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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

**Sixty-Fifth Session
Geneva, March 29, 2012**

REPORT ON DEVELOPMENTS IN THE TECHNICAL COMMITTEE

prepared by the Office of the Union

The purpose of this document is to report on developments in the Technical Committee (TC) at its forty-eighth session, held in Geneva from March 26 to 28, 2012, of particular relevance for matters to be considered by the Administrative and Legal Committee at its sixty-fifth session, to be held in Geneva on March 29, 2012. Those developments are reported in the Annex to this document. The report on all the conclusions of the TC is available in document TC/48/22 "Report on the Conclusions".

[Annex follows]

CONCLUSIONS OF THE TECHNICAL COMMITTEE IN RELATION TO MATTERS
TO BE CONSIDERED BY THE ADMINISTRATIVE AND LEGAL COMMITTEE (CAJ)

AGENDA ITEM 5: TGP DOCUMENTS

TGP Documents

1. The TC considered the following documents in conjunction with document TC/48/5:

(a) New TGP document

TGP/15 [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]

2. The TC considered document TGP/15/1 Draft 2.

3. The TC agreed with the recommendation of the TC-EDC, as set out in paragraphs 7 to 9 of document TC/48/5, that document TGP/15/1 Draft 1 should be redrafted (restructured) to provide the following:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

4. With regard to TGP/15/1 Draft 2, Annex I, paragraph 3(a), the representative of the International Seed Federation (ISF) questioned whether it was necessary for markers to be examined more than once on the same sample. He also suggested that paragraph 3(b) be amended to clarify that, if there was a difference between the information provided in the Technical Questionnaire and the result of the bioassay, the result of the bioassay would prevail.

5. The TC agreed that, on the basis of the comments above, a new draft should be prepared by the Office of the Union in conjunction with the Chairman of the TC and the Chairman of the BMT, which would be presented to the Enlarged Editorial Committee (TC-EDC) at its meeting in January 2013 and a further draft presented to the TC at its forty-ninth session. The TC noted that the timetable for the development of document TGP/15 would be reported to the TWPs at their sessions in 2012.

(b) Revision of TGP documents

TGP/7: Development of Test Guidelines

6. The TC considered the revision of document TGP/7 "Development of Test Guidelines" on the basis of document TC/48/18.

I. REVISIONS ON WHICH THE TECHNICAL COMMITTEE HAD PREVIOUSLY REACHED A CONCLUSION

7. The TC recalled that, at its forty-seventh session, held in Geneva from April 4 to 6, 2011, it had agreed to include the following matters in a future revision of TGP/7 "Development of Test Guidelines":

(a) Coverage of Types of Varieties in Test Guidelines

The addition of new Additional Standard Wording (ASW) for Chapter 1 of the Test Guidelines, as follows:

"In the case of [ornamental] [fruit] [industrial] [vegetable] [agricultural] [etc.] varieties, in particular, it may be necessary to use additional characteristics or additional states of expression to those included in the Table of Characteristics in order to examine Distinctness, Uniformity and Stability."

with an explanation in document TGP/7 that such wording should not lead to any particular conclusions as to whether other types of varieties should or should not be covered by the development of separate Test Guidelines, since that would need to be considered on a case-by-case basis (see document TC/47/26 "Report on the Conclusions", paragraph 54);

(b) Selection of Asterisked Characteristics

The final sentence of document TGP/7/2, GN 13.1 "Asterisked characteristics", Section 1.2, should be amended to read "The number of asterisked characteristics should, therefore, be determined by the characteristics which are required to achieve useful internationally harmonized variety descriptions". On the basis of that change, the TC agreed that the guidance provided in document TGP/7, GN 13, on the selection of asterisked characteristics was appropriate and sufficient and that it would only be necessary to ensure that the guidance was followed in the development of Test Guidelines (see document TC/47/26 "Report on the Conclusions", paragraph 59); and

(c) Quantity of Plant Material Required

The guidance in document TGP/7, GN 7 "Quantity of plant material required" should be extended to encourage Leading Experts to consider the quantity of plant material required in relation to the following factors (see document TC/47/26 "Report on the Conclusions", paragraph 55):

