting the examination?</p> <p>Yes <input type="checkbox"/> <i>UPOV-TQ1: 7(2)(a)(i)</i> No <input type="checkbox"/> <i>UPOV-TQ1: 7(2)(b)</i></p> <p>(If yes, please provide details) <i>UPOV-TQ1: 7(2)(a)(ii)</i></p> <p>7.3 Other information <i>UPOV-TQ1: 7(3)</i></p> <p>ASW 16</p> <p>“A representative color photograph of the variety should accompany the Technical Questionnaire.” <i>UPOV-TQ1: 7(4)</i></p>		
<p>8. Authorization for release</p> <p>(a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health?</p> <p>Yes <input type="checkbox"/> <i>UPOV-TQ1: 8(a)(i)</i> No <input type="checkbox"/> <i>UPOV-TQ1: 8(a)(ii)</i></p> <p>(b) Has such authorization been obtained?</p> <p>Yes <input type="checkbox"/> <i>UPOV-TQ1: 8(b)(i)</i> No <input type="checkbox"/> <i>UPOV-TQ1: 8(b)(ii)</i></p> <p>If the answer to (b) is yes, please attach a copy of the authorization. <i>UPOV-TQ1: 8(b)(iii)</i></p>		

Authorities may allow certain of this information to be provided in a confidential section of the Technical Questionnaire.

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
-------------------------	-----------------	-------------------

9. Information on plant material to be examined or submitted for examination.

9.1 The expression of a characteristic or several characteristics of a variety may be affected by factors, such as pests and disease, chemical treatment (e.g. growth retardants or pesticides), effects of tissue culture, different rootstocks, scions taken from different growth phases of a tree, etc.

9.2 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If the plant material has undergone such treatment, full details of the treatment must be given. In this respect, please indicate below, to the best of your knowledge, if the plant material to be examined has been subjected to:

- | | |
|---|---|
| (a) Microorganisms (e.g. virus, bacteria, phytoplasma) | Yes [] No []
<i>UPOV-TQ1: 9(2)(a)(i) / 9(2)(a)(ii)</i> |
| (b) Chemical treatment (e.g. growth retardant, pesticide) | Yes [] No []
<i>UPOV-TQ1: 9(2)(b)(i) / 9(2)(b)(ii)</i> |
| (c) Tissue culture | Yes [] No []
<i>UPOV-TQ1: 9(2)(c)(i) / 9(2)(c)(ii)</i> |
| (d) Other factors | Yes [] No []
<i>UPOV-TQ1: 9(2)(d)(i) / 9(2)(d)(ii)</i> |

Please provide details for where you have indicated “yes”.

UPOV-TQ1: 9(2)(e)

.....

ASW 17

“9.3 Has the plant material to be examined been tested for the presence of virus or other pathogens?”

Yes []

UPOV-TQ1: 9(3)(a)(i)

(please provide details as specified by the Authority)

UPOV-TQ1: 9(3)(a)(ii)

No []”

UPOV-TQ1: 9(3)(b)

10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct:

Applicant’s name

UPOV-TQ1: 10(a)

Signature

UPOV-TQ1: 10(b)

Date

UPOV-TQ1: 10(c)

ANNEX IV


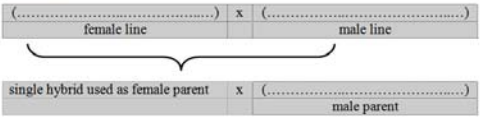
SET OF STANDARD REFERENCES TO:
DOCUMENT TGP/7 “DEVELOPMENT OF TEST GUIDELINES”
ANNEX I: “TG TEMPLATE”, TECHNICAL QUESTIONNAIRE

(note)

“TQ” is the abbreviation of TGP/7 “Development of Test Guidelines”, Annex I: “TG Template” Technical Questionnaire;
“1” indicates the version of these references (if TGP/7 is revised, the reference may need to change to “TQ2”)

