



TGP/6: Section 1/1 Draft 1

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

DRAFT

Associated Document
to the
General Introduction to the Examination
of Distinctness, Uniformity and Stability and the
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/6

“ARRANGEMENTS FOR DUS TESTING”

Section 1: Introduction

Document prepared by the Office of the Union

*to be considered by the Enlarged Editorial Committee at its meeting
to be held in Geneva, Switzerland, January 11, 2005*

1. The UPOV Convention (Article 7(1) of the 1961/1972 and 1978 Acts and Article 12 of the 1991 Act) requires that a variety be examined for compliance with the distinctness, uniformity and stability criteria. The 1991 Act of the UPOV Convention clarifies that, “In the course of the examination, the authority may grow the variety or carry out other necessary tests, cause the growing of the variety or the carrying out of other necessary tests, or take into account the results of growing tests or other trials which have already been carried out.”
2. The wording in the 1991 Act indicates that an authority may, for example, use one or more of the following arrangements:
 - (a) *the authority conducts growing trials, or other tests, itself*
 - (b) *the authority arranges for another party / other parties to conduct the growing trials or other tests*

In such an arrangement, another party could include, for example, another authority, an independent institute or the breeder.

Where the other party is another authority, UPOV has developed the following documents in TGP/5 “Experience and Cooperation in DUS Testing” to facilitate this cooperation:

Section 1	Model Administrative Agreement for International Cooperation in the Testing of Varieties
Section 4	UPOV Model Form for the Designation of the Sample of the Variety
Section 8	Cooperation in Examination
Section 9	List of Species in Which Practical Technical Knowledge has Been Acquired or For Which National Guidelines Have Been Established

In cases where the authority arranges for the breeder to conduct the growing trials or other tests (“breeder testing”), UPOV has developed a declaration on the conditions for the examination of a variety based upon trials carried out by or on behalf of the breeder. That declaration is reproduced as Section 3 of TGP/6.

- (c) *the authority takes into account the results of growing tests or other trials which have already been carried out*

To facilitate the process of authorities taking into account the results of growing tests or other trials which have already been carried out by other authorities, UPOV has developed the following documents in TGP/5 “Experience and Cooperation in DUS Testing”:

Section 5	UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results
Section 6	UPOV Report on Technical Examination and UPOV Variety Description

3. Section 2 “Examples of Arrangements for DUS Testing” provides information on the arrangements used by some authorities, to illustrate some of the arrangements currently employed by members of the Union.

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