- (i) Number of plants/ parts of plants to be examined
- (ii) Number of growing cycles
- (iii) Variability within the crop
- (iv) Additional tests (e.g. resistance tests, bolting trials)
- (v) Features of propagation (e.g. cross-pollination, self-pollination, vegetative propagation)
- (vi) Crop type (e.g. root crop, leaf crop, fruit crop, cut flower, cereal, etc.)
- (vii) Storage in variety collection
- (viii) Exchange between testing authorities
- (ix) Seed quality (germination) requirements
- (x) Cultivation system (outdoor/glasshouse)
- (xi) Sowing system
- (xii) Predominant method of observation (e.g. MS, VG)

The TC agreed that Additional Standard Wording (ASW) should be developed in order to provide guidance in the Test Guidelines on whether the quantity of plant material required in Chapter 2 of the Test Guidelines relates to both growing cycles in the case of Test Guidelines indicating two growing cycles (see document TC/47/26 "Report on the Conclusions", paragraph 56).

The TC further agreed that the guidance in document TGP/7, GN 7 should be extended to encourage Leading Experts to consider the quantity of plant material required for similar crops in order to seek consistency as far as that was appropriate. In that regard, it agreed that a summary of the following information should be prepared by the Office of the Union for all adopted Test Guidelines and made available to Leading Experts on the TG Drafters' webpage in order that information on Test Guidelines for similar crops could be presented to the Subgroup of Interested Experts by the Leading Expert (see document TC/47/26 "Report on the Conclusions", paragraph 57):

- (a) Chapter 2.3 Minimum quantity of plant material to be supplied by the applicant
- (b) Chapter 3.1 Number of growing cycles
- (c) Chapter 3.4.1 Each test should be designed to result in a total of at least X plants
- (d) Chapter 4.1.4 Number of plants / parts of plants to be examined for distinctness
- (e) Chapter 4.2 Number of plants to be examined for uniformity
- (f) Number of plants for special tests (e.g. disease resistance)

8. The TC recalled that, at its forty-seventh session, it had agreed to delay consideration of the approach for providing standard references for the UPOV Technical Questionnaire and for the characteristics in the

Test Guidelines with a view to a future revision of document TGP/7, pending the outcome of work on the Linear Blank Form for PBR Applications (see document TC/47/26 "Report on the Conclusions", paragraph 68).

9. The TC further recalled that, at its forty-seventh session, it had agreed that, for the time being, no revisions should be considered for document TGP/7 in relation to applications for varieties with low germination (see document TC/47/26 "Report on the Conclusions", paragraph 58). It further recalled that it had agreed that it would not be appropriate to revise document TGP/7 in order to include an indication of grouping characteristics in the Table of Characteristics in the UPOV Test Guidelines (see document TC/47/26 "Report on the Conclusions", paragraph 60).

II. REVISIONS CONSIDERED BY THE TECHNICAL COMMITTEE AT ITS FORTY-EIGHTH SESSION

Guidance on Number of Plants to be Examined (for Distinctness)

10. The TC agreed with the proposal made by the TWA (see document TC/48/18, Annex I, paragraph 2) to prepare guidance on:

- (a) the number of plants in the trial;
- (b) the number of plants/parts of plants to be examined for the assessment of distinctness;
- (c) the number of plants/parts of plants for the assessment of uniformity.

11. In that regard, the TC agreed that guidance for points (a) and (c) would be considered in relation to paragraph 7 "(c) Quantity of Plant Material Required", above. With regard to the number of plants/parts of plants to be examined for the assessment of distinctness, the TC agreed that the information provided in presentation by Mrs. Beate Rücker (Germany) on the number of plants to be examined, under agenda item "Discussion on experiences of members of the Union on measures to improve the efficiency and effectiveness of DUS testing", would provide a good basis for such guidance (see document TC/48/22, paragraph 20).

12. The TC agreed that Mrs. Beate Rücker (Germany), in conjunction with the Office of the Union, should be invited to prepare draft guidance for consideration by the TWPs in 2012, on the above basis.

Guidance for Method of Observation

13. The TC agreed that document TGP/7/2, GN 25 "Recommendations for conducting the examination" should be extended to provide guidance, by means of illustrative examples, on the appropriate type of observation for characteristics such as dates (e.g. time of flowering) and counts (e.g. number of leaf lobes), on the basis of the examples as provided in Annex II to document TC/48/18 and the comments made on those examples by the TWPs in 2010 (see document TC/47/26 "Report on the Conclusions", paragraph 61).

14. The TC agreed that the Office of the Union should draft guidance on that basis, for consideration by the TWPs at their sessions in 2012.

