

Technical Committee**TC/56/14****Fifty-Sixth Session
Geneva, October 26 and 27, 2020****Original:** English
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DEVELOPMENT OF GUIDANCE AND INFORMATION MATERIALS*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 document is to provide an overview on the development of TGP and information (INF) documents.
2. Matters previously agreed by the Technical Committee (TC) to be put forward for adoption by the Council, in 2020, are reported in document TC/56/4 "Development of TGP and information (INF) documents – Matters for adoption by the Council in 2020."

Matters for adoption by the Council in 2020

3. The TC is invited to note that the matters concerning documents TGP/5, TGP/7, TGP/14, TGP/15, UPOV/INF/12, UPOV/INF/16 and UPOV/INF/22 to be proposed for adoption by the Council at its fifty-fourth ordinary session, are reported in document TC/56/4 "Development of TGP and information (INF) documents – Matters for adoption by the Council in 2020."

Possible future revisions of guidance and information materials

4. The TC is invited to note that:
 - (a) matters concerning a possible future revision of document TGP/8 are considered in documents TC/56/5 and TC/56/6;
 - (b) matters concerning a possible future revision of document UPOV/INF/12 are reported in document TC/56/INF/7;
 - (c) matters concerning a possible future revision of document UPOV/INF/17 are considered in document TC/56/13; and
 - (d) the CAJ, at its seventy-seventh session, to be held in Geneva on October 28, 2020, will consider a draft of document UPOV/INF/23 "UPOV Code System".

New proposals for revisions of guidance and relevant information materials

5. The TC is invited to:
 - (e) consider whether to request the TWPs, at their sessions in 2021, to consider the proposal to amend document TGP/5 Section 6, as set out in paragraph 26 of this document;
 - (f) consider whether to request the TWPs, at their sessions in 2021, to consider the links to UPOV guidance proposed for inclusion in Test Guidelines, as set out in paragraphs 31 and 32 of this document.; and

(g) note that the TWF, at its fifty-first session, agreed that existing possibilities to propose partial revision of Test Guidelines during TWF and TC meetings should be used by members, as appropriate.

Program for the development of guidance and relevant information materials

6. The TC is invited to:

(h) consider the program for the development of TGP documents, as set out in Annex I to this document;

(i) consider the program for the development of relevant information materials, as set out in Annex II to this document; and

(j) note that the program for the development of TGP documents and information materials will be considered by the Administrative and Legal Committee, at its seventy-seventh session, to be held in Geneva on October 28, 2020, in conjunction with the conclusions of the TC at its fifty-sixth session.

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8. The following abbreviations are used in this document:

BMT:	Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular
CAJ:	Administrative and Legal Committee
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

BACKGROUND

9. The TC, at its fifty-fifth session, held in Geneva on October 28 and 29, 2019, and the CAJ, at its seventy-sixth session, held in Geneva on October 30, 2019, approved the program for the development of TGP documents, as set out in the Annex to documents TC/55/4 and CAJ/76/2, respectively, subject to the conclusions at their sessions (see document TC/55/25 Corr. "Report", paragraph 176, and document CAJ/76/9 "Report", paragraph 33).

10. The TC, at its fifty-fifth session, held in Geneva on October 28 and 29, 2019, agreed to extend the coverage of document "TGP Documents" to cover all relevant information materials, to be presented in future sessions of the Technical Committee (see document TC/55/25 Corr. "Report", paragraph 177).

11. The approved guidance and information materials are published on the UPOV website at http://www.upov.int/upov_collection/en/.

MATTERS FOR ADOPTION BY THE COUNCIL IN 2020

12. The following revisions of TGP documents were agreed by the Technical Committee, at its fifty-fifth session, to be proposed for adoption by the Council at its fifty-fourth ordinary session, to be held in Geneva on October 30, 2020, subject to approval by the CAJ, at its seventy-seventh session, to be held in Geneva on October 28, 2020. These matters are reported in document TC/56/4 "Development of TGP and information (INF) documents – Matters for adoption by the Council in 2020."

