



CAJ/71/7

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

ADMINISTRATIVE AND LEGAL COMMITTEE

**Seventy-First Session
Geneva, March 26, 2015**

TGP DOCUMENTS

Document prepared by the Office of the Union

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EXECUTIVE SUMMARY

1. The purpose of this document is to report on developments concerning TGP documents to assist the Administrative and Legal Committee (CAJ) in its consideration of individual TGP documents for adoption by the Council, at its forty-ninth ordinary session, to be held in Geneva on October 29, 2015, and to present a tentative program for the development of TGP documents.
2. The CAJ is invited to:
 - (a) consider the following proposed revisions of document TGP/9 "Examining distinctness":
 - (i) revisions previously agreed by the TC, as set out in Annex I to this document;
 - (ii) Section 1.6 "Schematic overview of TGP documents concerning distinctness", as set out in Annexes II and III of this document;
 - (iii) Section 2.5 "Photographs", as set out in paragraph 9 of this document;
 - (iv) Section 4.3.2 "Single record for a group of plants or parts of plants (G)" and Section 4.3.4 "Schematic Summary", as set out in paragraphs 10 and 11 of this document;
 - (b) consider the following proposed revisions of document TGP/14 "Glossary of terms used in UPOV documents":
 - (i) Section 2.4 "Apex/tip shape characteristics", as set out in paragraph 13 of this document;
 - (ii) Subsection 3 "Color" Annex (Correction French translation) as set out in paragraph 14 of this document;
 - (c) consider whether to revise the web links provided in the following sections of document TGP/5: "Experience and Cooperation in DUS Testing":
 - (i) Section 3: "Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights", as set out in paragraph 20;
 - (ii) Section 8: "Cooperation in Examination", as set out in paragraph 22; and
 - (iii) Section 9: "List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established", as set out in paragraph 24 of this document;
 - (d) note that the Council will be invited to adopt document TGP/0/8, in order to reflect the revisions of TGP documents; and
 - (e) consider the program for the development of TGP documents, as set out in the Annex V to this document.

3. The structure of this document is as follows:

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4. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

PURPOSE

5. The purpose of this document is to report on developments concerning TGP documents to assist the Administrative and Legal Committee (CAJ) in its consideration of individual TGP documents, and to present a tentative program for the development of TGP documents.

MATTERS FOR ADOPTION BY THE COUNCIL IN 2015

6. The TC, at its fiftieth session, and the CAJ, at its sixty-ninth session, approved the program for the development of TGP documents. The following revisions of TGP documents were agreed to be proposed for adoption by the Council at its forty-ninth ordinary session, to be held in Geneva on October 29, 2015¹:

TGP/9: Examining Distinctness

7. Annex I to this document contains a new section already agreed by the TC for document TGP/9 “Examining Distinctness”.

- (i) *Revision of document TGP/9: Section 1.6: Schematic Overview of TGP Documents Concerning Distinctness*

8. Annexes II and III to this document contain a proposal for revision of the flow diagram in TGP/9, Section 1.6 “Schematic overview of TGP documents concerning distinctness”, to be considered by the TC at its fifty-first session.

- (ii) *Revision of document TGP/9: Section 2.5: Photographs*

9. It is proposed to amend document TGP/9: Section 2.5 “Photographs” to include a new paragraph, as follows:

“2.5.3 The suitability of photographs for the identification of similar varieties is strongly influenced by the quality of the photographs taken by the authority for the varieties in the reference collection and the photograph of the candidate variety provided by the applicant with the Technical Questionnaire. Comprehensive guidance for taking suitable photographs is provided in document TGP/7, GN 35. The guidance was developed in particular for the applicants to provide suitable photographs of the candidate variety. The same instructions are important and useful for the authorities to take photographs of the varieties in the variety collection under standardized conditions.”

- (iii) *Revision of document TGP/9: Sections 4.3.2 and 4.3.4 Method of Observation (Single Measurement – MG)*

10. The following example of a “single record for a group of plants (MG) taken on plant parts” is proposed for inclusion in a future revision of document TGP/9, Section 4.3.2 “Single record for a group of plants or parts of plants (G)” and Section 4.3.4 “Schematic Summary”:

“Example (MG)

“Measurement (MG): ‘Leaf blade: width’ in Hosta (vegetatively propagated): a representative measurement in the plot.”

11. An illustration is proposed for inclusion in Section 4.3.4, as presented in Annex IV to this document.

¹ As set out in the Annex to documents TC/50/5 and CAJ/69/3, respectively (see document TC/50/36 “Report on the Conclusions”, paragraph 75, and document CAJ/69/13 “Report”, paragraph 66, respectively).

