

Technical Committee

TC/55/12

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CHARACTERISTICS WHICH ONLY APPLY TO CERTAIN VARIETIES

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EXECUTIVE SUMMARY

1. The purpose of this document is to present a proposal to amend the current guidance in document TGP/7 “Development of Test Guidelines” to allow for the exclusion of the observation of a characteristic on the basis of a state of expression of a preceding quantitative or pseudo-qualitative characteristic.

2. The TC is invited to consider:

(a) the examples of quantitative and pseudo-qualitative characteristics provided by the TWPs, at their sessions in 2019, to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness, as set out in paragraph 20 of this document; and

(b) the proposal to amend the guidance in document TGP/7, Guidance Note 18 (GN 18), to allow the exclusion of a characteristic from observation on the basis of a state of expression of a preceding pseudo-qualitative or quantitative characteristic, as set out in paragraph 21 of this document.

3. 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
- TWV: Technical Working Party for Vegetables
- TWPs: Technical Working Parties

4. The structure of this document is as follows:

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BACKGROUND

5. The following guidance is provided in document TGP/7 on characteristics which only apply to certain varieties:

“GN 18 (TG Template: Chapter 7: column 3) – Presentation of Characteristics: Heading of a characteristic [...]

“3. Characteristics which only apply to certain varieties

“In some cases, the state of expression of a preceding qualitative characteristic determines that a subsequent characteristic is not applicable e.g. it would not be possible to describe the shape of leaf lobes for a variety which did not have leaf lobes. In cases where this is not obvious, or where the characteristics are separated in the Table of Characteristics, the heading of the subsequent characteristic is preceded by an underlined reference to the types of varieties to which it applies, on the basis of the preceding characteristic, e.g.:

“Only varieties with flower type: single: Flower: shape”

6. The TC, at its fifty-third session, held in Geneva from April 3 to 5, 2017, considered whether to amend document TGP/7, Guidance Note 18(3) “Characteristics which only apply to certain varieties”, to clarify that, in addition to the state of expression of a preceding qualitative characteristic, in some cases the state of expression of a preceding pseudo-qualitative or quantitative characteristic would also determine that a subsequent characteristic was not applicable (see document TC/53/31 “Report”, paragraphs 134 and 135).

7. The TC, at its fifty-fourth session, held in Geneva on October 29 and 30, 2018, considered document TC/54/15 “Characteristics which only apply to certain varieties” (see document TC/54/31 “Report”, paragraphs 213 to 216).

8. The TC, at its fifty-fourth session, considered the proposal to amend the guidance in document TGP/7, Guidance Note 18 (GN 18), to allow the exclusion of a characteristic from observation on the basis of a state of expression of a preceding pseudo-qualitative or quantitative characteristic, as follows (proposed text deletions indicated by ~~highlighting and strikethrough~~ and insertions indicated by highlighting and underlining):

“3. Characteristics which only apply to certain varieties

“In some cases, the state of expression of a preceding ~~qualitative~~ characteristic determines that a subsequent characteristic is not applicable e.g. it would not be possible to describe the shape of leaf lobes for a variety which did not have leaf lobes. In cases where this is not obvious, or where the characteristics are separated in the Table of Characteristics, the heading of the subsequent characteristic is preceded by an underlined reference to the types of varieties to which it applies, on the basis of the preceding characteristic, e.g.:

“Only varieties with flower type: single: Flower: shape”

9. The TC considered the proposal for the amendment to document TGP/7 GN 18 to be made in conjunction with the inclusion of a warning on the consequences of using the approach to read as follows:

“The exclusion of characteristics from observation on the basis of a preceding pseudo-qualitative or quantitative characteristic should be used with caution, taking into account the consequences for the examination of distinctness. A grouping table could be used to ensure that characteristics are only excluded from observation on a robust basis.”

10. The TC agreed that the grouping table was a complex example (see Annex to this document). The TC further agreed that it would be necessary for suitable examples of a quantitative and of a pseudo-qualitative characteristic to be provided to demonstrate how the approach might be used in a way that would not present risks for decisions on distinctness. It would also be necessary to provide examples of unsuitable cases to demonstrate the risks.

