



TGP/5: Sections 1-10

ORIGINAL: English

DATE: January 13, 2005

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/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”



TGP/5: Section 1/1 Draft 2

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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 1:

Model Administrative Agreement

for International Cooperation in the Testing of Varieties

as adopted by the Council on October 29, 1993
reproduced from document C/27/15, Annex III

Document prepared by the Office of the Union

to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005

C/27/5

ANNEX III

MODEL ADMINISTRATIVE AGREEMENT FOR INTERNATIONAL
COOPERATION IN THE TESTING OF VARIETIES

- CONSCIOUS of the importance attaching to cooperation between the members of the International Union for the Protection of New Varieties of Plants (UPOV) in the examination of the distinctness, uniformity and stability of the varieties that are the subject of an application for a breeder's right, as a means of optimizing the functioning of their plant variety protection systems,
- CONSIDERING that cooperation may take various forms depending on the special biological, technical and economic features of each botanical taxon,
- CONVINCED that the centralization of the examination and the standardization of the technical procedures brought about by other forms of cooperation have a beneficial effect on international trade in the field of plant varieties and seeds,
- CONSIDERING that, where the centralization of the examination has not been achieved, it may be desirable that the examination of the distinctness, uniformity and stability of a variety being the subject of an application in more than one State be undertaken once only,
- CONSIDERING that this Agreement must be conceived in such a way that it may also serve as the basis for cooperation in areas related to the protection of new plant varieties, in particular in the administration of the lists of varieties admitted to trade,
- CONSIDERING that the parties are also desirous to conclude comparable agreements with other members of the Union, and that it is therefore necessary to base this Agreement on the Model Administrative Agreement for International Cooperation in the Testing of Varieties drawn up by UPOV and adopted by its Council at the twenty-seventh ordinary session, on October 29, 1993,
- CONSIDERING that any agreement in this field must necessarily be reviewed, evaluated and adjusted periodically,

Party A

and

Party B

have agreed as follows:

Article 1

(1) Authority A shall provide the following services to Authority B, at the latter's request, in respect of the varieties which are the subject of an application for a breeder's right filed with Authority B in accordance with the International Convention for the Protection of New Varieties of Plants, or for entry in the national list of varieties admitted to trade:

(i) for the genera and species whose list is given in Annex A.1, it shall undertake the examination for distinctness, uniformity and stability of the variety concerned;

(ii) for the genera and species whose list is given in Annex A.2 [or A.2/B.2], it shall undertake the part of the examination specified in the said Annex;

(iii) for the genera and species whose list is given in Annex A.3, it shall supervise the examination of the variety, where such examination is undertaken on its territory by the applicant, or by a third party on his behalf, and evaluate the results thereof.

(iv) for the genera and species whose list is given in Annex A.4 [or A.4/B.4], it shall supply the results of the examination or supervision which it has undertaken or agreed to undertake on the basis of a prior application;

(2) Authority B shall, under the same conditions, provide the aforementioned services to Authority A, for the genera and species whose list is given in Annexes B.1, B.2 [or A.2/B.2], B.3 and B.4 [or A.4/B.4], respectively.

(3) The authorities may agree, on an ad hoc basis, to apply this Agreement to a variety from a genus or species not listed in the relevant Annex.

(4) For the purposes of this Agreement:

(i) "Executing Authority" means the Authority which provides one of the services specified in subparagraphs (i) to (iv) of paragraph (1) above;

(ii) "Receiving Authority" means the Authority to which one of the aforementioned services is provided.

Article 2

Where the Council of UPOV has adopted Guidelines for the conduct of the testing of a species subject to this Agreement, the examination shall be conducted according to those Guidelines. In the absence of such Guidelines the Authorities shall adopt the testing methods by mutual consent before this Agreement is applied to the species in question.

Article 3

- (1) For each variety the Executing Authority shall submit to the Receiving Authority, as the case may be:
 - (i) the reports relating to each testing period and a final examination report;
 - (ii) the reports relating to the part of the examination entrusted to it;
 - (iii) the reports relating to the supervision of the examination undertaken by the applicant, or by a third party on his behalf, and to the evaluation of the results thereof, and a final examination report.
- (2) The final examination report shall detail the results of the examination concerning the characteristics of the variety and shall state the opinion of the Executing Authority on the distinctness, uniformity and stability of the variety. When those requirements are considered to be fulfilled or when the Receiving Authority asks for it, a description of the variety shall be added to the report.
- (3) Reports and descriptions shall be written in ... (language).
- (4) Any emerging problems shall be notified immediately to the Receiving Authority.
- (5) With respect to the distinctness, uniformity and stability criteria, the Receiving Authority shall decide on the application, in principle, on the basis of the final examination report, or with due regard being given to the partial reports of the Executing Authority. Where exceptional circumstances require it, the Receiving Authority may carry out supplementary tests and trials. If it chooses to do so, it shall inform the Executing Authority thereof.

