



INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
Geneva

ENLARGED EDITORIAL COMMITTEE
Geneva, January 9 and 10, 2013

TGP DOCUMENTS

Document prepared by the Office of the Union

- 1. The purpose of this document is to report on developments concerning TGP documents.
- 2. The structure of this document is as follows:

- I. BACKGROUND2
- II. DEVELOPMENT OF TGP DOCUMENTS4
- III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS6

- ANNEX Program for TGP documents
- APPENDIX I Program for Revision of Document TGP/7
- APPENDIX II Program for Revision of Document TGP/8

- 3. The following abbreviations are used in this document:

- 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

I. BACKGROUND

4. The purpose of document TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” (General Introduction), and the associated series of documents specifying Test Guidelines’ Procedures (TGP documents), is to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Convention itself. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention. In addition, UPOV has developed “Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability” (Test Guidelines), for many individual species or other variety groupings. The purpose of those Test Guidelines is to elaborate certain of the principles contained in the General Introduction and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

5. As noted by the Chair at the fifty-fourth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 16 and 17, 2006, the development of TGP documents in relation to the DUS examination may be seen as another element in the preparation of information materials concerning the UPOV Convention¹ and, in addition to being published in their own right, the TGP documents can be used in support of various UPOV activities. In particular, the General Introduction and the TGP documents will form the basis of an advanced module on “Examination of Applications for Plant Breeders’ Rights” for inclusion in the Distance Learning program, which the Consultative Committee has entrusted the Office of the Union to develop.

6. The situation with regard to the development of TGP documents can be summarized as follows:

Document reference	Issue	Title	Issue date
TGP/0	/5	List of TGP Documents and Latest Issue Dates	November 1, 2012
TGP/1		General Introduction With Explanations	not yet issued
TGP/2	/1	List of Test Guidelines Adopted by UPOV	April 6, 2005
TGP/3		Varieties of Common Knowledge	not yet issued ²
TGP/4	/1	Constitution and Maintenance of Variety Collections	April 11, 2008
TGP/5		Experience and Cooperation in DUS Testing	
Introduction		Introduction	October 30, 2008
Section 1	/2	Model Administrative Agreement for International Cooperation in the Testing of Varieties	October 30, 2008
Section 2	/3	UPOV Model Form for the Application for Plant Breeders’ Rights	October 21, 2010
Section 3	/1	Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders’ Rights	April 6, 2005
Section 4	/2	UPOV Model Form for the Designation of the Sample of the Variety	October 30, 2008

¹ The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4. It also agreed the establishment of an advisory group to the CAJ (“CAJ-AG”) to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).

² At its fifty-fifth session, held in Geneva on March 29, 2007, “[t]he CAJ endorsed the conclusion of the CAJ-AG that the General Introduction already provided guidance with respect to the term ‘common knowledge’ and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 ‘Varieties of Common Knowledge.’” (see document CAJ/55/7, paragraph 47).

Document reference	Issue	Title	Issue date
Section 5	/2	UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	October 30, 2008
Section 6	/2	UPOV Report on Technical Examination and UPOV Variety Description	October 30, 2008
Section 7	/2	UPOV Interim Report on Technical Examination	October 30, 2008
Section 8	/1	Cooperation in Examination	April 6, 2005
Section 9	/1	List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established	April 6, 2005
Section 10	/2	Notification of Additional Characteristics	October 20, 2011
Section 11	/1	Examples of Policies and Contracts for Material Submitted by the Breeder	October 30, 2008
TGP/6	/1	Arrangements for DUS Testing	
Section 1	/1	Introduction	April 6, 2005
Section 2	/1	Examples of Arrangements for DUS Testing	April 6, 2005
Section 3	/1	Declaration on the Conditions for the Examination of a Variety Based on Trials Carried Out by or on behalf of the Breeder	April 6, 2005
TGP/7	/2	Development of Test Guidelines	October 20, 2011
TGP/8	/1	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	October 21, 2010
TGP/9	/1	Examining Distinctness	April 11, 2008
TGP/10	/1	Examining Uniformity	October 30, 2008
TGP/11	/1	Examining Stability	October 20, 2011
TGP/12	/2	Guidance on Certain Physiological Characteristics	November 1, 2012
TGP/13	/1	Guidance for New Types and Species	October 22, 2009
TGP/14	/1	Glossary of Terms Used in UPOV Documents	October 21, 2010
TGP/15		[New Types of Characteristics] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]	not yet issued

The General Introduction, approved TGP documents and adopted Test Guidelines are published on the UPOV website at http://www.upov.int/upov_collection/en/

II. DEVELOPMENT OF TGP DOCUMENTS

New TGP Documents

TGP/15: [~~New Types of Characteristics~~] [Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)]

- see document TGP/15/1 Draft 3 : “Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)”

7. The TC, at its forty-seventh session held in Geneva from April 4 to 7, 2011, and the CAJ, at its sixty-third session held in Geneva on April 7, 2011, agreed that document TGP/15 should be developed separately, but in parallel, to document BMT/DUS on the basis that document BMT/DUS³ would provide a report on the development and consideration of all models within UPOV and that document TGP/15 would provide guidance for the use of those models that had received a positive assessment and for which accepted examples could be provided, i.e. Models “Characteristic-specific molecular markers” (Section 3.1.1) and “Combining phenotypic [characteristics] and molecular distances in the management of variety collections” (Section 3.1.2) for the time being. It agreed that the purpose of both documents should be clarified within the documents and noted that both documents would need to be adopted by the Council. The TC and CAJ also agreed that consideration should be given to how to maintain both documents in an efficient way (see document TC/47/26 “Report on the Conclusions”, paragraph 16).