COMMENTS BY THE TECHNICAL WORKING PARTIES AT THEIR SESSIONS IN 2019

11. The TWO, at its fifty-first session, held in Christchurch, New Zealand, from February 18 to 22, 2019, the TWV, at its fifty-third session, held in Seoul, Republic of Korea, from May 20 to 24, 2019, and the TWF, at its fiftieth session, held in Budapest, Hungary, from June 24 to 28, 2019, considered document TWP/3/9 "Characteristics which only apply to certain varieties" (see documents TWO/51/12 "Report", paragraphs 19 to 23, TWV/53/14 "Report", paragraphs 12 to 16 and TWF/50/13 "Report", paragraphs 11 and 13).

12. The TWO, TWV and TWF considered the request to provide suitable examples of quantitative and pseudo-qualitative characteristics to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness.

13. The TWO agreed that when a structure was "absent or very weak" on a plant part, the observation of further characteristics on that structure could be difficult or impractical. For example, it would not be practical to observe "hair: color" on a plant part with "presence of hairs: absent or very weak."

14. The TWO agreed that the following pseudo-qualitative characteristic from the Test Guidelines for Dahlia (TG/226/1) was a suitable example to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness.

- (PQ) Characteristic 21: Flower head: type: single (1); semi-double (2); daisy-eyed double (3); double (4)
(QN) Characteristic 26: Only double and daisy-eyed double varieties: Flower head: height: short (3); medium (5); tall (7)

15. The TWO agreed that the header of the characteristic should preferably contain the exclusion and, if necessary, an explanation may be provided in the Test Guidelines.

16. The TWV agreed that when a structure was "absent or weak" on a plant part, the observation of further characteristics on that structure could be difficult. For example in the Test Guidelines for Lettuce (TG 13/11), characteristic 3: "Plant: degree of overlapping of upper part of leaves", indicated as QN, with states (1) "absent or weak, (2) medium, (3) strong. However the TWV agreed that in combination with the table provided in Chapter 5.3 of the Test Guidelines it reduced the risks for decisions on distinctness, and therefore encouraged the use of such tables when needed.

17. The TWV agreed that the following pseudo-qualitative characteristic from the Test Guidelines for Leaf Chicory (TG/154/4) was a suitable example to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness.

- (PQ) Characteristic 16: "Plant: head formation: absent (1); open (2); closed (3)
(QN) Characteristic 17: Only for varieties with head formation: Time of head formation: very early (1); early (3); medium (5); late (7); very late (9)"

18. The TWF agreed that the following quantitative characteristic from the Test Guidelines for Fig (TG/265/1) was a suitable example to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness.

- (QN) Characteristic 17: "Leaf: predominant type: entire (1); three-lobed (2); five-lobed (3)
(PQ) Characteristic 18: Only varieties with predominant leaf type: entire: Leaf: shape: cordate (1); triangular (2); lanceolate (3); elliptic (4)"

19. Comments by the TWA, at its forty-eighth session, to be held in Montevideo, Uruguay, from September 16 to 20, 2019, and the TWC, at its thirty-seventh session, to be held in Hangzhou, China, from October 14 to 16, 2019, will be presented as an addendum to this document.

PROPOSAL

20. On the basis of the comments by the TWPs, at their sessions in 2019, the TC is invited to consider the following characteristics as examples of quantitative and pseudo-qualitative characteristics to demonstrate how the approach might be used in a way that would not present risk for distinctness:

Test Guidelines for Dahlia (TG/226/1):

- (PQ) Characteristic 21: Flower head: type: single (1); semi-double (2); daisy-eyed double (3); double (4)
(QN) Characteristic 26: Only double and daisy-eyed double varieties: Flower head: height: short (3); medium (5); tall (7)

Test Guidelines for Leaf Chicory (TG/154/4):

- (PQ) Characteristic 16: "Plant: head formation: absent (1); open (2); closed (3)
(QN) Characteristic 17: "Only for varieties with head formation": Time of head formation: very early (1); early (3); medium (5); late (7); very late (9)"

Test Guidelines for Fig (TG/265/1):

- (QN) Characteristic 17: "Leaf: predominant type: entire (1); three-lobed (2); five-lobed (3)
(PQ) Characteristic 18: "Only varieties with predominant leaf type: entire": Leaf: shape: cordate (1); triangular (2); lanceolate (3); elliptic (4)"