- (a) Document TGP/5: Section 6: UPOV Report on Technical Examination and UPOV Variety Description
- (b) Document TGP/7: Development of Test Guidelines:
 - (i) Characteristics which only apply to certain varieties
 - (ii) Presentation of full scale of notes for quantitative characteristics in Test Guidelines
- (c) Document TGP/14: Glossary of Terms Used in UPOV Documents: Color names for the RHS Colour Chart
- (d) Document TGP/15: Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS): New example: Characteristic-specific marker with incomplete information on state of expression
- (e) Revision of document UPOV/INF/12 "Explanatory Notes on Variety Denominations under the UPOV Convention"
- (f) Revision of document UPOV/INF/16 "Exchangeable Software"
- (g) Revision of document UPOV/INF/22 "Software and Equipment Used by Members of the Union"

13. The TC is invited to note that the matters concerning documents TGP/5, TGP/7, TGP/14, TGP/15, UPOV/INF/12, UPOV/INF/16 and UPOV/INF/22 to be proposed for adoption by the Council at its fifty-fourth ordinary session, are reported in document TC/56/4 "Development of TGP and information (INF) documents – Matters for adoption by the Council in 2020."

POSSIBLE FUTURE REVISIONS OF GUIDANCE AND RELEVANT INFORMATION DOCUMENTS

Document TGP/8: Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)

14. Matters concerning a possible future revision of document TGP/8 are considered in the following documents:

Data processing for the production of variety descriptions for measured quantitative characteristics

See document TC/56/5

The Combined-Over-Years Uniformity Criterion (COYU)

See document TC/56/6

15. *The TC is invited to note that matters concerning a possible future revision of document TGP/8 are considered in documents TC/56/5 and TC/56/6.*

Review of document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”

16. Matters concerning a possible future revision of document UPOV/INF/12 are reported under document TC/56/INF/7.

17. *The TC is invited to note that matters concerning a possible future revision of document UPOV/INF/12 are reported in document TC/56/INF/7.*

Review of document UPOV/INF/17 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (‘BMT Guidelines’)”

18. Matters concerning a possible future revision of document UPOV/INF/17 are considered under document TC/56/13.

19. *The TC is invited to note that matters concerning a possible future revision of document UPOV/INF/17 are considered in document TC/56/13.*

Development of document UPOV/INF/23 “UPOV Code System”

20. The “Guide to the UPOV Code System”, as amended by the TC, at its forty-eighth session¹, and the CAJ, at its sixty-fifth session², is reproduced in Annex I to documents TC/49/6 and CAJ/67/6 and is available on the UPOV website (see https://www.upov.int/genie/resources/pdfs/upov_code_system_en.pdf).

21. The Consultative Committee, at its ninety-sixth session³, noted that, at the appropriate time, the Council would be invited to adopt the “Program for improvements to the PLUTO database” and the “Guide to the UPOV Code System”, which would be made accessible via the UPOV Collection UPOV/INF document series (document CC/96/14, “Report”, paragraph 85).

22. The CAJ, at its seventy-seventh session⁴, will be invited to consider document UPOV/INF/23/1, on the basis of document UPOV/INF/23/1 Draft 1 “Guide to the UPOV Code System”.

¹ Held in Geneva from March 26 to 28, 2012.

² Held in Geneva on March 29, 2012.

³ Held in Geneva on October 31, 2019.

⁴ To be held in Geneva on October 28, 2020.

23. *The TC is invited to note that the CAJ, at its seventy-seventh session, to be held in Geneva on October 28, 2020, will consider a draft of document UPOV/INF/23 "UPOV Code System".*

NEW PROPOSALS FOR REVISIONS OF GUIDANCE AND RELEVANT INFORMATION MATERIALS

TGP/5 Section 6: UPOV Report on Technical Examination and UPOV Variety Description

24. The TWO, at its fifty-second session⁵ noted that the TC had agreed the proposal for revision of document TGP/5, Section 6, to be proposed for adoption by the Council at its fifty-fourth ordinary session, to be held in 2020. The TWO agreed to propose that the following changes be considered by the TC for a future revision of document TGP/5, Section 6 (see document TWO/52/11 "Report", paragraph 12):

Chapter: UPOV Report on Technical Examination

- Item 13 to read "Testing ~~station~~ site(s) and place(s)"
- New item: Date and document number of UPOV Test Guidelines
- New item: Date and/or document number of Reporting Authority's test guidelines

Chapter: UPOV Variety Description

- Item 11 to read "Testing ~~station~~ site(s) and place(s)"

25. The TWF, at its fifty-first session⁶, agreed with the proposal made by the TWO, at its fifty-second session.

Proposal

26. The TC may wish to request the TWPs, at their sessions in 2021, to consider the following proposal to amend document TGP/5 Section 6 to read as follows:

Chapter: UPOV Report on Technical Examination

- Item 13 to read "Testing ~~station~~ site(s) and place(s)"
- New item: Date and document number of UPOV Test Guidelines
- New item: Date and/or document number of Reporting Authority's test guidelines

Chapter: UPOV Variety Description

- Item 11 to read "Testing ~~station~~ site(s) and place(s)"

27. *The TC is invited to consider whether to request the TWPs, at their sessions in 2021, to consider the proposal to amend document TGP/5 Section 6, as set out in paragraph 26 of this document.*

TGP/7: Development of Test Guidelines

Links to relevant TGP documents guidance in Test Guidelines

Background

28. The TC, at its fifty-fifth session, noted the proposal by the TWC, at its thirty-seventh session, to indicate relevant guidance in TGP documents that could have links displayed in Test Guidelines, and agreed to invite the TWPs, at their sessions in 2020, to propose links that might be indicated (see document TC/55/25 Corr. "Report", paragraphs 173 and 174).

⁵ Hosted by the Netherlands and held via electronic means from June 8 to 12, 2020.

⁶ Hosted by France and held via electronic means from July 6 to 10, 2020.

29. The TC agreed that relevant UPOV guidance identified by the TWPs should be reported to the TC, at its fifty-sixth session, for possible inclusion in the Template for Test Guidelines in a future revision of document TGP/7.

Consideration by the Technical Working Parties

30. The TWV, TWO, TWA, TWF and TWC noted the invitation to the TWPs to propose relevant guidance in TGP documents that could have links displayed in Test Guidelines (see documents TWV/54/12 "Report", paragraph 26; TWO/52/11 "Report", paragraphs 21 and 22; TWA/49/7 "Report", paragraphs 11 to 14; TWF/51/10 "Report", paragraph 25; and TWC/38/11 "Report", paragraph 11).

31. The TWO and the TWA agreed that the following links should be considered for inclusion in Test Guidelines:

- Chapter 4.1.3 "Clear Differences" - link to document "General Introduction" (document TG/1/3);
- Chapter 4.2 "Uniformity" – links to documents "General Introduction" (document TG/1/3) and TGP/13 "Guidance for new types and species" for advice on using the Test Guidelines for varieties with other types of propagation;
- Chapter 5.4 "Guidance for the use of grouping characteristics" - links to documents "General Introduction" (document TG/1/3) and TGP 9 "Examining Distinctness".
- Chapter 8.2 "Explanations for individual characteristics" - link to document TGP 14 "Glossary of terms used in UPOV documents", section 2: Botanical terms, to avoid inconsistencies between Test Guidelines in relation to explanations for simple characteristics.

32. In relation to the link provided for Chapter 4.2, the TWA agreed that the following links should be considered for inclusion in Test Guidelines:

- Chapter 4.2 "Uniformity" – links to documents "General Introduction" (document TG/1/3); TGP/13 "Guidance for new types and species" for advice on using the Test Guidelines for varieties with other types of propagation; and to document TGP/8, Part II, relevant to the specific Test Guidelines.

Next steps

33. The TC may wish to request the TWPs, at their sessions in 2021, to consider the links to UPOV guidance proposed for inclusion in Test Guidelines, as set out in paragraphs 31 and 32 of this document.

34. The TC is invited to consider whether to request the TWPs, at their sessions in 2021, to consider the links to UPOV guidance proposed for inclusion in Test Guidelines, as set out in paragraphs 31 and 32 of this document.

Procedure for partial revision of UPOV Test Guidelines

Background

35. The TC, at its fifty-fifth session, considered whether to revise the procedure for partial revisions of Test Guidelines, on the basis of the information provided by the TWF (see document TC/55/25 Corr. "Report", paragraphs 166 and 171).

36. The TC noted the following circumstances proposed by the TWF for allowing experts to make new proposals for partial revisions of Test Guidelines in the course of the year:

- For proposals to delete a characteristic
- For proposals to add a new state of expression and/or add a new illustration
- For proposals to add new example varieties

37. The TC noted the following circumstances proposed by the TWF when an accelerated procedure should not be applied:

- For proposals for grouping characteristics
- For proposals to add new characteristics

38. The TC recalled that, if an accelerated procedure were to be accepted, proposals for partial revisions of Test Guidelines would need to be published at least two months before the session to allow sufficient time for consideration by members. The TC noted that additional time would also be required by the Office of the Union to prepare documents before posting online.