Example Varieties

15. The TC agreed that the experts from France should be requested to make a presentation to the TWPs at their sessions in 2012 on the basis of the presentation made under agenda item "Discussion on experiences of members of the Union on measures to improve the efficiency and effectiveness of DUS testing" and reflecting the comments and suggestions made during the discussion.

Providing Photographs with the Technical Questionnaire

16. The TC recalled that, at its forty-seventh session, it had agreed that further consideration should be given to the nature of the guidance of the document in order to avoid setting requirements that were not realistic for breeders. It was also agreed that the relationship between the characteristics in the Technical

Questionnaire and the photographs should be clarified (see document TC/47/26 "Report on the Conclusions", paragraphs 69 and 70).

17. The TC agreed that a new draft of the guidance in document TC/48/18, Annex IV, reflecting the comments of the TWPs and the TC-EDC, should be prepared by the experts from the European Union, for consideration by the TWPs at their session in 2012.

Procedure for the Development of Test Guidelines

18. The TC agreed that paragraphs 2.2.3.2 of document TGP/7 "Development of Test Guidelines" should read as follows:

"2.2.3.2 In cases where more than one TWP has proposed the development of Test Guidelines with the same coverage, the Technical Committee will decide which TWP should be responsible for the drafting of the Test Guidelines and which other TWPs should cooperate. This will be decided on the basis of the level of experience in the TWPs concerned. In such cases, the Technical Committee will request the approval of other cooperating TWPs before a draft is submitted for adoption."

TGP/12: Guidance on Certain Physiological Characteristics

19. The TC considered document TGP/12/2 Draft 2 "Guidance on Certain Physiological Characteristics" and document TC/48/5, Annex I "Guidance on Certain Physiological Characteristics".

20. The TC agreed to amend document TGP/12/2 Draft 2 to read as follows:

"2.3.2 Quantitative characteristics

"Disease resistances for which there is a continuous range of levels of susceptibility / resistance across varieties, are quantitative characteristics. Guidance for the development of appropriate states of expressions for quantitative characteristics is provided in document TGP/9, Guidance Note GN 20, section 3.

"Example with 1 – 3 scale: Resistance to *Sphaerotheca fuliginea* (*Podosphaera xanthii*) (Powdery mildew) in Melon (UPOV Test Guidelines: TG/104/5)

"[Table]

"Example with 1 – 9 scale: Resistance to *Colletotrichum trifolii* in Lucerne (UPOV Test Guidelines: TG/6/5)

"[Table]"

21. The TC agreed, subject to agreement by the CAJ at its sixty-fifth session, to be held in Geneva on March 29, 2012, to submit document TGP/12/2 Draft 2 "Guidance on Certain Physiological Characteristics" as the basis for adoption of TGP/12 by the Council, at its forty-sixth session, to be held on November 1, 2012. The TC noted that the editing of the original English text and the French, German and Spanish translations would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/12/2 to the Council.

Program for the development of TGP documents

22. The TC approved the program for the development of TGP documents, as set out in Annex II to document TC/48/5, subject to:

- (i) adoption of document TGP/0/5 in 2012 and document TGP/0/6 in 2013;
- (ii) corrections to the numbering of sessions in 2013; and
- (iii) deletion of "(Color Subsection & revisions)" from TWPs in 2013 and addition to CAJ/67 in 2013.

AGENDA ITEM 6: MOLECULAR TECHNIQUES

Molecular techniques

23. The TC considered document TC/48/7.

Document BMT/DUS "Possible Use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)"

24. The TC noted the adoption of document UPOV/INF/18/1 "Possible Use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)".

Development of document TGP/15

25. The TC noted that document TGP/15/1 Draft 2 was considered under agenda item 6 "TGP documents".

International Guidelines on Molecular Methodologies

26. The TC noted the development of international guidelines on molecular methodologies, as set out in paragraphs 18 to 22 of document TC/48/7. The TC noted the importance of avoiding duplication and promoting harmonization between such international guidelines.

Ad hoc Crop Subgroups on Molecular Techniques (Crop Subgroups)

27. The TC agreed to discontinue separate meetings of the *Ad-hoc* Crop Subgroups and to include the discussions within the BMT sessions, as set out in paragraph 26 of document TC/48/7.

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT)

28. The TC noted the report on developments in the BMT, as set out in paragraphs 28 to 30 of document TC/48/7.

29. The TC agreed that it would be appropriate for the Office of the Union to investigate the possibility of a coordinated meeting of the BMT and the Working Group on DNA Methods of the Variety Committee of ISTA, for the fourteenth session of the BMT.