<u>Item in UPOV Model Application Form</u> <i>(Document TGP/7 “Development of Test Guidelines”, Annex I: “TG Template” Technical Questionnaire)</i>	<u>Reference to be quoted in the application form of the authority</u> ^(note)	(Clear cell indicates text to be completed in form. Highlighted cell indicates tick box, declaration or information to be attached)
ASW 13 In the case of hybrid varieties which are the subject of an application for plant breeders’ rights, and where the parent lines are to be submitted as a part of the examination of the hybrid variety, this Technical Questionnaire should be completed for each of the parent lines, in addition to being completed for the hybrid variety.	UPOV-TQ1: ASW 13	to be provided, if appropriate
1. Subject of the Technical Questionnaire: Botanical name	UPOV-TQ1: 1(a)	
1. Subject of the Technical Questionnaire: Common name	UPOV-TQ1: 1(b)	
2. Applicant: Name	UPOV-TQ1: 2(a)	
2. Applicant: Address	UPOV-TQ1: 2(b)	
2. Applicant: Telephone No.	UPOV-TQ1: 2(c)	
2. Applicant: Fax No.	UPOV-TQ1: 2(d)	
2. Applicant: E-mail address	UPOV-TQ1: 2(e)	
2. Applicant: Breeder (if different from applicant)	UPOV-TQ1: 2(f)	
3. Proposed denomination and breeder’s reference: Proposed denomination (if available)	UPOV-TQ1: 3(a)	
3. Proposed denomination and breeder’s reference: Breeder’s reference	UPOV-TQ1: 3(b)	

<p>4. Information on the breeding scheme and propagation of the variety 4.1 Breeding scheme Variety resulting from: ASW 15 4.1.1 Crossing (a) controlled cross (yes)</p>	<p>UPOV-TQ1: 4(1)(I)(a)(i)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.1 Crossing (a) controlled cross: please state parent varieties</p>	<p>UPOV-TQ1: 4(1)(I)(a)(ii)</p>	
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.1 Crossing (b) partially known cross (yes)</p>	<p>UPOV-TQ1: 4(1)(I)(b)(i)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.1 Crossing (b) partially known cross: please state known parent variety(ies)</p>	<p>UPOV-TQ1: 4(1)(I)(b)(ii)</p>	
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.1 Crossing (c) unknown cross (yes)</p>	<p>UPOV-TQ1: 4(1)(I)(c)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.2 Mutation (yes)</p>	<p>UPOV-TQ1: 4(1)(II)(i)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.2 Mutation: please state parent variety</p>	<p>UPOV-TQ1: 4(1)(II)(ii)</p>	
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.3 Discovery and development: (yes)</p>	<p>UPOV-TQ1: 4(1)(III)(i)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.3 Discovery and development: please state where and when discovered and how developed</p>	<p>UPOV-TQ1: 4(1)(III)(ii)</p>	
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.4 Other: (yes)</p>	<p>UPOV-TQ1: 4(1)(IV)(i)</p>	<p>[]</p>
<p>4.1 Breeding scheme Variety resulting from: ASW 15 4.1.4 Other: please provide details</p>	<p>UPOV-TQ1: 4(1)(IV)(ii)</p>	

<p>4. Information on the breeding scheme and propagation of the variety 4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (a) Self-pollination (yes)</p>	<p>UPOV-TQ1: 4(2)(I)(a)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (b) Cross-pollination (i) population (yes)</p>	<p>UPOV-TQ1: 4(2)(I)(b)(i)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (b) Cross-pollination (ii) synthetic variety (yes)</p>	<p>UPOV-TQ1: 4(2)(I)(b)(ii)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (c) Hybrid (yes)</p>	<p>UPOV-TQ1: 4(2)(I)(c)(i)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (c) Hybrid</p> <p><small>GN 32 (TG Template: Chapter 10: TQ 4.2) – Information on method of propagation of hybrid varieties</small></p> <p><small>"In the case of hybrid varieties the production scheme for the hybrid should be provided on a separate sheet. This should provide details of all the parent lines required for propagating the hybrid e.g.</small></p> <p><small>"Single Hybrid</small></p>  <p><small>"Three-Way Hybrid</small></p>  <p><small>"and should identify in particular:</small></p> <p><small>"(a) any male sterile lines</small></p> <p><small>"(b) maintenance system of male sterile lines."</small></p>	<p>UPOV-TQ1: 4(2)(I)(c)(ii)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (d) Other: (yes)</p>	<p>UPOV-TQ1: 4(2)(I)(d)(i)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex1 4.2.1 Seed-propagated varieties (d) Other: please provide details</p>	<p>UPOV-TQ1: 4(2)(I)(d)(ii)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.1 Vegetatively propagated varieties: (a) cuttings (yes)</p>	<p>UPOV-TQ1: 4(2)(II)(a)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.1 Vegetatively propagated varieties: (b) <i>in vitro</i> propagation (yes)</p>	<p>UPOV-TQ1: 4(2)(II)(b)</p>	<p>[]</p>