12. The CAJ, in conjunction with the comments of the TC at its fifty-first session, is invited to consider:

(a) the revision to document TGP/9 previously agreed by the TC, as set out in Annex I to this document;

(b) the proposal for revisions of the flow diagram in TGP/9, Section 1.6 “Schematic overview of TGP documents concerning distinctness” for adoption in 2015, as set out in Annexes II and III of this document;

(c) the proposed guidance on photographs for inclusion in document TGP/9, Section 2.5 “Photographs”, as set out in paragraph 9 of this document; and

(d) the proposed example of a single record for a group of plants (MG) taken on plant parts for inclusion in document TGP/9, Section 4.3.2 “Single record for a group of plants or parts of plants (G)” and Section 4.3.4 “Schematic Summary”, as set out in paragraphs 10 and 11;

as a basis for the adoption of document TGP/9/2 “Examining distinctness” by the Council, at its forty-ninth ordinary session.

TGP/14: Glossary of Terms Used in UPOV Documents

(i) *Revision of document TGP/14: Section 2.4 “Apex/tip shape characteristics”*

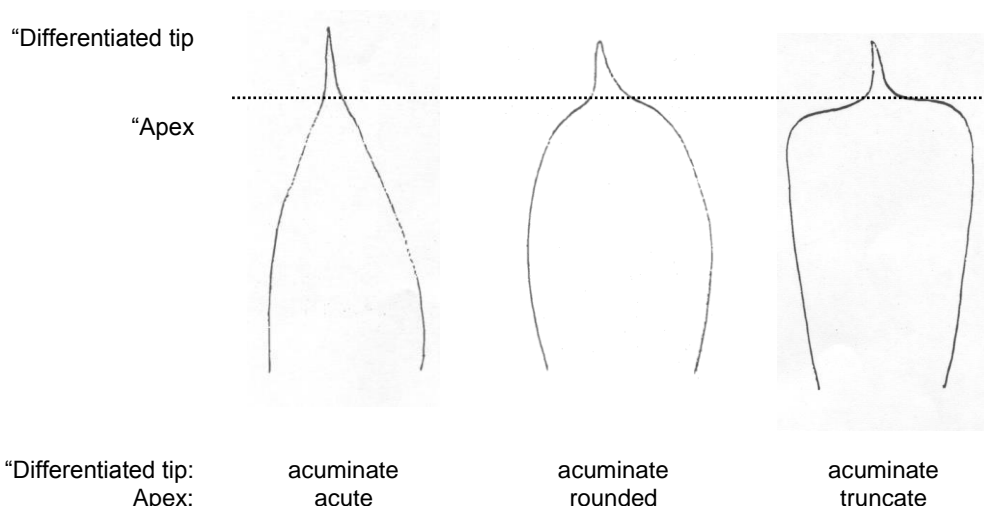
13. It is proposed to revise document TGP/14, Section 2.4 “Apex/tip shape characteristics” to read as follows:

“2.4 Apex/Tip Shape Characteristics

“2.4.1 The APEX (apical or distal part) of an organ or plant part is the end furthest from the point of attachment. In some cases, the distal extremity of the apex may be differentiated into a “TIP”.

“2.4.2 In some cases, the distal extremity of the apex may be differentiated into a “TIP”. In considering the approach to describe the apex, the size of the organ and the number of apex shapes should be taken into account. Apex characteristics can be described in simple terms and if a differentiated tip is present it could be further described as a separate characteristic. Generally, it is not necessary to separate the apex shape characteristic.

“2.4.3 In cases where it is appropriate to separate into differentiated tip and apex characteristics, the shape of the apex is taken as the general shape, excluding any differentiated tip (if present) and the separation of tip and apex should be indicated in the explanation of the characteristic. For example:



2.4.3 2.4.4 As explained in Section 2.1, it is only necessary to develop a characteristic for the shape of apex when the variation in shape between varieties in the variety collection has not been accounted for by the ratio length/width or the position of the broadest part concerning the full plant part. [...]

(ii) *Revision of document TGP/14: Subsection 3: “Color”, Annex*

14. The French translation of the color group “dark purple red” should be corrected to read “rouge-pourpre foncé”.

15. *The CAJ is invited to:*

(a) *consider the proposal to revise document TGP/14, Section 2.4 “Apex/tip shape characteristics”, as set out in paragraph 13, in conjunction with the comments of the TC at its fifty-first session; and*

(b) *note the correction to the French translation of the color group “dark purple red” to read “rouge-pourpre foncé” in to document TGP/14 Subsection 3: “Color”, as set out in paragraph 14 of this document.*

TGP/0: List of TGP Documents and Latest Issue Dates

16. Document TGP/0/7² will need to be updated (to become document TGP/0/8) to reflect revisions of TGP documents adopted by the Council at its forty-ninth ordinary session.