21. On the basis of the comments by the TWPs, at their sessions in 2019, the TC is invited to consider the proposal to amend the guidance in document TGP/7, Guidance Note 18 (GN 18), to allow the exclusion of a characteristic from observation on the basis of a state of expression of a preceding pseudo-qualitative or quantitative characteristic, as follows (proposed text deletions indicated by ~~highlighting and strikethrough~~ and insertions indicated by highlighting and underlining):

3. Characteristics which only apply to certain varieties

In some cases, the state of expression of a preceding ~~qualitative~~ characteristic determines that a subsequent characteristic is not applicable e.g. it would not be possible to describe the shape of leaf lobes for a variety which did not have leaf lobes.

In cases where this is not obvious, or where the characteristics are separated in the Table of Characteristics, the heading of the subsequent characteristic is preceded by an underlined reference to the types of varieties to which it applies, on the basis of the preceding characteristic.

The following examples demonstrate how the proposed approach might be used for QL, PQ and QN characteristics in a way that would not present risks for decisions on distinctness

(QL) Only varieties with flower type: single: Flower: shape

[to be completed]

The following are examples of cases of PQ and QN characteristics where it would not be appropriate to exclude subsequent characteristics for the reasons explained.

[to be completed]

The exclusion of characteristics from observation on the basis of a preceding pseudo-qualitative (PQ) or quantitative (QN) characteristic should be used with caution, taking into account the consequences for the examination of distinctness.

22. *The TC is invited to consider:*

(a) the examples of quantitative and pseudo-qualitative characteristics provided by the TWPs, at their sessions in 2019, to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness; as set out in paragraph 20 of this document; and

(b) the proposal to amend the guidance in document TGP/7, Guidance Note 18 (GN 18), to allow the exclusion of a characteristic from observation on the basis of a state of expression of a preceding

pseudo qualitative or quantitative characteristic, as set out in paragraph 21 of this document.

[Annex follows]

EXTRACT FROM DOCUMENT TG/13/11 (LETTUCE)

Type	Example varieties	Plant: degree of overlapping of upper part of leaves (Char. 3)	Leaf: number of divisions (Char. 6)	Leaf: thickness (Char. 17)	Leaf: undulation of margin (Char. 20)	Leaf: venation (Char. 25)	<u>Only varieties with Plant: degree of overlapping of upper part of leaves: medium or strong: Head: shape in longitudinal section (Char. 27)</u>
Butterhead type	Clarion, Maikönig, Sartre	medium to strong	absent or very few	thin to thick	absent to weak	not flabellate	circular or narrow oblate
Novita type	Norvick	absent or weak	absent or very few	thin to medium	very weak to medium	flabellate	-
Iceberg type	Great Lakes 659, Roxette, Saladin, Vanguard 75	strong	absent or very few	thick	absent to medium	flabellate	circular or narrow oblate
Batavia type	Aquarel, Curtis, Funnice, Felucca, Grand Rapids, Masaida, Visyon	absent or weak to strong	absent or very few	medium to thick	weak to very strong	flabellate	broad elliptic, circular or narrow oblate
Frisée d'Amérique type	Bijou, Blonde à couper améliorée	absent or weak	absent or very few	thin	absent to strong	flabellate or not flabellate or semi	-
Lollo type	Lollo rossa, Revolution	absent or weak	absent or very few	thin	strong to very strong	flabellate	-
Oakleaf type	Catalogna, Kipling, Muraï, Salad Bowl	absent or weak	few to many	thin	absent to weak	flabellate or not flabellate or semi	-
Multi-divided type	Curletta, Duplex, Jadigon, Rodagio	absent or weak	medium to very many	thin	weak to very strong	flabellate	-
Frillice type	Frilett	absent or weak	absent or very few	thick	weak to strong	flabellate	-
Cos type	Actarus, Blonde maraîchère, Pinokkio	absent or weak to medium	absent or very few	medium to thick	absent to weak	not flabellate	narrow elliptic
Gem type	Craquerelle du Midi, Sucrine, Xanadu	absent or weak to medium	absent or very few	medium to thick	absent to weak	not flabellate	broad elliptic, circular or narrow oblate
Stem type	Celtuice, Guasihong	absent or weak	absent or very few	thin to medium	absent to weak	not flabellate	-