<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.1 Vegetatively propagated varieties: (c) other (yes)</p>	<p>UPOV-TQ1: 4(2)(II)(c)(i)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.1 Vegetatively propagated varieties: (c) other state method</p>	<p>UPOV-TQ1: 4(2)(II)(c)(ii)</p>	
<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.3 Other yes</p>	<p>UPOV-TQ1: 4(2)(III)(i)</p>	<p>[]</p>
<p>4.2 Method of propagating the variety GN 31 Ex2 4.2.3 Other please provide details</p>	<p>UPOV-TQ1: 4(2)(III)(ii)</p>	
<p>5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the note which best corresponds).</p>	<p>UPOV-TQ1: 5 (TG reference) (TQ reference) (TG characteristic number) (TG note) <i>-see Example A and B at end of Annex IV</i></p>	
<p>etc.</p>		
<p>6. Similar varieties and differences from these varieties: Denomination(s) of variety(ies) similar to your candidate variety</p>	<p>UPOV-TQ1: 6(a)</p>	
<p>6. Similar varieties and differences from these varieties: Characteristic(s) in which your candidate variety differs from the similar variety(ies)</p>	<p>UPOV-TQ1: 6(b)</p>	
<p>6. Similar varieties and differences from these varieties: Describe the expression of the characteristic(s) for the similar variety(ies)</p>	<p>UPOV-TQ1: 6(c)</p>	
<p>6. Similar varieties and differences from these varieties: Describe the expression of the characteristic(s) for your candidate variety</p>	<p>UPOV-TQ1: 6(d)</p>	
<p>6. Similar varieties and differences from these varieties: Comments</p>	<p>UPOV-TQ1: 6(e)</p>	
<p>7. Additional information which may help in the examination of the variety 7.1 In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety? Yes</p>	<p>UPOV-TQ1: 7(1)(a)(i)</p>	<p>[]</p>

<p>7.1 In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety? If yes, please provide details</p>	<p>UPOV-TQ1: 7(1)(a)(ii)</p>	
<p>7.1 In addition to the information provided in sections 5 and 6, are there any additional characteristics which may help to distinguish the variety? No</p>	<p>UPOV-TQ1: 7(1)(b)</p>	<p>[]</p>
<p>7. Additional information which may help in the examination of the variety 7.2 Are there any special conditions for growing the variety or conducting the examination? Yes</p>	<p>UPOV-TQ1: 7(2)(a)(i)</p>	<p>[]</p>
<p>7.2 Are there any special conditions for growing the variety or conducting the examination? If yes, please provide details</p>	<p>UPOV-TQ1: 7(2)(a)(ii)</p>	
<p>7.2 Are there any special conditions for growing the variety or conducting the examination? No</p>	<p>UPOV-TQ1: 7(2)(b)</p>	<p>[]</p>
<p>7. Additional information which may help in the examination of the variety 7.3 Other information</p>	<p>UPOV-TQ1: 7(3)</p>	
<p>7. Additional information which may help in the examination of the variety ASW 16 A representative color photograph of the variety should accompany the Technical Questionnaire</p>	<p>UPOV-TQ1: 7(4)</p>	<p>to be provided</p>
<p>8. Authorization for release (a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? Yes</p>	<p>UPOV-TQ1: 8(a)(i)</p>	<p>[]</p>
<p>8. Authorization for release (a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? No</p>	<p>UPOV-TQ1: 8(a)(ii)</p>	<p>[]</p>
<p>8. Authorization for release (a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? (Yes) (b) Has such authorization been obtained? Yes</p>	<p>UPOV-TQ1: 8(b)(i)</p>	<p>[]</p>

<p>8. Authorization for release (a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? (Yes) (b) Has such authorization been obtained? No</p>	<p>UPOV-TQ1: 8(b)(ii)</p>	<p>[]</p>
<p>8. Authorization for release (a) Does the variety require prior authorization for release under legislation concerning the protection of the environment, human and animal health? (Yes) (b) Has such authorization been obtained? (Yes) If the answer to (b) is yes, please attach a copy of the authorization.</p>	<p>UPOV-TQ1: 8(b)(iii)</p>	<p>to be provided</p>
<p>9. Information on plant material to be examined or submitted for examination. 9.1 The expression of a characteristic or several characteristics of a variety may be affected by factors, such as pests and disease, chemical treatment (e.g. growth retardants or pesticides), effects of tissue culture, different rootstocks, scions taken from different growth phases of a tree, etc. 9.2 The plant material should not have undergone any treatment which would affect the expression of the characteristics of the variety, unless the competent authorities allow or request such treatment. If the plant material has undergone such treatment, full details of the treatment must be given. In this respect, please indicate below, to the best of your knowledge, if the plant material to be examined has been subjected to:</p>		
<p>(a) Microorganisms (e.g. virus, bacteria, phytoplasma) Yes</p>	<p>UPOV-TQ1: 9(2)(a)(i)</p>	<p>[]</p>
<p>(a) Microorganisms (e.g. virus, bacteria, phytoplasma) No</p>	<p>UPOV-TQ1: 9(2)(a)(ii)</p>	<p>[]</p>
<p>(b) Chemical treatment (e.g. growth retardant, pesticide) Yes</p>	<p>UPOV-TQ1: 9(2)(b)(i)</p>	<p>[]</p>
<p>(b) Chemical treatment (e.g. growth retardant, pesticide) No</p>	<p>UPOV-TQ1: 9(2)(b)(ii)</p>	<p>[]</p>
<p>(c) Tissue culture Yes</p>	<p>UPOV-TQ1: 9(2)(c)(i)</p>	<p>[]</p>
<p>(c) Tissue culture No</p>	<p>UPOV-TQ1: 9(2)(c)(ii)</p>	<p>[]</p>