30. The TC approved the program for the fourteenth session of the BMT to be held in 2013, including the dedication of a particular date ("Breeders' Day"), for the items on the use of molecular techniques in the consideration essential derivation and in variety identification, as set out in paragraphs 32 and 33 of document TC/48/7.

31. The TC noted that a presentation on matters considered by the BMT at its thirteenth session, with particular regard to the use of molecular techniques in the consideration of essential derivation and in variety identification, would be made at the sixty-fifth session of the CAJ.

AGENDA ITEM 7: VARIETY DENOMINATIONS

Variety denominations

32. The TC considered document TC/48/8.

33. The TC agreed to propose the creation of a new denomination class in document UPOV/INF/12 "Explanatory notes on variety denominations under the UPOV Convention", Annex I: Part II. "Classes encompassing more than one genus", as follows:

	<u>Botanical names</u>	<u>UPOV codes</u>
Class 213	Eupatorium L. Acanthostyles R. M. King & H. Rob. Ageratina Spach Asplundianthus R. M. King & H. Rob. Bartlettina R. M. King & H. Rob. Campuloclinium DC. Chromolaena DC. Conoclinium DC. Cronquistianthus R. M. King & H. Rob. Eutrochium Raf. Fleischmannia Sch. Bip. Praxelis Cass. Vioreckia R. M. King & H. Rob.	EUPAT - AGERT - - - - - - - EUTRO - - -

34. The TC noted the report by the Delegation of Japan that the International Commission for the Nomenclature of Cultivated Plants of the International Union for Biological Sciences (IUBS) (ICNCP) was in the process of revising the Code of Nomenclature for Cultivated Plants and would make proposals to the IUBS Commission for the Nomenclature of Cultivated Plants in 2013. It agreed that the Office of the Union should contact ICNCP in order to explain the guidance provided by UPOV in document UPOV/INF/12 "Explanatory notes on variety denominations under the UPOV Convention".

AGENDA ITEM 8: INFORMATION AND DATABASES

Information and databases

(a) *UPOV information databases (document CAJ/65/6)*

35. The TC considered document TC/48/6.

GENIE DATABASE

36. The TC noted the plans of the Office of the Union to introduce a user guide for the GENIE database in 2012, following the revisions to UPOV code system, as set out below.

UPOV CODE SYSTEM

UPOV code developments

37. The TC noted the creation of 173 new UPOV codes and the amendment to 12 UPOV codes, which brought the total number of UPOV codes in the GENIE database at the end of 2011 to 6,851.

38. In accordance with the procedure set out in Section 3.3 of the Guide to the UPOV Code System, the TC noted that the Office of the Union would prepare tables of UPOV code additions and amendments, for checking by the relevant authorities, for each of the Technical Working Party (TWP) sessions in 2012.

Proposals to amend the Guide to the UPOV Code System

39. The TC agreed to amend the Guide to the UPOV Code System as follows:

(i) *UPOV codes for hybrids: Section 2.2.6*

40. The approach for introducing UPOV codes for hybrid genera and species will be amended such that a single UPOV code will cover all hybrid combinations of the same genera/species, as follows:

"2.2.6 In the case of UPOV codes for hybrid genera and species, the UPOV code will not distinguish between two hybrids produced using the same parents. A UPOV code is created for the first hybrid notified to UPOV in accordance with the procedure set out in paragraphs 2.2.3 to 2.2.5. However, if a subsequent request is received for a hybrid involving the same genera/species in a different combination, the Principal Botanical Name will be amended to indicate that the UPOV code covers all combinations involving the same genera/species.

Example:

UPOV code request received for: *Alpha one x Alpha two*

UPOV Code	Principal Botanical Name
ALPHA_OTW	<i>Alpha one x Alpha two</i>

Subsequently, UPOV code request received for: *Alpha two x Alpha one*
or
(Alpha one x Alpha two) x Alpha one
etc.

