

**Administrative and Legal Committee**

**CAJ/81/2**

**Eighty-First Session  
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**REPORT ON DEVELOPMENTS IN THE TECHNICAL COMMITTEE**

*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 in the Technical Committee (TC) at its sixtieth session, held in Geneva on October 21 and 22, 2024, of relevance for the Administrative and Legal Committee (CAJ).
2. The report of the TC is available in document TC/60/8 “Report”.
3. The CAJ is invited to note developments at the sixtieth session of the TC, as reported in this document.
4. The structure of this document is as follows:

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5. 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
TWF:	Technical Working Party for Fruit Crops
TWM:	Technical Working Party on Testing Methods and Techniques
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

#### DEVELOPMENT OF GUIDANCE AND DOCUMENTS PROPOSED FOR ADOPTION BY THE COUNCIL

6. The TC considered document SESSIONS/2024/2.

##### Matters for adoption by the Council in 2023

*Documents for adoption by the Council, subject to agreement by the TC and the CAJ*

##### UPOV/INF/16: Exchangeable Software (Revision)

7. The TC agreed to propose the revision of document UPOV/INF/16 “Exchangeable Software” on the basis of document UPOV/INF/16/13 Draft 1.

##### UPOV/INF/22: Software and Equipment Used by Members of the Union (Revision)

8. The TC agreed to propose the revision of document UPOV/INF/22 “Software and Equipment Used by Members of the Union” on the basis of document UPOV/INF/22/11 Draft 1.

##### UPOV/EXN/DEN: Explanatory Notes on Variety Denominations under the UPOV Convention (Revision): New variety denomination classes for Prunus and situations when a denomination should be compared with other classes within a genus

9. The TC agreed to propose the revision of document UPOV/EXN/DEN/3 “Explanatory Notes on Variety Denominations under the UPOV Convention” (document UPOV/EXN/DEN/4), on the basis of the proposed revisions presented in document SESSIONS/2024/2, Annex I, section “Proposal: New variety denomination classes for Prunus”, with the following amendment (additions indicated with highlighting and underline; and deletions indicated with highlighting and ~~strikethrough~~):

“c) The ~~registered~~ proposed denominations of an interspecific hybrid ~~variety~~ with parents from different classes within a genus should be different from introduced denominations in ~~all~~ the classes ~~within a genus~~ of all the parent species. The UPOV code for an interspecific hybrid variety with parents from different classes within a genus should be associated with the variety denomination classes of all the parent species.

##### TGP/7: Development of Test Guidelines (Revision): Additional Standard Wording (ASW) 3 “Explanation of the growing cycle”

10. The TC agreed to propose the revision of document TGP/7/9 “Development of Test Guidelines”, on the basis of the proposed amendments presented in document SESSIONS/2024/2, paragraph 20, and as reproduced as follows:

“(a) Fruit species with clearly defined dormant period

“3.1.2 The growing cycle is considered to be the duration of a single growing season, beginning with the dormancy period, followed by bud burst (flowering and/or vegetative), flowering and fruit harvest and concluding when the following dormant period starts ends with the swelling of new season buds.”

TGP/12: Guidance on Certain Physiological Characteristics (Revision): Equivalence table for states of expression in quantitative disease resistance characteristics in Test Guidelines

11. The TC agreed to propose the revision of document TGP/12/4 “Guidance on Certain Physiological Characteristics”, on the basis of the proposed amendments presented in document SESSIONS/2024/2, Annex II, section “Proposal”, with the following amendment to the disposition of information in the table to be presented as follows:

“Table 2: States of expression in Test Guidelines and terminology used in the vegetable seed sector:

<i>States of expression in Test Guidelines:</i>		
Resistance to [disease name]	note	state
	1	absent or low
	2	medium
	3	high
<i>Terminology used in the vegetable seed sector:</i>		
Reaction of a plant variety to a specific pest <sup>1</sup>	Susceptibility (S)	
	Intermediate Resistance (IR)	
	High Resistance (HR)	

#### MEASURES TO ENHANCE COOPERATION IN EXAMINATION

12. The TC considered document SESSIONS/2024/3 and recalled that it had agreed to support the exchange of information from UPOV members on practices in DUS examination, including events to discuss the environmental effect in the expression of characteristics, variety collections and cooperation with breeders in DUS examination.