(d) Other factors Yes	UPOV-TQ1: 9(2)(d)(i)	[]
(d) Other factors No	UPOV-TQ1: 9(2)(d)(ii)	[]
Please provide details for where you have indicated “yes”.	UPOV-TQ1: 9(2)(e)	
9. Information on plant material to be examined or submitted for examination. ASW 17 9.3 Has the plant material to be examined been tested for the presence of virus or other pathogens? Yes	UPOV-TQ1: 9(3)(a)(i)	[]
9. Information on plant material to be examined or submitted for examination. ASW 17 9.3 Has the plant material to be examined been tested for the presence of virus or other pathogens? (Yes): Please provide details as specified by the Authority	UPOV-TQ1: 9(3)(a)(ii)	
9. Information on plant material to be examined or submitted for examination. ASW 17 9.3 Has the plant material to be examined been tested for the presence of virus or other pathogens? No	UPOV-TQ1: 9(3)(b)	[]
10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct: Applicant’s name	UPOV-TQ1: 10(a)	
10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct: Signature	UPOV-TQ1: 10(b)	
10. I hereby declare that, to the best of my knowledge, the information provided in this form is correct: Date	UPOV-TQ1: 10(c)	

Example A

TG/11/8

Rose, 2006-04-05

- 8 -

TECHNICAL QUESTIONNAIRE	Page {x} of {y}	Reference Number:
<p>5. Characteristics of the variety to be indicated (the number in brackets refers to the corresponding characteristic in Test Guidelines; please mark the note which best corresponds). UPOV-TQ1: 5</p>		
Characteristics	Example Varieties	Note
<p>5.4 Flower: diameter (26)</p> <p>very small UPOV-TQ1: 5(TG/11/8)(5.4)(26)(1)</p> <p>small UPOV-TQ1: 5(TG/11/8)(5.4)(26)(3)</p> <p>medium etc.</p> <p>large</p> <p>very large</p>	<p>Noastrauss (G); Poulset (P)</p> <p>Interlis (C); Clb.canibo 82 (G); Meiraktas (P)</p> <p>Schremna (C); Poulberg (G); Ruiz1491 (P)</p> <p>Selaurum (C); Adesmanod (G); Korewala (P)</p> <p>Koranderer (G); Evera116 (P)</p>	<p>1[]</p> <p>3[]</p> <p>5[]</p> <p>7[]</p> <p>9[]</p>

Example B

(TG/11/8)
Rose/Rosier/Rose/Rosal, 2006-04-05
- 9 -

English	français	deutsch	español	Example Varieties/ Exemples/ Beispielsorten/ Variedades ejemplo	Note/ Nota
51. Outer-stamen: predominant color of filament	Étamine extérieure: couleur prédomi- nante des filets	Äußeres Staubblatt: überwiegende Farbe des Staubfadens	Estambre exterior: color predominante del filamento		
PQ (b) white	blanche	weiß	blanco	Helklewi (G); Koralbavan (P)	1
UPOV-TQ1: 5(TG/11/8)(-)¹(51)(1)					
green	verte	grün	verde	Interlis (C); Kornemuta (G); Kornemut (P)	2
light yellow	jaune clair	hellgelb	amarillo claro	Pouljill (G)	3
medium yellow	jaune moyen	mittelgelb	amarillo medio	Korplapei (C); Meikrotal (G); Meirosfon (P)	4
orange	orange	orange	naranja	Ruiy5451 (C); Ruiskopoul (G); Everrom (P)	5
pink	rose	rosa	rosa	Korfasso (G); Ruiowko (P)	6
red	rouge	rot	rojo	Predesplen (C); Pekoucan (G); Espever (P)	7
brown red	rouge-brun	braunrot	rojo pardo	Schweizer Woche (G)	8
purple	pourpre	purpurn	púrpura	Heltscher (G); Ruiovat (P)	9

¹ Characteristic not included in Technical Questionnaire