



TC/49/20

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

Geneva

**TECHNICAL COMMITTEE****Forty-Ninth Session  
Geneva, March 18 to 20, 2013****REVISION OF DOCUMENT TGP/7: PROVIDING PHOTOGRAPHS WITH THE  
TECHNICAL QUESTIONNAIRE***Document prepared by the Office of the Union*

1. The purpose of this document is to present draft guidance for providing photographs with the Technical Questionnaire for inclusion in a future revision of document TGP/7.

2. The following abbreviations are used in this document:

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
TWPs:	Technical Working Parties
TWV:	Technical Working Party for Vegetables

**BACKGROUND**

3. The TC, at its forty-eighth session, held in Geneva, from March 26 to 28, 2012, recalled that, at its forty-seventh session, it had agreed that further consideration should be given to the nature of the draft guidance for applicants on providing suitable photographs of the candidate variety as part of the Technical Questionnaire in order to avoid setting requirements that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/48/22 "Report on the Conclusions", paragraph 46).

4. 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 (see document TC/48/22 "Report on the Conclusions", paragraph 47).

COMMENTS BY THE TECHNICAL WORKING PARTIES IN 2012

5. At their sessions in 2012, the TWA, TWV, TWC, TWF and TWO considered documents TWA/41/15, TWV/46/15, TWC/30/15, TWF/43/15 and TWO/45/15, respectively, and commented as follows:

General	The TWA considered document TWA/41/15 and noted the modifications introduced in the document. It agreed that the proposed new text for ASW 16 should be reviewed taking into consideration that different authorities might have different procedures concerning the provision of photographs with the Technical Questionnaire and, in particular, that the provision of photographs might be optional for some authorities but mandatory for some others. It also requested clarification on the means by which the guidance in the document would be made available to the applicants. The TWA took note of the concern expressed by the representative of European Seed Association (ESA) for submission of photographs for vegetable species. (see document TWA/41/34 "Report", paragraph 20)	TWA,
	The TWV considered document TWV/46/15 and agreed with the conclusion of the TWA as follows (see document TWV/46/41 "Report", paragraph 19):  "[the TWA] agreed that the proposed new text for ASW 16 should be reviewed taking into consideration that different authorities might have different procedures concerning the provision of photographs with the Technical Questionnaire and, in particular, that the provision of photographs might be optional for some authorities but mandatory for some others. It also requested clarification on the means by which the guidance in the document would be made available to the applicants. The TWA took note of the concern expressed by the representative of European Seed Association (ESA) for submission of photographs for vegetable species (see document TWA/41/34 "Report", paragraph 20)."	TWV
	The TWV noted the information provided by the delegation of Japan, concerning a manual developed for the East Asia Plant Variety Protection Forum, on how to take photographs for Plant Variety Protection applications and DUS testing (see document TWV/46/41 "Report", paragraph 20).	TWV
	The TWC considered document TWC/30/15 and suggested that the following sentence of the proposal for new ASW 16 at Annex should read (see document TWC/30/41 "Report", paragraph 20):  "[A photograph provided according to the specified requirements (see [authority reference to be added]) <del>in an appropriate format</del> will help the examination authority to prepare its examination of distinctness in a more efficient way, by giving a visual illustration of the candidate variety which supplements the information provided in the Technical Questionnaire. ...]"	TWC
	The TWF considered document TWF/43/15 and received a presentation by an expert from the European Union. The TWF took note of the concern expressed by the representative of European Seed Association (ESA) during the TWA with regard to the submission of photographs for vegetable species.  The representative of CIOPORA support the concern expressed by ESA at the TWA.  The TWF noted the information provided by the delegation of Japan concerning a manual developed for the East Asia Plant Variety Protection Forum, on how to take photographs for Plant Variety Protection applications and DUS testing.  The TWF suggested that the following sentence of the proposal for new ASW 16 in the Annex to documents TWF/43/15 should read (see document TWF/43/38 "Report", paragraphs 17 to 20):  "A representative color photograph (image) of the variety displaying its main distinguishing feature(s), must accompany the Technical	TWF

