



TC/39/9

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

TECHNICAL COMMITTEE

Thirty-Ninth Session
Geneva, April 7 to 9, 2003

PUBLICATION OF VARIETY DESCRIPTIONS

Document prepared by the Office of the Union

1. At its thirty-eighth session, held in Geneva from April 15 to 17, 2002 the Technical Committee (hereinafter referred to as "the TC") considered, on the basis of document TC/38/10, the particular technical aspects which would need to be developed for a model study on the publication of variety descriptions. It decided to invite the Technical Working Parties (hereinafter referred to as "the TWPs") to make proposals for species and to identify which members of the Union and other interested parties would wish to contribute to a model study on these species. The TC further agreed that the TWPs should, for the species concerned, be invited to consider means of separating the varieties of common knowledge into agronomic groupings. The TC would then consider the proposals for species on which the model study should be based at its thirty-ninth session in Spring 2003 and select a short list on which to base the model study.
2. This document contains the proposals made by the TWPs during their sessions in 2002 and identifies the next steps in the project to be considered by the TC at its April 2003 session.

Background

3. At its thirty-seventh session, held in Geneva from April 2 to 4, 2001, the TC discussed various aspects concerning the publication of variety descriptions. In particular, it highlighted the practical difficulties in considering varieties of common knowledge in the DUS test and noted the potential benefits of inclusion of variety description information on the UPOV-ROM. It requested that these aspects be considered by the Administrative and Legal Committee (hereinafter referred to as “the CAJ”) during its discussions on that matter.

4. The Office of the Union, in conjunction with the *Ad hoc* Working Group on the Publication of Variety Descriptions (hereinafter referred to as “the WG -PVD”), prepared a proposal and a project was agreed by the CAJ at its forty-fourth session, held on October 22 and 23, 2001 (documents CAJ/44/4a and CAJ/44/4 Add.).

5. The project identifies two main aspects to be developed. Firstly, it establishes the need for a model study to investigate and develop solutions to the technical issues concerning the possible development and publication of variety descriptions, at the international level, in an effective way. Secondly, it notes that there are important legal, administrative and financial issues which would need to be resolved, by the CAJ, before considering the possible introduction of an international system for the publication of variety descriptions. Regarding the model study, the proposal was that the TC and its TWPs should be invited to develop the technical aspects, whilst the WG -PVD was requested to develop a “test publication” of standardized variety descriptions produced in the model study.

6. At its thirty-eighth session, held in Geneva from April 15 to 17, 2002, the TC considered the project on the basis of document TC/38/10, which presented the project in an Annex. It noted the particular technical aspects which would need to be developed for the model study on the publication of variety descriptions. It decided to invite the TWPs to make proposals for species according to section 6.1.1(a) of document TC/38/10, Annex, and, in accordance with 6.1.1.(b), to identify which members of the Union and other interested parties would wish to contribute to a model study on these species. It would then consider the proposals and, at its thirty-ninth session, in Spring 2003, select a short list on which to base any model study. The TC also agreed that the TWPs should, for the species concerned, be invited to consider means of separating the varieties of common knowledge into agronomic groupings. It requested the Office of the Union to produce an explanatory paper as a basis for consideration by the TWPs (document TC/38/10 Add.).

Proposals developed by the TWPs

7. The proposals developed by the TWPs at their respective sessions in 2002, on the basis of document TC /38/10 Add., are summarized in the following table:

<u>Species/Crop</u>	<u>Proposing TWP</u>	<u>Coordinator</u>	<u>Interested Parties</u>
Barley	TWA	Denmark	AR,CA,CL,CZ,DE,DK,EE,ES,FI,FR,GB,HR,HU,NL,NZ,RO,RU,SE,ZA
Potato	TWA	Netherlands/ CPVO	CA,CL,CZ,DE, EE,GB,IL,NL,NZ, ZA,CPVO
Soybean	TWA	France	AR,BR,CA,FR,HU,RU,ZA
Apple	TWF	United Kingdom	AR,DE,FR,GB,HU,NL,NZ,CPVO
Strawberry	TWF	Israel	AR,DE,ES,FR,HU,IL,KE,NZ,CPVO
Petunia	TWO	Germany	AU,CA,DE,JP,NZ,KR,CPVO
Lettuce	TWV	Netherlands	CZ,DE ,HU ,NL,PIES,CPVO, ISF
ChineseCabbage	TWV	Japan	DE,NL ,JP,KR ,PL ,CPVO , ISF

TWA Technical Working Party for Agricultural Crops
 TWF Technical Working Party for Fruit Crops
 TWO Technical Working Party for Ornamental Plant and Forest Trees
 TWV Technical Working Party for Vegetables
 CPVO Community Plant Variety Office
 ISF International Seed Federation

8. The following table presents information on the type of propagation of the proposed species/crop, together with the regional interest in each case:

<u>Species/Crop</u>	<u>Main Type of Propagation</u>	<u>Regional Interest</u>			
		<u>Africa</u>	<u>Americas</u>	<u>Asia/ Pacific</u>	<u>Europe</u>
Barley	Seed: self-pollinated	ZA	AR,CA, CL	NZ	CZ,DE,DK,EE, ES,FI,FR,GB,HR, HU,NL,RO,RU, SE
Potato	Vegetative	ZA	CA,CL	NZ	CZ,DE,EE,GB,IL, NL,CPVO
Soybean	Seed: self-pollinated	ZA	AR,BR, CA		FR,HU,RU
Apple	Vegetative		AR	NZ	DE,FR,GB,HU, NL,CPVO
Strawberry	Vegetative	KE	AR	NZ	DE,ES,FR,HU,IL, CPVO
Petunia	Vegetative/ Seed (various)		CA	AU,JP, NZ,KR	DE,CPVO
Lettuce	Seed: self-pollinated				CZ,DE ,HU ,NL, PL,ES,CPVO
ChineseCabbage	Seed: (Hybrids)			JP,KR	DE,NL ,PL ,CPVO

9. In addition, the following comments were made by the relevant TWPs to help the TC in its consideration of the proposals:

Barley/Potato/Soybean

The TWA noted that the Test Guidelines for Barley and Soybean and the draft of the revised Test Guidelines for Potato all contained electrophoretic characteristics, which might be considered in the project.