39. The TC recalled that partial revisions of Test Guidelines could be proposed at the TWPs or at the TC sessions, providing at least two opportunities per year for proposing partial revisions.

40. The TC noted that frequent updates of Test Guidelines could be detrimental for international harmonization and requested the TWF to reconsider whether a new procedure was necessary. The TC agreed that, in case the TWF established that an accelerated procedure would be justified, it should only be used in exceptional cases.

Developments at the Technical Working Parties

41. At their sessions in 2020, the TWV, TWO and TWA noted discussions on the procedure for partial revision of Test Guidelines (see documents TWV/54/12 "Report", paragraph 27; TWO/52/11 "Report", paragraph 23; and TWA/49/7 "Report", paragraph 14).

42. The TWF, at its fifty-first session, considered whether an accelerated procedure for partial revision of Test Guidelines would be required and noted the amount of time required to provide advance notice about new proposals. The TWF agreed that existing possibilities to propose partial revision of Test Guidelines during TWF meetings and TC meetings should be used by members, as appropriate (see document TWF/51/10 "Report", paragraphs 26 and 27).

43. The TWF agreed to propose that meetings via electronic means were considered for advancing discussions on Test Guidelines during the period between TWPs sessions. This proposal is addressed in document TC/56/12 "Increasing the participation of new members of the Union in work of the TC and the TWPs."

44. The TC is invited to note that the TWF, at its fifty-first session, agreed that existing possibilities to propose partial revision of Test Guidelines during TWF and TC meetings should be used by members, as appropriate .

PROGRAM FOR THE DEVELOPMENT OF RELEVANT INFORMATION MATERIALS

45. Annex I to this document presents the program for the development of TGP documents, as amended on the basis of the comments by the TWPs, at their sessions in 2020.

46. The TC, at its fifty-fifth session, agreed to extend the coverage of document "TGP Documents" to cover all relevant information materials, to be presented in future sessions of the Technical Committee (see document TC/55/25 Corr. "Report", paragraph 177). Annex II to this document presents the program for the development of relevant information materials.

47. The CAJ, at its seventy-seventh session, will be invited to consider the program for the development of TGP documents and relevant information materials, in conjunction with the conclusions of the TC at its fifty-sixth session.

48. *The TC is invited to:*

(a) consider the program for the development of TGP documents, as set out in Annex I to this document;

(b) consider the program for the development of relevant information materials, as set out in Annex II to this document; and

(c) note that the program for the development of TGP documents and information materials will be considered by the Administrative and Legal Committee, at its seventy-seventh session, to be held in Geneva on October 28, 2020, in conjunction with the conclusions of the TC at its fifty-sixth session.

[Annexes follow]

TC/56/14
ANNEX II – PROGRAM FOR THE DEVELOPMENT OF INFORMATION DOCUMENTS

	Title of document	Current approved documents	2019					2020					2021				
			TC-EDC	TWPs	TC/55	CAJ/76	C/53	TC-EDC	TWPs	TC/56	CAJ/77	C/54	TC-EDC	TWPs	TC/57	CAJ/78	C/55
C(Extr./)19/2 Rev.	The Notion of Breeder and Common Knowledge	C(Extr./)19/2 Rev. ADOPTED															
INF/5	UPOV Model Plant Breeders' Rights Publication	INF/5/2 ADOPTED					INF/5/2 ADOPTED										
INF/12	Explanatory Notes on Variety Denominations under the UPOV Convention	INF/12/5 ADOPTED				CAJ/76/6					X	X	p			X	EX/DEN ADOPTED
INF/16	Exchangeable Software	INF/16/8 ADOPTED								X	X	INF/16/9 ADOPTED					
INF/17	Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction ("BMT Guidelines")	INF/17/1 ADOPTED						X	X				X	X	X	INF/17/2 ADOPTED	
INF/18	Possible use of Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)	INF/18/1 ADOPTED															
INF/22	Software and equipment used by members of the Union	INF/22/6 ADOPTED					INF/22/6 ADOPTED	X	X	X	INF/22/7 ADOPTED		X	X	X	INF/22/8 ADOPTED	
INF/23	UPOV Code System	New								X			X	X	X	INF/23/1 ADOPTED	

[End of Annex II and of document]