UPOV Code	Principal Botanical Name
ALPHA_OTW	Hybrids between <i>Alpha one</i> and <i>Alpha two</i>

(ii) UPOV codes for hybrids: Section 2.2.7

41. Section 2.2.7 to be deleted.

(iii) UPOV codes for hybrids: Binomial names

42. To amend the UPOV Code System with regard to hybrids to refer to "binomials", as follows:

"2.2.2 In the case of a genus which is formed as a hybrid between other genera and for which there is a binomial name which is taxonomically recognized in its own right (e.g. *xTriticosecale* [= *Triticum x Secale*]), the 'genus element' of the UPOV code is based on the binomial name taxonomically recognized 'hybrid' genus. For example, *xTriticosecale* has the UPOV code 'TRITL'.

"2.2.3 In the case of a genus which is formed as a hybrid between two genera ('hybrid genus') (e.g. *Alpha x Beta*) and for which there is no binomial name which is not taxonomically recognized as a genus in its own right ('hybrid genus'), a UPOV code is created for the new 'hybrid genus'. The genus element of the UPOV code is produced by combining the first two letters of the female parent genus and the first three letters of the male parent genus. For example, a 'hybrid genus' which was formed as a hybrid between *Alpha* (UPOV code: ALPHA) and *Beta* (UPOV code: BETAA) would have the UPOV code 'ALBET' *Carlus* (UPOV code: CARLU) x *Phillipus* (UPOV code: PHILL) would have the UPOV code 'CAPHI'.

"2.2.4 In the case of a species which is formed as a hybrid between two species and for which there is no binomial name which is not taxonomically recognized as a species in its own right ('hybrid species') (e.g. *Alpha one x Alpha two*), a UPOV code is created for the new 'hybrid species'. The species element of the UPOV code is produced by combining the first letter of the female parent species and the first two letters of the male parent species. For example, a 'hybrid species' which was formed as a hybrid between *Alpha one* (UPOV code: ALPHA_ONE) x *Alpha two* (UPOV code: ALPHA_TWO) would have the UPOV code 'ALPHA_OTW'.

"2.2.5 In the case of a hybrid genus (or species) which is formed as a hybrid between more than two genera (or species) and for which there is no binomial name which is not taxonomically recognized as a genus in its own right, the same general approach is followed as for a hybrid between two genera (or species); the sequence of letters used in the UPOV code is based on the order of female parent followed by male parent."

(iv) Variety Types

43. To delete Section 2.4. In agreeing with that deletion, the TC noted that information on types of variety could be provided in GENIE by means of notes. It was also noted that the deletion did not preclude the introduction of new features in GENIE and PLUTO in the future in order to provide relevant information on variety types.

(v) *Publication of UPOV Codes*

44. To amend Section 4, as follows::

“4. Publication of UPOV Codes

“4.1 As explained in Section 3.2, all UPOV codes can be accessed in the GENIE database, which is ~~made~~ available on the ~~freely accessible area of the~~ UPOV website (see <http://www.upov.int/genie/en/>).

“4.2 In addition, the UPOV codes, together with their relevant botanical and common names, and variety denomination class and linked hybrid/parent UPOV codes, as contained in the GENIE database, are published on the ~~first restricted area of the~~ UPOV website (see ~~http://www.upov.int/restrict/en/upov_rom_upov_code_system/index.htm~~ <http://www.upov.int/genie/en/updates/>). That information is published in a form that facilitates electronic downloading of the UPOV codes ~~for use by contributors to the UPOV ROM.~~”

PLANT VARIETY DATABASE

45. The TC considered the program for improvements to the Plant Variety Database (“Program”) on the basis of document TC/48/6.

Title of the Plant Variety Database (Program: Section 1)

46. The TC noted that the name of the Plant Variety Database had been changed to “PLUTO”.

Web-based version of the Plant Variety Database (Program: Section 6)

47. The TC noted the developments concerning the program for improvements to the Plant Variety Database as reported in document TC/48/6, and further noted that the following features would be introduced to PLUTO in 2012:

- (a) information on the latest date of submission by the contributors, in the form of a pdf document, with further plans to link the date of submitted information to particular data;
- (b) an explanation of the search rules, which would be developed in conjunction with the introduction of the denomination search facility; and
- (c) a facility to save search settings.