	<p>Questionnaire. [A photograph would provide <del>be provided according to the specified requirements (see [authority reference to be added])</del> in an appropriate format will help the examination authority to prepare its <del>examination of distinctness in a more efficient way, by giving a visual illustration of the candidate variety which supplements the information provided in the Technical Questionnaire. The information provided by the photograph may be used in the selection of the most similar varieties of common knowledge to be grown alongside the candidate variety in the trial, as well as to group the variety optimally within the DUS trial.]</del>”]</p>	
	<p>The TWO suggested a revision of the wording of the proposal for new ASW 16 in the Annex to document TWO/45/15 to read (see document TWO/45/37 “Report”, paragraph 19):</p> <p>“A representative color photograph of the variety displaying its main distinguishing feature(s) must accompany the TQ, if required by the authority. The photograph will provide a visual illustration of the candidate variety which supplements the information provided by the TQ. <del>A representative color photograph (image) of the variety displaying its main distinguishing feature(s), must accompany the Technical Questionnaire. [A photograph provided according to the specified requirements (see [authority reference to be added]) in an appropriate format will help the examination authority to prepare its examination of distinctness in a more efficient way, by giving a visual illustration of the candidate variety which supplements the information provided in the Technical Questionnaire. The information provided by the photograph may be used in the selection of the most similar varieties of common knowledge to be grown alongside the candidate variety in the trial, as well as to group the variety optimally within the DUS trial.]</del>”</p>	TWO
Bullet points	<p>The TWO agreed to propose to revise the bullet points as follows in the proposed revision of the TQ under 7.3.2 with a link to the Guidance document (see document TWO/45/37 “Report”, paragraph 20):</p> <p>“The key points to consider when taking a photograph of the candidate variety would be:</p> <ul style="list-style-type: none"> <li>• Indicate date and geographic location</li> <li>• Correct labeling (breeders’ reference)</li> <li>• Good quality printed photograph (minimum 10 cm x 15 cm) and/or sufficient resolution electronic format version (minimum 960 x 1280 pixels)”</li> </ul>	TWO

COMMENTS BY THE ENLARGED EDITORIAL COMMITTEE IN 2013

6. The TC-EDC, at its meeting on January 9 and 10, 2013, considered document TC-EDC/Jan13/7 and made the following proposals:

General Remark	<ul style="list-style-type: none"> <li>- to incorporate the “Guidance for Providing Photographs with the Technical Questionnaire” in TGP/7 for drafters of Test Guidelines;</li> <li>- to include a note in the “Guidance for Providing Photographs with the Technical Questionnaire” that authorities could use this at national/regional level to provide guidance for applicants;</li> <li>- to consider the means by which the “Guidance for Providing Photographs with the Technical Questionnaire” would be made available to the applicants.</li> </ul>
Annex, page 1, paragraph 2	to broaden the possible methods of providing information, because a web-link might not be appropriate for all UPOV members.

proposed text for ASW 16	- to read: "A representative color photograph of the variety displaying its main distinguishing feature(s) <del>must</del> <u>should</u> accompany the Technical Questionnaire."  - to delete "..., if required by the authority."
Annex, page 1, end of ASW	to close quotation after last bullet point.
Annex, page 1, last paragraph	to read "... It is <del>certainly</del> not possible to standardize all conditions when photos are taken in <del>the different</del> premises <del>of the applicant</del> but this document aims to provide guidance in order to provide meaningful and coherent information on the candidate variety..."

7. The Annex to this document contains a draft new section on "Guidance for Providing Photographs with the Technical Questionnaire", on the basis of the comments made by the Technical Working Parties (TWPs) at their sessions in 2012, and by the TC-EDC, at its meeting in 2013. The amendments to the text considered by the TWPs at their sessions in 2012 and by the TC-EDC at its meeting in 2013 are indicated by highlighting and strikethrough for deletions and highlighting and underlining for additions.