13. The TC noted the interventions from the Delegations of Argentina, Belarus, Brazil, Canada, European Union and Japan on the proposed measures to enhance cooperation in examination and agreed to support continuing discussions, as provided in document SESSIONS/2024/3.

14. The TC agreed to support organizing the proposed seminar to create awareness on cooperation with breeders in DUS examination, at the fringes of the UPOV sessions in 2025, which could lead to the future development of training materials based on members’ experiences and practices.

#### MEASURES TO IMPROVE SUPPORT PROVIDED FOR DUS EXAMINATION

15. The TC considered document TC/60/6.

#### Measures on Test Guidelines (TGs) and online tool for drafting TGs

16. The TC considered the report from the subgroup on Test Guidelines and agreed on the importance of the work of leading experts in charge of drafting Test Guidelines. The TC noted that the Office of the Union would organize a webinar for leading experts in December 2024 to address frequently asked questions and

<sup>1</sup> source: <https://worldseed.org/>

common challenges using the Test Guidelines drafting tool. The TC noted that the webinar would be open to all members and the video recording made available on the UPOV website and YouTube channel.

17. The TC agreed that further initiatives to support drafters of Test Guidelines should be considered, including a preparatory webinar to be held before the TWPs in 2025.

18. The TC considered possible options to improve the online tool for drafting Test Guidelines and noted the report from the Office of the Union on issues identified by the subgroup currently being addressed, including a new reporting tool and improved functionalities to upload tables and images. The TC noted the plan to test using the online drafting tool during TWPs to record the outcome of discussions on draft Test Guidelines during the sessions.

19. The TC considered possible options to improve the Test Guidelines structure and agreed to invite the leading expert to continue developing the proposals, to be presented to the TWPs at their sessions in 2025, along with the outcomes of the consultations.

#### Measures for the Office of the Union to develop proposals

##### *Practical experience in DUS examination*

20. The TC considered how UPOV members can search for information on experience in DUS examination and noted that the UPOV Plant Variety Database (PLUTO) was commonly used by members.

21. The TC considered options to identify the authority that had conducted the technical examination of a variety and agreed that this information was required in the UPOV model form for the application for plant breeders' rights (document TGP/5, Section 2).

22. The TC noted that the UPOV e-PVP DUS Report Exchange Platform provided information on test reports available for exchange and offers to conduct DUS examination on behalf of other authorities. The TC noted that, in addition to the GENIE database, some members utilized the printable version of the TC document "List of genera and species for which authorities have practical experience in the examination of DUS".

##### *Cooperation in DUS examination*

23. The TC considered how UPOV members can search information on cooperation in DUS examination and whether to develop further guidance on the use of any of the available options. The TC agreed that members sought cooperation directly with authorities with experience in examination of the crops of their interest. The TC agreed that information in the GENIE database and Council document "Cooperation in Examination" was outdated and could possibly be discontinued.

#### TGP Documents: subgroups and leading experts

24. The TC agreed to utilize, as appropriate, guidance on the role of the leading expert in document TGP/7 "Development of Test Guidelines" for matters on amending or developing guidance in TGP documents, as set out in document TC/60/6, paragraph 66.

25. The TC agreed to request the TWPs to invite experts from members of the Union to lead discussions on proposals for developing or amending guidance, including for TGP documents.

#### Training and distance learning

##### *Updating distance learning courses*

26. The TC agreed to invite UPOV members to explore cooperation possibilities with the Office of the Union to resource the updating of the content and format of the UPOV distance learning courses.