The TWA agreed that it would be useful for a list of varieties to be provided by each contributing country in order to assess the degree of overlap. The Office of the Union was requested to issue a questionnaire seeking this information, the results of which could then be presented to the WG -PVD and the TC, to help in its decision on how to proceed.

Barley

It was noted that a substantial amount of work on the comparison of barley variety descriptions had already been undertaken by an expert from Denmark and had been reported to the TWA in its previous session. Furthermore, it noted that a ring-test for the development of variety descriptions was underway within Europe and that the results of this study, which would be available in July 2003, could be considered in the UPOV project.

Apple/Strawberry

The TWF noted that a survey on harmonization of variety descriptions for apple and strawberry was planned by the Community Plant Variety Office (CPVO).

Apple

The TWF noted that the Test Guidelines for Apple were currently under revision and that a survey of the descriptions of varieties for the characteristics in the Test Guidelines would help in the selection of faster tested and grouping characteristics and might indicate if certain characteristics were not described in a clear way. Furthermore, it noted that it was very difficult to maintain a living collection of all varieties of common knowledge, because of the global nature of the crop. The TWF heard that a survey of variety descriptions had been undertaken within the International Plant Genetic Resources Institute (IPGRI) and that this had shown a high degree of variation in variety descriptions. It further noted that it would be necessary to consider the regional distribution of apple varieties.

Strawberry

The TWF considered that strawberry would be a good basis for a model study because there were a number of varieties which were grown on a global basis and that most members of the Union would have an interest. Furthermore, there would not be a problem of mutation in this crop.

Petunia

The TWC considered that a project on Petunia may not produce a useful outcome, but would, nevertheless, provide information on how much variety descriptions vary.

Action to be taken by the TC

10. The TWC considered that an expert from that TWP should participate in the WG -PVD and proposed this be delegated to the Chairman of the TWC.

11. As explained in paragraph 5, the TC and its TWPs have been invited to develop the technical aspects of the model study, which are as follows:

(a) propose a short list of species, according to need (see document TC/38/10 Annex: section 3.1, "Prioritization of Species") and ability to develop effective harmonized variety descriptions (see document TC/38/10 Annex: section 3.2, "Nature of Variety Descriptions"), on which the model study would be based;

(b) identify which members of the Union and other interested parties (see document TC/38/10 Annex: section 4.1.2, "Access to 'Published' Variety Descriptions") would wish to contribute to the model study for each species;

(c) identify those UPOV Test Guidelines characteristics which may have useful discriminatory power from documented descriptions produced at different locations (see document TC/38/10 Annex: section 3.2.2, "Influence of the Environment on the Expression of a Characteristic");

(d) consider the possibility of developing standardized states of expression (i.e. standardized descriptions) for UPOV Test Guidelines characteristics with useful discriminatory power (see document TC/38/10 Annex: section 3.2.1, "Harmonized Examination and Recording of Characteristics"), for all varieties of a species, or a defined group of varieties within a species. As far as possible, this standardization should encompass all contributors to the study, including non-members of the Union. In the case of a variety grouping, the group should be clearly defined;

(e) consider how standardization of variety descriptions can be maintained over time;

(f) consider what, and how, other relevant information (see document TC/38/10 Annex: section 3.4, "Inclusion of Information Related to the DUS Examination") might be provided with a variety description.

12. With regard to items (a) and (b) above, the information presented in paragraphs 7 to 9 of this document is intended to enable the TC to address these first two steps in the model study.

13. With regard to item (c) above, the TC may wish to consider the experience gained by the TWA in the work it undertook on comparing barley variety descriptions (see document TWA/30/16) and, in particular, the approach it took for requesting information on variety descriptions from different sources.

14. With regard to item (d) above, the TC may wish to take into account the following comments made by the TWA during its discussions on document TC/38/10 Add.:

(i) Accommodation of different descriptions for the same variety

The TWA agreed that, for agricultural crops, it would not be possible to harmonize variety descriptions to the extent that it would be possible to obtain a single variety description. Thus, it considered that the project on such crops could only proceed on the basis that different descriptions for the same variety could be accommodated. It recommended that the results of the study on variety descriptions in oilseed rape (document TWA/31/9) should be presented to the TC and the CAJ to demonstrate this point.

(ii) Selection of grouping characteristics

The TWA noted that more care would need to be given to the selection and description of grouping characteristics, than had been employed for Test Guidelines in the past.

(iii) "Phenotypic distance" measurements

The TWA proposed that consideration should be given to the possible use of "phenotypic distance" measurements in the project.

15. The TC is invited to note that this document will also be presented to the WG -PVD, which will meet during the week of the TC session in April 2003. Any comments from the WG-PVD will be reported during discussion of this agenda item by the TC.

16. *The TC is invited to:*

(a) decide the species on which the model study should be based, the interested parties which will be invited to participate in the study and coordinators for the species involved in the study, as set out in paragraph 11(a) and (b);

(b) consider how to proceed with the further steps of the project, as set out in paragraph 11(c) to (d); and

(c) consider if the Chairman of the TWC should be invited to participate in the WG-PVD.

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