8. *The TC is invited to:*

a) *consider the proposed new Additional Standard Wording and Guidance Note for "providing photographs with the Technical Questionnaire", on the basis of the Annex to this document, for inclusion in a future revision of document TGP/7;*

b) *to consider the means by which the "Guidance for Providing Photographs with the Technical Questionnaire" would be made available to the applicants.*

[Annex follows]

## GUIDANCE FOR PROVIDING PHOTOGRAPHS WITH THE TECHNICAL QUESTIONNAIRE

Additional Standard Wording (ASW)

Document TGP/7/3 (TG Template: Chapter 10: TQ 7.3) ASW 16 “Where an image of the variety is to be provided” states the following:

“A representative color image of the variety should accompany the Technical Questionnaire.”

That text could be expanded in the Technical Questionnaire (TQ) in order to briefly explain to applicants the purpose of the color photograph, and the key points to consider when taking a photograph of the candidate variety. A weblink could also be created. Members could also create a web link via use the new text in their TQs in order to provide the detailed guidance greater details on the best manner in which to take photographs, based on documents TWO/42/16 and TWF/40/14 (e.g. via web-link). The proposed new text for ASW 16 could read as follows:

“A representative color photograph (image) of the variety displaying its main distinguishing feature(s), must should accompany the Technical Questionnaire, if required by the authority. The photograph will provide a visual illustration of the candidate variety which supplements the information provided in the Technical Questionnaire. [A photograph provided according to the specified requirements (see [authority reference to be added]) in an appropriate format will help the examination authority to prepare its examination of distinctness in a more efficient way, by giving a visual illustration of the candidate variety which supplements the information provided in the Technical Questionnaire. The information provided by the photograph may be used in the selection of the most similar varieties of common knowledge to be grown alongside the candidate variety in the trial, as well as to group the variety optimally within the DUS trial.]”

The following checklist outlines the requirements for a representative color photograph of a candidate variety: The key points to consider when taking a photograph of the candidate variety are:

- Clear and well focused image of the plant/plant parts
- High quality printed photo, and/or high resolution electronic format version
- Neutral background
- Demonstration of distinguishing characteristics (in particular color) at optimal time for observation
- Possible comparison to a nominated similar variety
- Date and location of photograph taken
- Correct labeling and scales (e.g. metric, color chart)
- Indication of the date and geographic location
- Correct labeling (breeder's reference)
- Good quality printed photograph (minimum 10 cm x 15 cm) and/or sufficient resolution electronic format version (minimum 960 x 1280 pixels)”

GUIDANCE NOTE

Guidance for applicants on providing suitable photographs of the candidate variety as accompaniment to the Technical Questionnaire

*Introduction*

The taking of photographs of candidate varieties is influenced by factors, such as light conditions, quality and setting of the camera, and the background. The perception of the photograph can also be affected by the quality, settings and resolution of the screen and printout or developed photographs. It is certainly not possible to standardize all conditions when photos are taken in the different premises of the applicant but this document aims to provide guidance in order to provide meaningful and coherent information on the candidate variety, while on the one side decreasing the influence of the origin of the photograph (location, equipment, etc), and on the other side making the relevant authorities aware of possible influences to be taken into account when making use of the photographs provided. By decreasing the influence of these external factors on the taking of photographs, it will in particular help to ensure that “color”, the trait most liable to be affected by such factors, will be reliably represented in photographs provided by applicants.

## *Criteria for taking photographs*

### Format

Photographs must be in color and submitted either in print form of at least 10cm x 15 cm, and/or as an electronic photo in a frequently used format such as jpeg (minimum 960x1280 pixels). The photograph must be well focused and aim to have the plants or plant parts occupy as much of the frame of the photograph as possible. It should be noted that different makes/models of computer screens can influence the expression of the color and the advantage of a printout is that the applicant can make a comment, e.g. actual color darker, and the examination authority would see exactly the same printout. Conversely, the advantages of having an image in an electronic format are that this could display the camera type and settings, date and GPS location of the taken photo, the possibility to exchange the image instantaneously via electronic means, and the possibility to store the image indefinitely electronically without a reduction in quality.