8. The TC, at its forty-eighth session held in Geneva from March 26 to 28, 2012, considered document TGP/15/1 Draft 2 “Guidance on the Use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS)”, in conjunction with document TC/48/5 “TGP Documents” (see document TC/48/22 “Report on the Conclusions”, paragraphs 31 and 32).

9. The TC, at its forty-eighth session, agreed with the recommendation of the TC-EDC, as set out in paragraphs 7 to 9 of document TC/48/5, that document TGP/15/1 Draft 1 should be redrafted (restructured) to provide the following:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

(see document TC/48/22 “Report on the Conclusions”, paragraph 33).

10. With regard to TGP/15/1 Draft 2, Annex I, paragraph 3(a), the representative of the International Seed Federation (ISF) questioned whether it was necessary for markers to be examined more than once on the same sample. He also suggested that paragraph 3(b) be amended to clarify that, if there was a difference between the information provided in the Technical Questionnaire and the result of the bioassay, the result of the bioassay would prevail (see document TC/48/22 “Report on the Conclusions”, paragraph 34).

11. The TC agreed that, on the basis of the comments above, a new draft should be prepared by the Office of the Union in conjunction with the Chairman of the TC and the Chairman of the BMT, which would be presented to the Enlarged Editorial Committee (TC-EDC) at its meeting in January 2013 and a further draft presented to the TC at its forty-ninth session. The TC noted that the timetable for the development of document TGP/15 would be reported to the TWPs at their sessions in 2012 (see document TC/48/22 “Report on the Conclusions”, paragraph 35).

³ Adopted as document UPOV/INF/18/1 “Possible use of Biochemical and Molecular Markers in the Examination of Distinctness, Uniformity and Stability (DUS).”

12. The CAJ at its sixty- fifth session held in Geneva, on March 26,2012, agreed with the conclusion of the TC that document TGP/15/1 Draft 1 be redrafted (restructured) as follows, as set out in paragraph 8 of this document:

- firstly, to present the principles, including the assumptions which provided the basis for the positive assessment of the examples in the approved models; and
- secondly, to provide practical experience in the form of examples in the implementation of the principles.

(see document CAJ/65/12 “Report on the Conclusions”, paragraph 26.

Revision of TGP Documents

TGP/7 Development of Test Guidelines

- “Summary of revisions agreed for document TGP/7 Development of Test Guidelines” (see document TC-EDC/Jan13/3)
- “Guidance on Number of Plants to be Examined (for Distinctness)” (see document TC-EDC/Jan13/4 Rev.)
- “Guidance for Method of Observation” (see document TC-EDC/Jan13/5)
- “Example Varieties” (see document TC-EDC/Jan13/6)
- “Providing Photographs with the Technical Questionnaire” (see document TC-EDC/Jan13/7)

TGP/8 Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability

- Part I: DUS Trial Design and Data Analysis, New Section 2: “Data to be recorded” (see document TC-EDC/Jan13/8)
- Part I: DUS Trial and Design of Data Analysis, New Section: “Minimizing the Variation due to Different Observers” (see document TC-EDC/Jan13/9)
- Part I: DUS Trial Design and Data Analysis, New Section: “Reduction of Size of Trials” (see document TC-EDC/Jan13/10)
- Part II: Techniques Used in DUS Examination, Section 3: “The Combined-Over-Years Criteria for Distinctness (COYD)” (see document TC-EDC/Jan13/11)
- Part II: Techniques Used in DUS Examination, Section 3, Subsection 3.6: “Adapting COYD to special circumstances” (see document TC-EDC/Jan13/12)
- Part II: Techniques Used in DUS Examination, Section 4: “2x1% Method-Minimum Number of Degrees of Freedom for the 2x1% Method” (see document TC-EDC/Jan13/13)
- Part II: Techniques Used in DUS Examination, New Section 10: “Minimum Number of Comparable Varieties for the Relative Variance Method” (see document TC-EDC/Jan13/14 Rev.)
- Part II: Techniques used in DUS Examination, New Section 11: “Examining DUS in Bulk Samples” (see document TC-EDC/Jan13/15 Rev.)

- Part II: Techniques Used in DUS Examination, New Section: “Data Processing for the Assessment of Distinctness and for Producing Variety Descriptions” (see document TC-EDC/Jan13/16)
- Part II: Techniques Used in DUS Examination, New Section: “Guidance of Data Analysis for Blind Randomized Trials” (see document TC-EDC/Jan13/17)
- Part II: Techniques Used in DUS Examination, New Section: “Guidance for Development of Variety Descriptions” (see document TC-EDC/Jan13/18)
- Part II: Techniques Used in DUS Examination, New Section: “Statistical Methods for Visually Observed Characteristics” (see document TC-EDC/Jan13/19)
- Part II: Techniques used in DUS Examination, New Section: “Examining characteristics using image analysis” (see document TC-EDC/Jan13/26)
- Part II: Techniques used in DUS Examination, New Section after Section COYU “Statistical Methods for Very Small Sample Sizes” (see document TC-EDC/Jan13/27)

TGP/14 Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents

- Section 2: “Botanical Terms, Subsection 2: Shapes and Structures” (see document TC-EDC/Jan13/20)
- Section 2: “Botanical Terms, Subsection 3: Color” (see document TC-EDC/Jan13/21)

III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

13. The Annex to this document proposes the program for the development of TGP documents
14. The Appendix I to Annex contains the program for the development of particular documents for revision of documents TGP/7.
15. The Appendix II to Annex contains the program for the development of particular documents for revision of document TGP/8

[Annex follows]

ANNEX

See Excel spreadsheet.

[Appendix I follows]

APPENDIX I

See Excel spreadsheet.

[Appendix II follows]

APPENDIX III

See Excel spreadsheet.

[End of Appendix III and of document]