48. The TC agreed to amend the “Program for Improvements to the Plant Variety Database”, as set out in Annex II to document TC/48/6, with regard to Section 3.2 “Data quality and completeness” and Section 3.3 “Mandatory items”, in order to introduce the possibility for contributors to the Plant Variety Database to provide data in the original alphabet, in addition to the data being provided in Latin alphabet. That amendment was on the basis that:

(a) data in the original alphabet could be provided for the following fields (see Section 3.2 “Data quality and completeness”, Table):

- (i) Species: common name (see new TAG <520>);
- (ii) Denomination (see <550>, <551>, <552>, <553>);
- (iii) Breeder’s reference (see <650>);
- (iv) Synonym of variety denomination (see <651>);
- (v) Trade name (see <652>);
- (vi) Applicant’s name (see <750>);
- (vii) Breeder’s name (see <751>);
- (viii) Maintainer’s name (see <752>);
- (ix) Title holder’s name (see <753>);
- (x) Type of other party (see <760>);
- (xi) Other relevant information (see <950>); and
- (xii) Remarks (see <960>); and

(b) data would not be included in the Plant Variety Database unless all data provided in the original alphabet was also provided in Latin alphabet (see Sections 3.2 and 3.3 "Required data").

Provision of assistance to contributors (Program: Section 2)

49. The TC noted the summary of the contributions to the Plant Variety Database in 2011, as set out in document TC/48/6, Annex III.

50. The TC noted that the WIPO Brand Database Unit had been contacted by the following members of the Union: Albania; Argentina; Azerbaijan; Belarus; Bolivia; China; Colombia; Costa Rica; Croatia; Dominican Republic; Georgia; Iceland; Jordan; Kenya; Kyrgyzstan; Mexico; Morocco; Nicaragua; Oman; Panama; Paraguay; Republic of Korea; Singapore; South Africa; Trinidad and Tobago; Tunisia; Ukraine; Uruguay; Uzbekistan and Viet Nam in order to investigate the arrangements that would be needed in order for them to start to contribute data. It noted that solutions had been developed to allow the contribution of data in non-TAG format by Kenya and South Africa.

51. With regard to contributors that did not provide UPOV codes for their data supplied, the TC noted that a method for providing missing UPOV codes for data submitted for the Plant Variety Database had been developed by the WIPO Brand Database Unit. That method had been used to suggest UPOV codes for consideration by the contributors, in order that UPOV codes could be entered for all data in the Plant Variety Database. On that basis, the TC noted that UPOV codes had been allocated for virtually all entries in the Plant Variety Database.

52. The TC noted that a report on developments concerning the provision of assistance to contributors of data to the Plant Variety Database would be made to the CAJ at sixty-fifth session.

Data to be included in the Plant Variety Database (Program: Section 3)

53. The TC agreed to the proposal to amend the "Program for Improvements to the Plant Variety Database", as set out in Annex II to this document, with regard to Section 3.2 "Data quality and completeness" (see new TAG <800>), in order to introduce the possibility for contributors to the Plant Variety Database to provide information on dates on which a variety was commercialized for the first time in the territory of application and other territories, as set out in document TC/48/6, Annex IV.

54. The TC noted that the following disclaimer would be added:

"The absence of information in [item XXX] does not indicate that a variety has not been commercialized. With regard to any information provided, attention is drawn to the source and status of the information as set out in the fields 'Source of information' and 'Status of information'. However, it should also be noted that the information provided might not be complete and accurate."

Frequency of data submission (Program: Section 4)

55. The TC agreed that there should be no changes to the frequency for publication of that data, i.e. six updates per annum, for the time being. However, it noted that it would be possible to correct any important data errors in PLUTO at the earliest possible opportunity where requested by the data contributor.

56. The TC noted that the Office of the Union had issued circular E-12/013, on January 23, 2012, to recipients of the UPOV-ROM, informing them of the launch of the freely-accessible PLUTO database on the UPOV website and requesting an indication on whether they wished to continue to receive the UPOV-ROM. In the replies received: 14 recipients from members of the Union had indicated that they wished to continue to receive the UPOV-ROM; and 13 recipients from members of the Union and 7 paying subscribers, had indicated that they did not wish to continue to receive the UPOV-ROM. The TC also noted the plans for WIPO Brand Database Unit to develop its own version of the UPOV-ROM as a part of the program for improvements to the Plant Variety Database.

Common search platform (Program: Section 7)

57. The TC noted that there had been no substantial developments concerning the development of a common search platform since 2010. It also noted that WIPO, CPVO, the Royal General Bulb Growers' Association (KAVB) (Netherlands) and the Commission for Nomenclature and Cultivar Registration of the International Society for Horticultural Science (ISHS) might be consulted on possible approaches later in 2012.