### Best time for taking photographs

Photographs must illustrate plants of the candidate variety at the stage when the distinguishing features of the variety are most apparent. Often this is when the plants are fully developed and at the stage when they are of commercial value (e.g. flowering for many ornamentals, fruiting for many fruit species), which usually corresponds to the most numerous set of characteristics in the corresponding UPOV guideline for the species in question.

### Photographic environment

Photographs should be taken under adequate light conditions and with an appropriate background. It is preferable to have photographs taken indoors, since one can ensure homogenous photographic conditions irrespective of the type of photographs and number of candidate varieties supplied by the same applicant. The background of the photograph should be neutral (e.g. off-white in case of dark colors or grey in case of light colors) and should not have a shiny surface. If the photograph is taken indoors, then this should preferably be done in the same room and under artificial light conditions which will ensure identical and ample luminosity on repeated occasions over time. If a photograph has to be taken outdoors, then this should not be in direct sunlight but in a shaded area with as much indirect natural light as possible or on a cloudy day.

### Specification of growing conditions

The applicant should provide information on the date and location of the photograph taken. The plants of the candidate variety appearing in the photographs should have been grown under standard growing conditions for the crop in question, or under any specific conditions as may have been indicated for the candidate variety in the Technical Questionnaire (e.g. indoor, outdoor, season of the year). If this is not the case, then any possible alteration in the expression of the characteristic(s) appearing in the photographs must be specified (e.g. seasonal conditions may influence the color and pattern of fruit and flowers, such as over coloring in apple according to outdoor light intensity and night temperatures, delphinium grown either outdoors or indoors).

### Plant organs to be displayed

The photographs should show the plant parts which are a distinguishing feature of the candidate variety, as well as those of the whole plant and the most important commercial organs (flower, fruit, etc.). If the distinguishing features of the candidate variety are very specific (e.g. seed size, shape of leaf/flower/fruit, length of awns, color pattern of flower/fruit, etc.) it is recommended to remove these plant parts from the plant and take a well-focused close-up photograph of them. For some crops (e.g. peach, tomato), a photograph of a mass view of several harvested fruit in an industry-standard tray can provide of valuable illustration of the candidate variety.

### Similar varieties

Although not a requirement, the applicant may wish to illustrate differences between the candidate variety and the variety thought to be the most similar as nominated by him/her under point 6 of the Technical Questionnaire, by providing photographs of the candidate variety alongside the aforesaid similar variety. In such photographs, the distinguishing plant parts of the candidate variety should be photographed alongside the same plant parts of the nominated similar variety(ies). Where there is more than one similar variety

named by the applicant, a separate photograph of the relevant plant parts of the candidate variety and each of those of the similar varieties could be provided.

#### Labeling

A photograph must be clearly labeled with the breeder's reference and/or (proposed) variety denomination of the candidate variety; trade names may be used only in addition to the breeder's reference and/or (proposed) variety denomination.

#### Metric scales

A metric scale in centimeters – also millimeters where a close-up photograph has been taken – should ideally appear along the horizontal and/or vertical margins of the photograph. .

#### Color characteristics

For ornamental species, reference to the relevant RHS Colour Chart placed alongside the pertinent plant organ (e.g. flower) provides greater precision. For other crop sectors, industry-recognized color charts can also be displayed alongside the pertinent plant organ (e.g. apple fruit). Likewise, the color itself of the plant organ may not be the most representative feature of the candidate variety but rather the color pattern (e.g. pattern of over color in apple fruit, stripes/spots/netting in Phalaenopsis), and this can be well illustrated in a clear and well focused photograph.

[End of Annex and of document]