Article 4

- (1) The Authorities shall take all necessary steps to safeguard the rights of the applicant.
- (2) Except with the specific authorization of the Receiving Authority and the applicant, the Executing Authority shall refrain from passing on to a third person any material of the varieties for which testing has been requested.
- (3) Access to the documents and the test plots shall be given only to:
 - (i) the Receiving Authority, the applicant and any duly authorized person;
 - (ii) the necessary staff of the institution that carries out the testing and special experts called in who are bound to secrecy in public service. Those special experts shall have access to the formulae of hybrid varieties only if it is strictly necessary and if the applicant does not object.

This paragraph does not exclude general access to test plots by visitors, provided due regard is had to paragraph (1) above.

(4) If another authority is a receiving authority under a similar agreement, access may be granted in accordance with the rules applicable under that agreement.

Article 5

Where, in the case of a service specified in Article 1(1)(iv) above, the prior application is rejected or withdrawn, the Authorities may agree on the continuation of the examination or supervision on behalf of the Receiving Authority.

Article 6

Practical details arising out of this Agreement--regarding in particular the provisions relating to the considerations, application forms, technical questionnaires and requirements as to propagating material, testing methods, exchange of reference samples, maintenance of reference collections and the presentation of the results--shall be settled between the authorities by correspondence.

Article 7

(1) The Receiving Authority shall pay to the Executing Authority the consideration agreed upon under Article 6.

(2) (i) In the case of a service specified in Article 1(1)(iv) above, an administrative consideration equivalent to 350 Swiss Francs or of an amount agreed upon by correspondence between the Authorities shall be charged.

(ii) Where the prior application has been rejected or withdrawn and where, pursuant to Article 5 above, the Authorities have agreed on the continuation of the examination or supervision on behalf of the Receiving Authority, the amount payable shall be equal to the additional cost resulting from the continuation of the examination or supervision.

(3) Payments shall be effected within three months of receipt of an invoice specifying their amount.

Article 8

Each Authority shall make available any information, facilities or services of experts that the other Authority may need additionally, on condition that the latter undertakes to pay the costs involved.

Article 9

- (1) This Agreement shall enter into force on ... (date) [and shall replace the Agreement of ... (date) on cooperation in the examination of plant varieties].
- (2) This Agreement and its Annexes may be amended by mutual agreement.
- (3) Any party wishing to revoke this Agreement in whole or in part shall give the other party notice to that effect.
- (4) Unless the parties agree otherwise, any such revocation shall take effect only after observance of two years' notice, completion of pending tests and transmittal of the relevant reports.

[End of Section 1]



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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 2: UPOV Model Form for
the Application for Plant Breeders’ Rights

as amended by the Council on October 14, 1984
reproduced from document C/XVIII/9 Add., Annexes II and IV, Part I

Document prepared by the Office of the Union

to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005

UPOV MODEL FORM

APPLICATION FOR PLANT BREEDERS' RIGHTS

(Office where
application
is filed)

NOTE: First consult the instructions

(file mark)
(Date of receipt)

An official copy of the submitted application including the date of filing is requested as a certification of priority for an application in the following States: _____

FOR
OFFICIAL
USE ONLY

1.(a) Applicant(s) name(s) and address(es):

2.(a) Address to which correspondence is to be sent:

(b) nationality(ies): _____

(b) This is the address:

of one of the applicants

of the agent/proxy

for service

3. Species and crop:

4.(a) Proposed denomination (in block letters): _____

(b) Breeder's reference: _____

5.(a) The original breeder(s) is (are) the (all) applicant(s) the following person(s):

To the best of my/our knowledge there is no other original breeder.

(b) The variety was transferred to the applicant(s) by:

contract _____

succession _____

other (specify) _____

(c) The variety was bred in (State(s)): _____

| 6. Further applications | Filing (State/date) | Application No. | Stage | Denomination or breeder's reference |
|---------------------------|---------------------|-----------------|-------|-------------------------------------|
| (a) Protection | | | | |
| (b) Official variety list | | | | |

7. Priority is claimed in respect of the application filed in (State) _____
on (date) _____ under the denomination _____

8. The variety has been offered for sale not yet for the first time (date) _____
or marketed in [State of application] _____
under the denomination _____

and in other States not yet for the first time in (State) _____
under the denomination _____

9.(a) The technical examination of the variety has already been completed _____
 is in progress in _____
 will be carried out in _____

(b) I/We declare that the material provided with the first application is representative of the variety and relevant to this application.