17. *The CAJ is invited to note that the Council will be invited to adopt document TGP/0/8, in order to reflect the revisions of TGP documents.*

² Adopted by the Council at its forty-eighth session, held on October 16, 2014.

POSSIBLE FUTURE REVISION OF TGP DOCUMENTS

18. New proposals for possible future revision of TGP documents have been developed for consideration by the TC and the CAJ as follows:

TGP/5: Experience and Cooperation in DUS Testing

- (i) *Revision of document TGP/5: Section 3: Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights*

19. Document TGP/5: Section 3 currently states that:

"A model Technical Questionnaire is provided in document TGP/7 "Development of Test Guidelines": Annex 1: TG Template: Chapter 10. The UPOV Test Guidelines (<http://www.upov.int/en/publications/tg-rom/index.html>) contain, in Chapter 10, a specific Technical Questionnaire for varieties covered by those Test Guidelines.

20. Following the launching of the redesigned UPOV website on November 1, 2011, the web link provided in document TGP/5: Section 3 needs to be amended to read as follows:

"A model Technical Questionnaire is provided in document TGP/7 "Development of Test Guidelines": Annex 1: TG Template: Chapter 10. The UPOV Test Guidelines (http://www.upov.int/edocs/tgpdocs/en/tgp_7.pdf) contain, in Chapter 10, a specific Technical Questionnaire for varieties covered by those Test Guidelines."

- (ii) *Revision of document TGP/5: Section 8: Cooperation in Examination*

21. Document TGP/5: Section 8 currently states that:

"A synopsis of cooperation in examination between authorities is provided in the form of a Council document:

"C/[session]/5 (e.g. C/38/5), (http://www.upov.int/en/documents/index_c.htm)."

22. Following the launching of the redesigned UPOV website on November 1, 2011, the web link provided in document TGP/5: Section 8 needs to be amended to read as follows:

"A synopsis of cooperation in examination between authorities is provided in the form of a Council document:

"C/[session]/5 (e.g. C/49/5), (http://www.upov.int/meetings/en/topic.jsp?group_id=251)."

- (iii) *Revision of document TGP/5: Section 9: List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established*

23. Document TGP/5: Section 9 currently states that:

"A list of genera and species in which practical knowledge has been acquired or for which national test guidelines have been established is provided in the Technical Committee document:

"TC/[session]/4 (e.g. TC/41/4), (http://www.upov.int/restrict/en/tc/index_tc.htm).

24. Following the launching of the redesigned UPOV website on November 1, 2011, the web link provided in document TGP/5: Section 9 needs to be amended to read as follows:

"A list of genera and species in which practical knowledge has been acquired or for which national test guidelines have been established is provided in the Technical Committee document:

"TC/[session]/4 (e.g. TC/51/4), (http://www.upov.int/meetings/en/topic.jsp?group_id=254)."

25. *The CAJ is invited to consider whether to revise the following web links provided in document TGP/5, in conjunction with the comments of the TC at its fifty-first session:*

(a) Section 3: “*Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights*”, as set out in paragraph 20;

(b) Section 8: “*Cooperation in Examination*”, as set out in paragraph 22; and

(c) Section 9: “*List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established*”, as set out in paragraph 24.

PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

26. Annex V to this document proposes a program for the development of TGP documents on the basis of the conclusions by the TC, at its fiftieth session, the CAJ, at its sixty-ninth session, the Technical Working Parties at their sessions in 2014 and the TC-EDC at its meeting in January 2015 (see document TC/50/36 “*Report on the Conclusions*”, paragraph 75, and document CAJ/69/12 “*Report on the Conclusions*”, paragraph 64, respectively).

27. *The CAJ is invited to consider the program for the development of TGP documents, as set out in Annex V of this document, in conjunction with the conclusions of the TC at its fifty-first session.*

[Annexes follow]

REVISION OF DOCUMENT TGP/9: MATTERS PREVIOUSLY AGREED BY THE TC

Section 5.5 (New): Guidance on Number of Plants to be Examined (for Distinctness)

To add new Section 5.5 as follows (see document TC/49/41 "Report on the Conclusions", paragraph 84):

"Number of Plants / Parts of Plants to be Examined (for distinctness)

"1. The observation of the '*typical*' expression of characteristics of a variety in a given environment is essential for the assessment of distinctness. The precision of the observed (mean) expression of the varieties to be compared is a critical element for the consideration of whether a difference is a clear difference.

