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TECHNICAL COMMITTEE

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REVISION OF DOCUMENT TGP/7: PROVIDING ILLUSTRATIONS OF COLOR IN TEST GUIDELINES

Document prepared by the Office of the Union

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1. The purpose of this document is to present a proposal for guidance for providing illustrations of color in Test Guidelines.

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

3. The structure of this document is as follows:

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| BACKGROUND..... | 1 |
| DRAFT GUIDANCE ON THE RISKS OF PROVIDING ILLUSTRATIONS OF COLOR IN TEST GUIDELINES CONSIDERED BY THE TWPS IN 2013 | 2 |
| COMMENTS BY THE TECHNICAL PARTIES IN 2013..... | 2 |
| COMMENTS BY THE ENLARGED EDITORIAL COMMITTEE AT ITS MEETING IN JANUARY 2014 . | 4 |
| PROPOSAL..... | 4 |

BACKGROUND

4. The TC, at its forty-ninth session held in Geneva from March 18 to 20, 2013, and the CAJ, at its sixty-seventh session, held in Geneva, on March 21, 2013, agreed to invite the Council to adopt document TGP/14/2 "Glossary of Terms Used in UPOV Documents", at its forty-seventh session, to be held on October 24, 2013 (see document TC/49/41 "Report on the Conclusions", paragraphs 29 and 30, and document CAJ/67/14 "Report on the Conclusions", paragraph 36).

5. During its discussions on document TGP/14, at its forty-ninth session, the TC agreed that guidance should be provided on the risks of providing illustrations of color in Test Guidelines in a future revision of document TGP/7. The TC requested the Office of the Union to prepare a draft for consideration by the TWPs at their sessions in 2013 (see document TC/49/41 “Report on the Conclusions”, paragraph 86).

6. The following guidance is provided in document TGP/14/2:

“4.3 The use of photographs to illustrate color distribution and color patterns

“For all mentioned approaches it could be useful to recommend that a photograph be taken to illustrate certain color characteristics. It is recommended that a disclaimer be included in the Test Guideline to clarify the purpose for which the photograph is to be used; i.e. to illustrate the types of color distribution and/or color patterns, rather than the actual colors of the plant part concerned.

“A photograph of the [relevant plant part] could be provided in conjunction with the description in order to clarify the color distribution and/or color pattern. However, a warning should be added to this photograph, explaining that the primary intent of the photograph is to show the distribution and/or pattern of colors on the plant part rather than the actual colors. Color on photographs can be affected by the technology of the camera and the facilities used to display the photograph (printer, overhead projector, etc.).”

DRAFT GUIDANCE ON THE RISKS OF PROVIDING ILLUSTRATIONS OF COLOR IN TEST GUIDELINES CONSIDERED BY THE TWPS IN 2013

7. In accordance with the request of the TC, at its forty-ninth session, the following draft guidance was presented for consideration by the TWPs at their sessions in 2013:

“Particular caution is needed when considering the use of illustrations of color in the Test Guidelines because the color in photographs can be affected by the technology of the camera and the facilities used to display the photograph (printer, computer screen, etc.). Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light intensity” of anthocyanin coloration provided by the Leading Expert in one UPOV member may not represent a “light intensity” of anthocyanin coloration in another UPOV member.”

COMMENTS BY THE TECHNICAL PARTIES IN 2013

8. At their sessions in 2013, the TWO, TWF, TWV, TWC and TWA considered documents TWO/46/12, TWF/44/12, TWV/47/12, TWC/31/12, TWA/42/12, respectively, and commented as follows:

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| <p>General</p> | <p>The TWO agreed to propose the following guidance be included in a future revision of document TGP/7 (see document TWO/46/29 “Report”, paragraph 28):</p> <p>“Particular caution is needed when considering the <u>It is generally not appropriate to use of</u> illustrations of color in the Test Guidelines because the color in photographs can be affected by the technology of the camera, and the facilities used to display the photograph <u>(including printer, computer and screen, etc.) and lighting conditions under which the photograph is taken.</u> Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light <u>weak</u> intensity” of anthocyanin coloration provided by the Leading Expert in one UPOV member may not represent a “weak light <u>weak</u> intensity” of anthocyanin coloration in another UPOV member.”</p> | <p>TWO</p> |
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| General | <p>The TWF agreed with the proposal of the TWO at its forty-sixth session, to include the following guidance in a future revision of document TGP/7, with the addition of the wording “, as such,” in the first sentence (see document TWF/44/31 “Report”, paragraph 57):</p> <p>“Particular caution is needed when considering the <u>It is generally not appropriate to</u> use of illustrations of color, <u>as such</u>, in the Test Guidelines because the color in photographs can be affected by the technology of the camera, and the facilities used to display the photograph (including printer, computer and screen, etc.) <u>and lighting conditions under which the photograph is taken</u>. Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light weak intensity” of anthocyanin coloration provided by the Leading Expert in one UPOV member may not represent a “weak light intensity” of anthocyanin coloration in another UPOV member.”</p> | TWF |
| | <p>The TWV agreed with the proposal of the TWO at its forty-sixth session, and the TWF at its forty-fourth session, to include the following guidance in a future revision of document TGP/7, with the addition of the reference to “light intensity” of a color, in the last sentence (see document TWV/47/34 “Report”, paragraph 58):</p> <p>“Particular caution is needed when considering the <u>It is generally not appropriate to</u> use of illustrations of color, <u>as such</u>, in the Test Guidelines because the color in photographs can be affected by the technology of the camera, and the facilities used to display the photograph (including printer, computer and screen, etc.) <u>and lighting conditions under which the photograph is taken</u>. Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light weak intensity” of anthocyanin coloration <u>or of a “light intensity” of a color</u>, provided by the Leading Expert in one UPOV member may not represent a “weak light intensity” of anthocyanin coloration <u>or a “light intensity” of a color</u> in another UPOV member.”</p> | TWV |
| | <p>The TWC agreed with the following guidance proposed by the Technical Working Party for Ornamental Plants and Forest Trees (TWO), at its forty-sixth session, and the TWF, at its forty-fourth session, with the inclusion of the word “observed” at the last sentence, to be included in a future revision of document TGP/7 (see document TWC/31/32 “Report”, paragraph 57):</p> <p>“Particular caution is needed when considering the <u>It is generally not appropriate to</u> use of illustrations of color, <u>as such</u>, in the Test Guidelines because the color in photographs can be affected by the technology of the camera, and the facilities used to display the photograph (including printer, computer and screen, etc.) <u>and lighting conditions under which the photograph is taken</u>. Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light weak intensity” of anthocyanin coloration provided by the Leading Expert in one UPOV member may not represent a “weak light intensity” of anthocyanin coloration <u>observed</u> in another UPOV member.”</p> | TWC |

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| General | <p>The TWA agreed with the proposal of the TWO at its forty-sixth session, and the TWF at its forty-fourth session, to include the following guidance in a future revision of document TGP/7, with the deletion of “Leading Expert” and replacement of “UPOV member” by “environment”, in the last sentence (see document TWA/42/31 “Report”, paragraph 64):</p> <p>“Particular caution is needed when considering the <u>It is generally not appropriate to use of illustrations of color, as such,</u> in the Test Guidelines because the color in photographs can be affected by the technology of the camera, and the facilities used to display the photograph (including printer, computer and screen, etc.) <u>and lighting conditions under which the photograph is taken.</u> Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a “light weak intensity” of anthocyanin coloration provided by the Leading Expert in one UPOV member environment may not represent a “light weak intensity” of anthocyanin coloration in another UPOV member environment.”</p> | TWA |
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COMMENTS BY THE ENLARGED EDITORIAL COMMITTEE AT ITS MEETING IN JANUARY 2014

9. The TC-EDC, at its meeting held in Geneva on January 8 and 9, 2014, considered document TC-EDC/Jan14/7 “Revision of Document TGP/7: Providing Illustrations of Color in Test Guidelines” and the comments made by the TWP’s at their sessions in 2013 and agreed with the proposed draft guidance, subject to the following amendment:

“It is generally not appropriate to use illustrations of color, as such, in the Test Guidelines because the color in photographs can be affected by the technology of the camera, the facilities used to display the photograph (including printer, computer and screen) and lighting conditions under which the photograph is/was taken. Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a ‘weak intensity’ of anthocyanin coloration (or ‘light intensity’ of a color) observed in one environment may not represent a ‘weak intensity’ of anthocyanin coloration (or ‘light intensity’ of a color) observed in another environment.”

PROPOSAL

10. On the basis of the comments by the TWP’s at their sessions in 2013, and the TC-EDC at its meeting in January 2014, the following draft guidance is proposed for inclusion in document TGP/7:

“It is generally not appropriate to use illustrations of color, as such, in the Test Guidelines because the color in photographs can be affected by the technology of the camera, the facilities used to display the photograph (including printer, computer and screen) and lighting conditions under which the photograph is/was taken. Furthermore, the expression of color may vary according to the environment in which the variety is grown. For example, a photograph of a ‘weak intensity’ of anthocyanin coloration (or ‘light intensity’ of a color) observed in one environment may not represent a ‘weak intensity’ of anthocyanin coloration (or ‘light intensity’ of a color) observed in another environment.”

11. *The TC is invited to consider the proposed draft guidance on the risks of providing illustrations of color in Test Guidelines for inclusion in document TGP/7, as set out in paragraph 10 of this document.*

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