##### *Developing new courses*

27. The TC agreed to support the development of new training courses on DUS examination by UPOV members, including developing national test guidelines in the absence of UPOV Test Guidelines and filing applications. The TC noted that content formats such as webinars and video-recordings could be used to provide practical guidance from UPOV members' experience and complement distance learning courses.

28. The TC encouraged UPOV members to contact the UPOV Office to explore the inclusion of training programs provided by UPOV members in the UPOV PVP Certificate program.

#### *Promoting training opportunities*

29. The TC agreed to support UPOV members promoting training opportunities including their inclusion in the UPOV PVP Certificate program.

#### List of members willing to provide mentoring on drafting national test guidelines

30. The TC agreed to invite the contact persons of members of the Union to the TC to provide information on their willingness to provide mentoring on drafting national test guidelines for inclusion on the web page of contact persons for international cooperation in DUS examination.

#### Performance indicators

31. The TC reviewed the work of the TWPs on the basis of the performance indicators and agreed that no further indicators should be established at this stage.

32. The TC noted the satisfaction survey conducted with participants at the meetings of the TWPs in 2024, as presented in Annex V to document TC/60/6 and agreed to invite the Office of the Union to continue regularly surveying members and observer organizations on their satisfaction with the support for DUS examination provided by UPOV through the TC and TWPs.

#### MOLECULAR TECHNIQUES

33. The TC considered document SESSIONS/2024/6.

#### Guidelines for the validation of a new characteristic-specific molecular marker protocol as an alternative method for observation

34. The TC agreed to request the TWPs, at their sessions in 2025, to consider the proposal for guidelines for the validation of new characteristic-specific molecular marker protocol for DUS examination, as provided in the Annex to document SESSIONS/2024/6.

#### Confidentiality and Ownership of Molecular Information

35. The TC noted the request from breeders' organizations for the development of guidance in UPOV on confidentiality of molecular data and the offer to propose a draft model agreement template, to be presented at the third session of the TWM.

36. The TC agreed to renew the invitation for presentations and reports from members and observers on examples of policies on confidentiality and access to molecular data at the TWP sessions in 2025.

#### Matters for information

37. The TC noted the following matters for information provided document SESSIONS/2024/6:

- (i) Developments at the second session of the Technical Working Party on Testing Methods and Techniques (TWM)
- (ii) Latest developments in molecular techniques and bioinformatics
- (iii) Cooperation between international organizations
- (iv) Report on the work on molecular techniques in relation to DUS examination
- (v) The use of molecular techniques in variety identification

#### UPOV INFORMATION DATABASES

38. The TC considered document SESSIONS/2024/5.

#### Amendments to UPOV codes

*UPOV codes for Citrus*

39. The TC noted the reclassification of genera and species of the *Citrus* complex which are no longer recognized as valid botanical names. The TC noted that UPOV codes in the genera *Citrus*, *×Citroncirus*, *Fortunella* and *Poncirus* would be affected. The TC agreed to submit to the TWF a proposal for amending the UPOV codes for *Citrus* and related genera and species, as provided in Annex II to document SESSIONS/2024/5.

Matters for information

40. The TC the following matters for information provided in document SESSIONS/2024/5:

- (i) PLUTO database
- (ii) GENIE database
- (iii) Amendments to UPOV codes
- (iv) UPOV codes for *Zea mays*

## TWP WORKSHOPS AND WEBINARS

41. The TC considered document TC/60/7.

42. The TC agreed to organize technical webinars in 2025, at suitable dates according to the schedule of TWP sessions, and workshops with physical participation, where requested, as set out in document TC/60/7, paragraphs 16 to 19.

43. The TC agreed that the focus of one of the webinars be the provision of support for leading experts drafting Test Guidelines. The TC agreed that the detailed arrangements concerning the webinars would be finalized by the Office of the Union in coordination with the chairpersons of the TC and TWPs.