(b) Exchangeable software (document CAJ/65/8)

58. The TC considered document TC/48/12.

59. The TC noted the adoption of document UPOV/INF/16/2 "Exchangeable Software".

60. The TC noted that the Consultative Committee, at its eighty-second session, held in Geneva on October 19 and on the morning of October 20, 2011, had endorsed the inclusion of the offers by Naktuinbouw, provided in the form of a helpdesk on practical technical questions as well as information on internship, in section "(ii) Offers of assistance for the development of plant variety protection" of the "Assistance" webpage. It noted that the Consultative Committee had also endorsed the inclusion of the offer for assistance on the development of electronic office management systems made by the Community Plant Variety Office of the European Union (CPVO) in section "(ii) Offers of assistance for the development of plant variety protection" of the "Assistance" webpage.

61. The TC considered the recommendation of the TWC at its twenty-ninth session concerning the inclusion of "Bionumerics Software for Databasing and Data Analysis" in document UPOV/INF/16, in conjunction with the comments of the TWV, TWF, TWO and BMT. The TC noted different views on whether commercial software should be considered in document UPOV/INF/16 and suggested that it would be appropriate to review the title of document UPOV/INF/16 "Exchangeable Software" and Section "1. Requirements for exchangeable software", before taking a view on the inclusion of the "Bionumerics Software for Databasing and Data Analysis" software. It agreed that the review should be included in the agenda for its forty-ninth session.

(c) Electronic application systems (document CAJ/65/5)

Standard References to the UPOV Model Application Form

62. The TC considered document TC/48/13.

63. The TC noted that the Office of the Union would issue a survey on the extent to which members of the Union use the standard references of the UPOV Model Application Form in their application forms and would present the results of that survey to the CAJ at its sixty-sixth session, to be held in October 2012.

Electronic Version of the UPOV Model Application Form

64. The TC noted the developments concerning meetings between experts of UPOV, WIPO, CPVO and ISF, in order to develop proposals for consideration by the CAJ.

65. The TC noted that the CAJ would be invited to consider whether to discuss the potential benefits of a unique variety identifier, as set out in paragraph 24 of document TC/48/13.

AGENDA ITEM 9: DUS EXAMINATION OF SEED-PROPAGATED VARIETIES OF PAPAYA

DUS examination of seed-propagated varieties of Papaya

66. The TC considered documents TC/48/15 Rev. and TG/264/2(proj.3).

67. The TC noted the progress in the development of the draft of the Test Guidelines for Papaya, in order to cover seed-propagated varieties. The TC noted that it would be difficult to assess the proportion of male plants, hermaphrodite plants and female plants (Chars. 17-19) on the basis of the proposed sample sizes: 5

plants and 20 plants. Therefore, it agreed that the draft Test Guidelines for Papaya be referred back to the TWF for further consideration in that regard.

68. The TC agreed with the general approach taken in the Test Guidelines in order to cover seed-propagated varieties of Papaya. In particular, it noted that the use of characteristics such as "Plant: proportion of hermaphrodite plants", "Plant: proportion of female plants" and "Plant: proportion of male plants" was an approach that had already been used for other adopted Test Guidelines.

AGENDA ITEM 10: WEBCASTING OF UPOV SESSIONS

Webcasting of UPOV sessions

69. The TC considered document TC/48/16.

70. The TC agreed that it would be appropriate to consider broadcasting live webcasts, and place video recordings on the UPOV website, for future sessions of the TC, subject to arrangements to be agreed by the Consultative Committee. It noted that the WebEx facility for the Enlarged Editorial Committee (TC-EDC) meeting had been very effective and endorsed the continuation of that practice. The TC also agreed that the Office of the Union should discuss with the hosts of the TWPs in 2012 whether they would wish to arrange for WebEx to be used for selected Test Guidelines' subgroup (TG Subgroup) discussions. It welcomed the offer of France to test WebEx for [a] selected TG Subgroup[s] at the forty-first session of the TWA, to be held in Angers, France, from May 21 to 25, 2012, and invited the host and the Chairperson of the TWA to investigate a suitable TG Subgroup, in conjunction with the Office of the Union and the relevant Leading Expert[s]. It also noted that the Chairman of the TWC and the hosts of the thirtieth session of the TWC, to be held in Chisinau, Republic of Moldova, June 26 to 29, 2012, would discuss possibilities to make selected presentations via the internet.

71. The TC agreed to request the Office of the Union to prepare a report on the use of WebEx at the TWP session[s], in order that the TC could review how to develop that approach further.

[End of Annex and of document]