"2. In the case of qualitative characteristics, a low number is sufficient to identify the expression of a variety. In general, the number of plants for the assessment of distinctness is not a limiting factor for the number of plants in the trial. Thus, the number of plants for the assessment of qualitative characteristics is not essential for harmonization.

"3. In case of quantitative characteristics (and pseudo-qualitative characteristics), the variation within the variety has to be taken into account for defining a clear difference (by expert judgment or exact statistics). Due to the relation between variation within the varieties and the required difference to be considered as a clear difference for the establishment of distinctness the precision of records is important. The precision of records (mean values) is influenced by the sample size. Therefore, the appropriate sample size should be indicated in the Test Guidelines for the purpose of harmonization.

"4. The following general principals should be taken into account:

"Considerations for the number of plants to be observed for distinctness in case of QN (in some cases PQ)

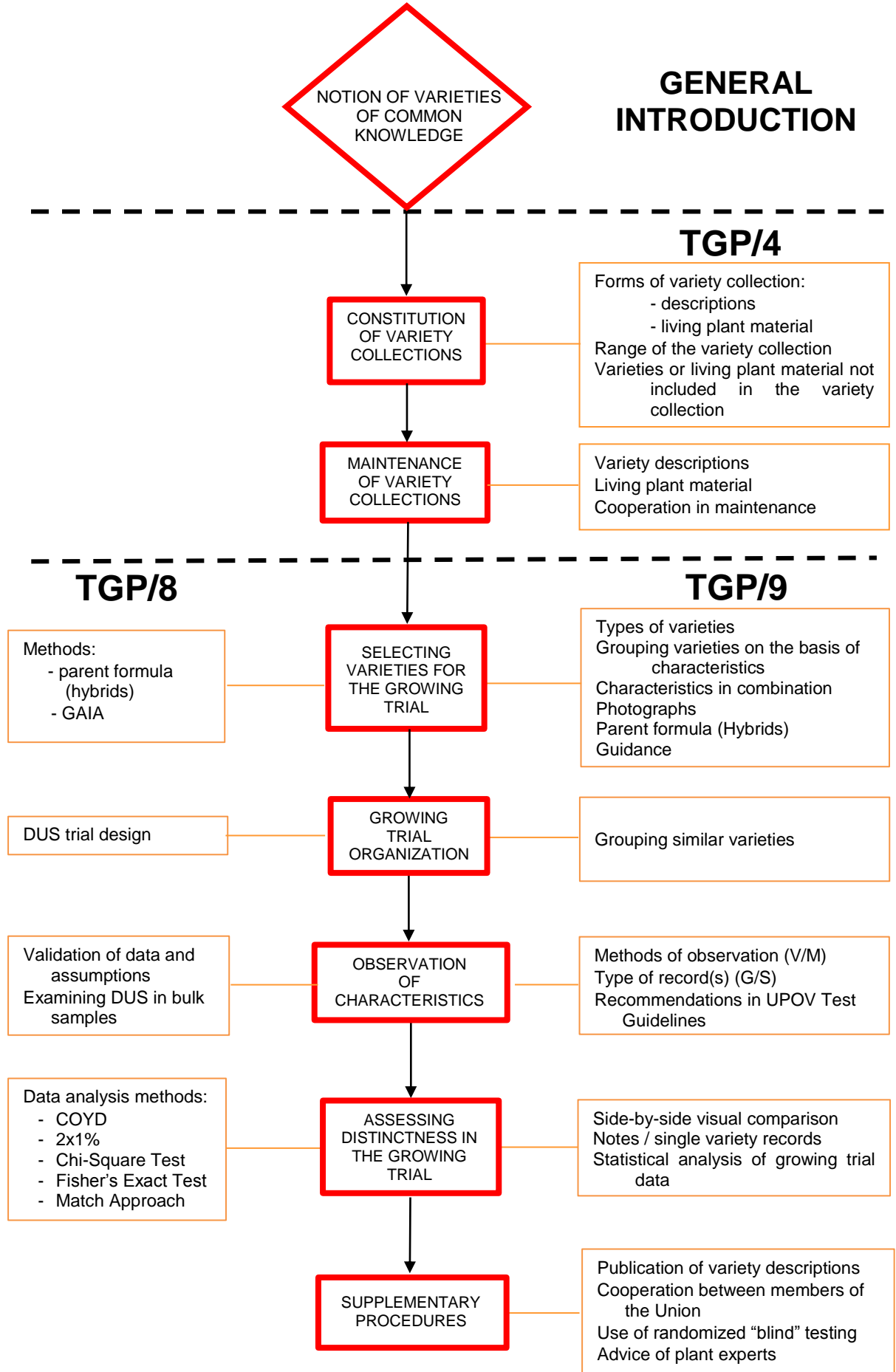
- (a) Observation on the plot as a whole (VG/MG)
 - the indicated number should be considered as minimum number
- (b) Observation on subsample from plot (VG/MG)
 - the indicated number should be considered as minimum number
- (c) Observations on individual plants (VS/MS)
 - the number of plants is important for precision of record
 - the specific number should be indicated

