

**Technical Committee****TC/55/12 Add.****Fifty-Fifth Session  
Geneva, October 28 and 29, 2019****Original:** English  
**Date:** October 3, 2019

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**ADDENDUM TO CHARACTERISTICS WHICH ONLY APPLY TO CERTAIN VARIETIES***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***EXECUTIVE SUMMARY**

1. The purpose of this addendum is to report on developments at the forty-eighth session of the Technical Working Party for Agricultural Crops (TWA) and present a revised 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 13 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 14 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  
TWW: Technical Working Party for Vegetables  
TWPs: Technical Working Parties

4. The structure of this document is as follows:

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**DEVELOPMENTS AT THE TECHNICAL WORKING PARTY FOR AGRICULTURAL CROPS**

5. The TWA, at its forty-eighth session, held in Montevideo, Uruguay, from September 16 to 20, 2019, considered document TWP/3/9 “Characteristics which only apply to certain varieties” (see document TWA/48/9 “Report”, paragraphs 10 to 17).

6. The TWA considered the request to provide suitable examples of a quantitative and of a pseudo-qualitative characteristic to demonstrate how the proposed approach might be used in a way that would not present risks for decisions on distinctness.

7. The TWA agreed with the TWO 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. The TWA agreed that the following example provided by the TWO was suitable to demonstrate how the proposed approach could be used in a way that would not present risks for decisions on distinctness:

(QN) “Presence of hairs: absent or very weak.”  
(PQ) “Hair: color”

8. The TWA noted that the following example provided by the TWF contained a qualitative characteristic and agreed that might not be a suitable example to demonstrate how the proposed approach might be used without further information about the characteristic:

Characteristic 17 (QN): “Leaf: predominant type: entire (1); three-lobed (2); five-lobed (3)  
Characteristic 18: “Only varieties with predominant leaf type: entire: Leaf: shape...””

9. The TWA considered the request to provide suitable examples of unsuitable cases to demonstrate the risks for decisions on distinctness of excluding varieties from observation on the basis of a preceding quantitative or pseudo-qualitative characteristic.

10. The TWA agreed that the risk for distinctness due to the proposed approach was low because a variety would not be considered distinct from another on the basis of missing information about a characteristic and the varieties would have to be grown for side-by-side comparison.

11. The TWA agreed that the proposed approach could increase the difficulty to exclude varieties for comparison and increase the size of growing trials however that is unlikely to have a significant effect.

12. The TWA agreed that the risk of two examiners making different decisions was present but the probability of the proposed approach impacting the final distinctness decision was low.

## PROPOSAL

13. 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)””

### *Hypothetical example:*

(QN) “Presence of hairs: absent or very weak.”  
(PQ) “Hair: color”

14. 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 with examples of QN and PQ characteristics]

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.

15. *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 13 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 14 of this document.*

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