44. The TC noted the expression of interest of CIOPORA for collaboration in relation to its Academy related technical webinars and noted that the Office of the Union would contact CIOPORA to explore possible synergies in training activities.

## DISCUSSION ON DISEASE RESISTANCE CHARACTERISTICS IN DUS EXAMINATION

45. The TC received the following presentations on disease resistance characteristics in DUS examination:

Disease resistance characteristic in DUS examination - Introduction	UPOV (Mr. Leontino Taveira)
Disease resistance characteristic in DUS examination - Argentina	Argentina (Mr. Alberto Ballesteros)
Disease resistance characteristics in DUS examination: CPVO experience	European Union (Ms. Celine Morineau)
Current experience at GEVES concerning the use of disease resistance characteristics in DUS examination France	France (Ms. Clarisse Leclair)
Use of resistance characteristics in DUS in Germany	Germany (Ms. Swenja Tams)
Physiological characteristics and Disease resistance characteristics in PVP - Japan	Japan (Mr. Yoshiyuki Ohno)
Importance of disease resistance characteristics for DUS examination - Netherlands	Netherlands (Kingdom of the) (Mr. Raoul Haegens)
Disease resistance characteristics used in DUS examinations - United States of America	United States of America (Mr. Jeffery Haynes)
Disease Resistance Characteristics in DUS Examination: Breeders' Perspectives - ISF	International Seed Federation (Mr. Ben Rivoire)

46. The TC agreed the following summary of discussions:

- Disease resistance characteristics are important for DUS. Examples were presented for vegetables and agricultural species.

- There may be different need for international harmonization through UPOV TGs, more clearly for vegetables.
- Complex interaction pathogen x environment x variety may require frequent review of characteristics in test guidelines, including technical questionnaires
- National, regional and international importance should be considered when deciding for whether to include disease resistance characteristics in test guidelines
- Clear definition and harmonization of methods is required for reliable descriptions (involvement of DUS experts, phytopathologists and breeders)
- Development of new technologies, e.g. molecular markers as alternative methods can improve testing
- Cooperation between authorities in disease resistance testing may be considered
- TWP sessions should be used to inform on developments and to consider inclusion in TGs or notification of additional characteristics in the UPOV webpage
- TWPs may consider addressing specific items on disease resistance characteristics in subgroups to advance discussions, including outside of TWP sessions

#### MATTERS FOR INFORMATION

47. The TC noted that the following documents have been posted as documents for information on the TC/60 webpage:

- (a) List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability (document TC/60/4)
- (b) Meetings on Electronic Applications (EAM) (document SESSIONS/2024/4)

#### PROGRAM OF WORK FOR THE ENLARGED EDITORIAL COMMITTEE (TC-EDC)

48. The TC agreed to propose to the Council the following schedule of meetings for the TC-EDC:

- October 14 and 16, 2025 (virtual meetings)
- October 19 and 20, 2025 (Geneva, hybrid meetings)
- January 13 and 15, 2026 (virtual meetings)
- March 17 and 19, 2026 (virtual meetings)

#### PROGRAM FOR THE SIXTY-FIRST SESSION

49. The TC agreed the following program for its sixty-first session to be held on October 20 and 21, 2025:

1. Opening of the session
2. Adoption of the agenda
3. Report by the Vice Secretary-General on developments in UPOV
4. Progress reports on the work of the Technical Working Parties
5. Matters arising from the Technical Working Parties
6. Development of guidance and documents proposed for adoption by the Council
7. Measures to enhance cooperation in examination
8. Measures to improve support provided for DUS examination
9. UPOV information databases
10. Molecular techniques
11. TWP workshops and webinars
12. Open discussion: New technologies in DUS examination
13. Matters for information:
  - (a) Meetings on Electronic Applications (EAM)
  - (b) List of genera and species for which authorities have practical experience in the examination of distinctness, uniformity and stability

14. Test Guidelines
15. Program for the sixty-second session
16. Adoption of the report (if time permits)
17. Closing of the session

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