"Considerations for the number of plants for candidate varieties and varieties to be compared with the candidate varieties

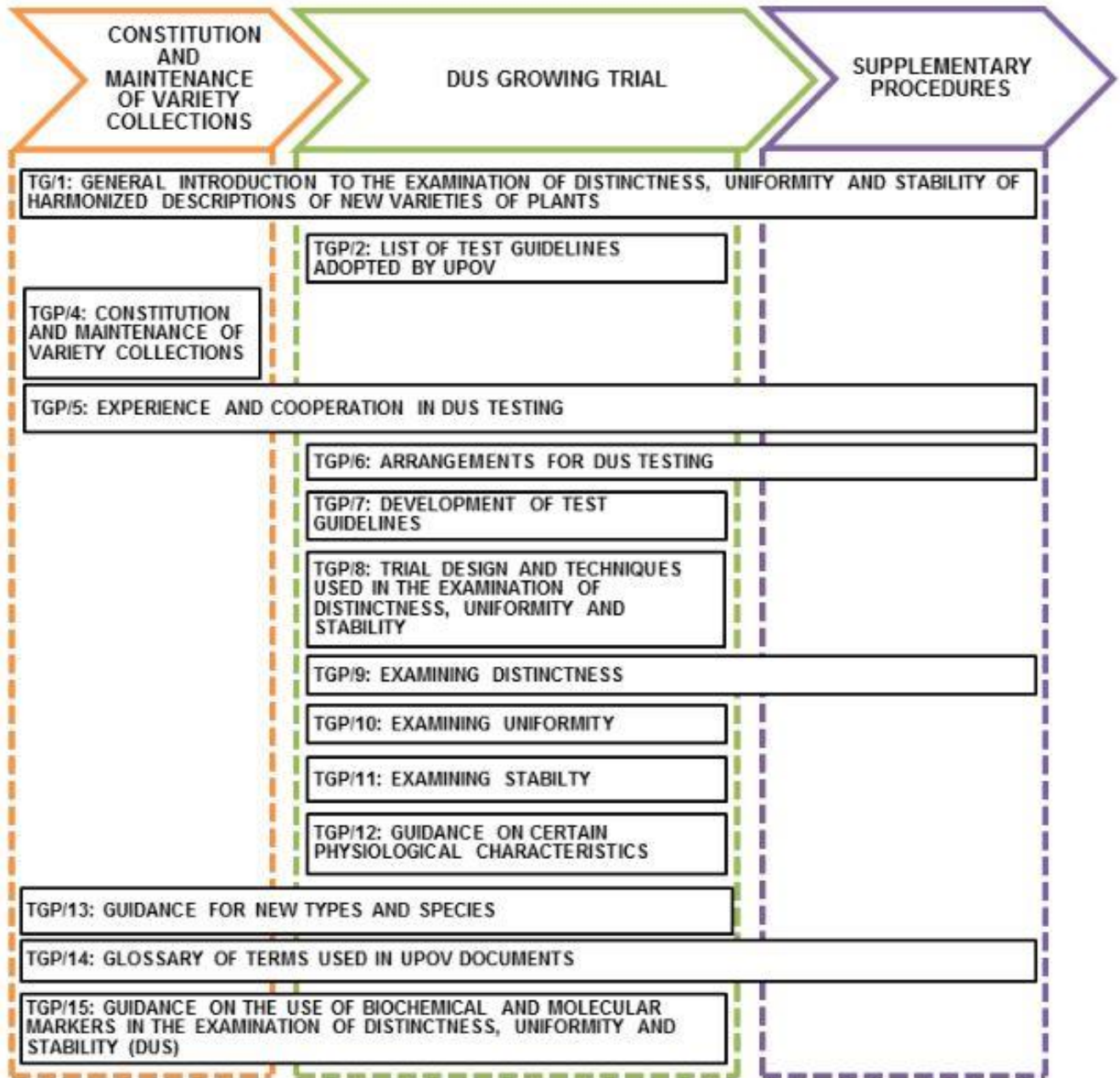
"5. The required precision of records depends on the size of the difference between the candidate variety and the varieties of common knowledge. If two varieties are very similar it is important to ensure the same precision of the records for both varieties. The number of plants indicated in the Test Guidelines applies to both the candidate variety and the similar variety of common knowledge. In other cases, it may be possible to include in the trial a lower number of plants for the variety of common knowledge, provided that uniformity does not have to be assessed for that variety, i.e. varieties in the variety collection."

[Annex II follows]

SCHEMATIC OVERVIEW OF TGP DOCUMENTS CONCERNING DISTINCTNESS



SCHEMATIC OVERVIEW OF TGP DOCUMENTS

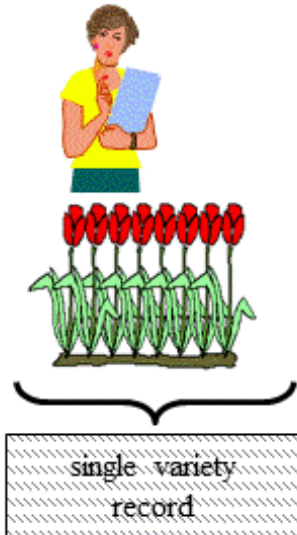


[Annex IV follows]

Single record for a group of plants or parts of plants (G)

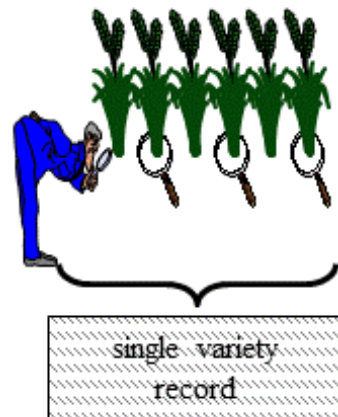
Section 4.3.2.3

Example (VG): Flower:
type
(tulip: vegetatively
propagated)



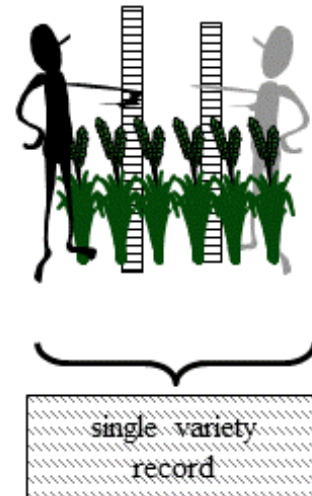
Section 4.3.2.3

Example (VG): Lowest
leaf: hairiness of leaf
sheaths
(barley: self-pollinated)



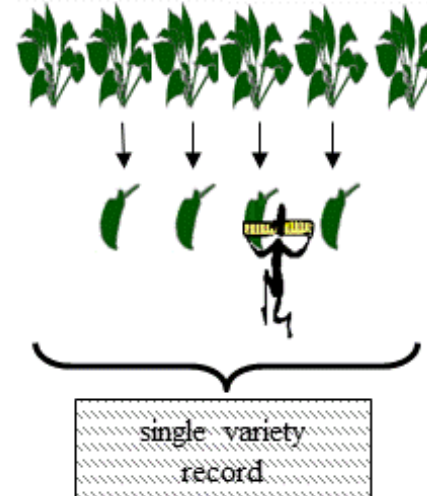
Section 4.3.2.3

Example (MG): Plant:
height (wheat: self-
pollinated)



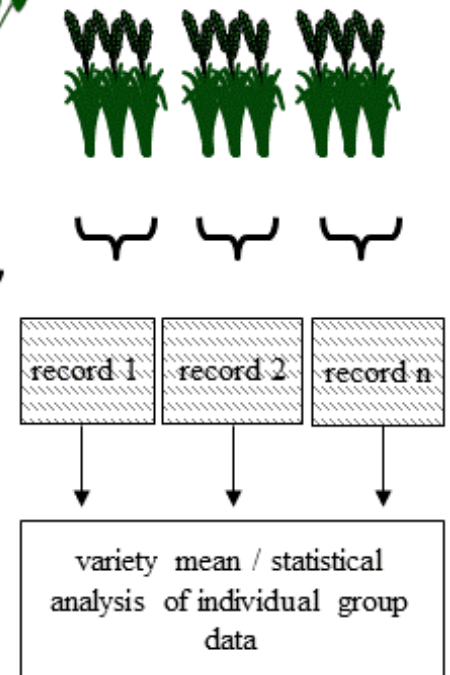
Section 4.3.2.3

Example (MG): Leaf blade:
width
(hosta: vegetatively
propagated)



Section 4.3.2.4

Example: (statistical
analysis)



PROGRAM FOR TGP DOCUMENTS

	Title of document	Current approved* documents	2014					2015					2016							
			TC-EDC	TC/50	CAJ/69	TWPs	CAJ/70	C/48	TC-EDC	TC/51	CAJ/71	TWPs	CAJ/72	C/49	TC-EDC	TC/52	CAJ/73	TWPs	CAJ/74	C/50
TGP/0	List of TGP Documents and Latest Issue Dates	TGP/0/7 ADOPTED						TGP/0/7 Adopt						TGP/0/8 Adopt						TGP/0/9 Adopt
TGP/1	General Introduction with Explanations	-	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
TGP/2	List of Test Guidelines Adopted by UPOV	TGP/2/2 ADOPTED	TGP/2/2 Draft 1	TGP/2/2 Draft 2	TGP/2/2 Draft 3			TGP/2/2 Adopt												
TGP/3	Varieties of Common Knowledge	C(Extr.)/19/2 Rev.																		
TGP/4	Constitution and Maintenance of Variety Collections	TGP/4/1 ADOPTED																		
TGP/5	Experience and Cooperation in DUS Testing	ADOPTED																		
	Section: Introduction	Adopted																		
	Section 1: Model Administrative Agreement for International Cooperation in the Testing of Varieties	Section 1/2 Adopted																		
	Section 3: Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights	Section 3/1 Adopted																		
	Section 4: UPOV Model Form for the Designation of the Sample of the Variety	Section 4/2 Adopted																		
	Section 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	Section 5/2 Adopted																		
	Section 6: UPOV Report on Technical Examination and UPOV Variety Description	Section 6/2 Adopted																		
	Section 7: UPOV Interim Report on Technical Examination	Section 7/2 Adopted																		
	Section 8: Cooperation in Examination	Section 8/1 Adopted																		
	Section 9: List of Species in Which Practical Knowledge has Been Acquired or For Which National Test Guidelines Have Been Established	Section 9/1 Adopted																		
	Section 11: Examples of Policies and Contracts for Material Submitted by the Breeder	Section 11/1 Adopted																		
	Section 3: Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights	Section 3/1 Adopted							TC-EDC/Jan15/2	TC/51/5	CAJ/71/7								Section 3/2 Adopt	
	Section 8: Cooperation in Examination	Section 8/1 Adopted							TC-EDC/Jan15/2	TC/51/5	CAJ/71/7								Section 8/2 Adopt	
	Section 11: Examples of Policies and Contracts for Material Submitted by the Breeder	Section 11/1 Adopted							TC-EDC/Jan15/2	TC/51/5	CAJ/71/8								Section 11/1 Adopted	
	Section 9: List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established	Section 9/1 Adopted							TC-EDC/Jan15/2	TC/51/5	CAJ/71/7								Section 9/2 Adopt	
	Section 10: Notification of Additional Characteristics	Section 10/3 Adopted	TC-EDC/Jan14/2	TC/50/5	CAJ/69/3				Sec. 10/3 Adopt											
TGP/6	Arrangements for DUS Testing	TGP/6/1 ADOPTED																		
TGP/7	Development of Test Guidelines	TGP/7/4 ADOPTED																		
	TC Approved Revisions (document TC/50/5 Annex I)		TC-EDC/Jan14/2	TC/50/5	CAJ/69/3			TGP/7/4 Adopt												
	Drafter's Kit for Test Guidelines (Drafter: Office of the Union)			TC/50/5		TWP/xx/14			TC-EDC/Jan15/2	TC/51/5		x		x	x	x				TGP/7/5 Adopt
	Plant Material Submitted for Examination (Drafter: Jens Wegner (European Union))		TC-EDC/Jan14/5	TC/50/17		TWP/xx/12			TC-EDC/Jan15/3	TC/51/14										
	Coverage of the Test Guidelines (Drafter: Office of the Union)			TC/50/5		TWP/xx/13			TC-EDC/Jan15/4	TC/51/15					x					TGP/7/5 Adopt
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	TGP/8/2 ADOPTED	see Appendix					TGP/8/2 Adopt	see Appendix					see Appendix					TGP/8/3 Adopt	
TGP/9	Examining Distinctness	TGP/9/1 ADOPTED																		
	TC Approved Revisions (document TC/50/5 Annex III)		TC-EDC/Jan14/2	TC/50/5	CAJ/69/3						CAJ/71/7									TGP/9/2 Adopt
	Revision of Section 2.5: Photographs (Drafter: Beate Ruecker (Germany))					TWP/xx/22			TC-EDC/Jan15/13	TC/51/23	CAJ/71/7									TGP/9/2 Adopt
	Method of Observation (single measurement - MG) (Drafter: Office of the Union)					TWP/xx/22			TC-EDC/Jan15/13	TC/51/23	CAJ/71/7									TGP/9/2 Adopt
	Schematic Overview of TGP Documents Concerning Distinctness (Drafter: Office of the Union)					TWP/xx/22			TC-EDC/Jan15/13	TC/51/23	CAJ/71/7									TGP/9/2 Adopt
TGP/10	Examining Uniformity	TGP/10/1 ADOPTED	TC-	TC/50/12		TWP/xx/9			TC-EDC/Jan15/5	TC/51/24		x		x	x	x				TGP/10/2
TGP/11	Examining Stability	TGP/11/2 ADOPTED																		
TGP/12	Guidance on Certain Physiological Characteristics	TGP/12/2 ADOPTED																		
TGP/13	Guidance for New Types and Species	TGP/13/1 ADOPTED																		
TGP/14	Glossary of Terms Used in UPOV Documents	TGP/14/2 ADOPTED																		
	Section 2.4: Apex/Tip Characteristics (Drafter: Office of the Union)					TWP/xx/23			TC-EDC/Jan15/24	TC/51/25	CAJ/71/7									TGP/14/3 Adopt
TGP/15	Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)	TGP/15/1 ADOPTED																		

CAJ/71/7

ANNEX V, APPENDIX

PROGRAM FOR REVISION OF DOCUMENT TGP/8

Title of document	2014						2015						2016						
	TC-EDC	TC/50	CAJ/69	TWPs	CAJ/70	C/48	TC-EDC	TC/51	CAJ/71	TWPs	CAJ/72	C/49	TC-EDC	TC/52	CAJ/73	TWPs	CAJ/74	C/50	
TGP/8 PART I: DUS TRIAL DESIGN AND DATA ANALYSIS																			
TC Approved Revisions (document TC/50/5 Annex II)		TC/50/5	CAJ/69/3			TGP/8/2 Adopt													
Minimizing variation due to different observers (Drafter: Nik Hulse (Australia))	TC-EDC/Jan14/9	TC/50/21		TWP/xx/15			TC-EDC/Jan15/6	TC/51/16		x			x	x	x				TGP/8/3 Adopt
TGP/8 PART II: TECHNIQUES USED IN DUS EXAMINATION																			
TC Approved Revisions (document TC50/5 Annex II)		TC/50/5	CAJ/69/3			TGP/8/2 Adopt													
Method of Calculation of COYU (Drafter: Adrian Roberts (United Kingdom))	TC-EDC/Jan14/10	TC/50/22		TWP/xx/16			TC-EDC/Jan15/7	TC/51/17		x			x	x	x				TGP/8/3 Adopt
Examining DUS in Bulk Samples (Drafter: Office of the Union)	TC-EDC/Jan14/12	TC/50/24		TWP/xx/17			TC-EDC/Jan15/8	TC/51/18		x			x	x	x				TGP/8/3 Adopt
Data Processing for the Assessment of Distinctness and for Producing Variety Descriptions (Drafter: Office of the Union)	TC-EDC/Jan14/13	TC/50/25		TWP/xx/18			TC-EDC/Jan15/9	TC/51/19		x			x	x	x				TGP/8/3 Adopt
Guidance of Data Analysis for Blind-Randomized Trials (Drafter: Richard Brand (France))	TC-EDC/Jan14/14	TC/50/26		TWP/xx/19			TC-EDC/Jan15/10	TC/51/20		x			x	x	x				TGP/8/3 Adopt
Examining Characteristics Using Image Analysis (Drafter: Jean Maisson (European Union))	TC-EDC/Jan14/15	TC/50/27		TWP/xx/20			TC-EDC/Jan15/11	TC/51/21		x			x	x	x				TGP/8/3 Adopt
Statistical Methods for Visually Observed Characteristics (Drafter: TWC to identify)	TC-EDC/Jan14/16	TC/50/28		TWP/xx/21			TC-EDC/Jan15/12	TC/51/22		x			x	x	x				TGP/8/3 Adopt

[End of Annex V and of document]