(c) Authorization is hereby given to the Plant Breeders' Rights Office to exchange with the competent authorities of any UPOV member State all necessary information and material related to the variety, provided that the rights of the applicant are safeguarded.

Other forms and documents attached:
 1 2 3 a b c d e f

I/We hereby apply for the grant of plant breeders' rights.

I/We hereby declare that, to the best of my/our knowledge, the information necessary for the examination of the application, given in this form and in the annexes, is complete and correct.

_____ (place) _____ (date)

Signature(s)

INSTRUCTIONS FOR CONVERTING THE UPOV MODEL FORM
FOR THE APPLICATION FOR PLANT BREEDERS' RIGHTS
INTO NATIONAL FORMS

A. General Instructions

0.1 When converting the UPOV Model Form into a national form and when drafting explanations for completing the national forms (“explanations”), the contents and the terminology of the applicable national law have to be taken into particular account. Subsequently, reference is made to some particularities. To ensure that the Model Form fulfills its function, it is important that the general structure, the contents and the numbering of the individual parts be maintained in the national forms.

0.2 The right-hand margin is reserved for official use; it may also be used for references to instructions in the explanations.

0.3 In the explanations, instructions should be given on how dates are to be written and how States are to be referred to. The following instructions are proposed:

- “Dates should be written in year-month-day order (example: 76-01-14);
- “States are to be designated by their car registration codes (B, CH, D, DK, E, F, GB, H, I, IL, IRL, J, NL, NZ, S, USA, ZA).”

B. Instructions on the Individual Items

Item 1.(a)

1.1 The following explanations should be given on Item 1.(a) :

- “Give the full name and address, including country, of the applicant (natural person or firm). Where there is more than one applicant, give the names and addresses of all of them; if the space under 2 is not sufficient for all the necessary details, give only the names under Item 2 and add the addresses on a separate page attached to this form.
- “Where the applicant wishes to have correspondence sent to his own address, the address must be sufficiently complete to ensure delivery by the postal service. Telephone and telex numbers would be appreciated.”

1.2 In some States an official document has to be filed noting those persons authorized to represent a legal person. Reference could be made to this obligation under this item or under the unnumbered item “Other forms and documents attached.”

1.3 Where there is more than one applicant, some States request that the sharing of the rights be stated. Attention could be drawn to this particularity under Item 1 by requesting that together with the name and address of each applicant his share in the right be mentioned.

Item 1.(b)

1.4 The explanations should mention that the nationality is to be stated only in the case of natural persons.

1.5 Under the law of some States, protection may be obtained irrespective of the applicant's nationality, place of residence or registered offices. Those States can delete Item 1.(b).

Item 2

2.1 The explanations should mention that an address has to be given in the State of application; this remark might be worded as follows:

- "This must be an address [in the State of application] and must be sufficiently complete to ensure delivery by the postal service. Telephone and telex numbers would be appreciated."

2.2 The explanations should state the conditions under which it is necessary to give an address for service (normally in cases in which the applicant has no residence in the State of application).

2.3 In some States, only natural persons can be agents or proxies. Attention should be drawn to this fact in the explanations.

2.4 The explanations should mention the cases in which a power of attorney is necessary; this could be worded as follows:

- "Where one joint applicant has been authorized to act for the other joint applicants or an agent or proxy has been named, attach a power of attorney issued by the applicant(s) on whose behalf the joint applicant or agent is authorized to act."

Item 3

3.1 The contents of the explanations concerning this item depend mainly on how botanical genera and species eligible for protection are defined in the national law. In the main, two different sets of rules are met with:

(a) The law defines these genera and species in a general way. In this case, the explanations should mention that the particulars given under that item must allow exact identification of the variety under both botanical and, as the case may be, technical aspects (for example: "polyantha rose" and not just "rose;" or "maize, parent line," and not only "maize"). It is recommended that the Latin name of the most suitable taxonomic unit (genus, species, subspecies) be given, together with the common name.

(b) The law contains a list identifying the genera and species (where appropriate, with limitations as to type of propagation or final use or with particularities, depending on the type of the variety. In respect of period of protection, fees or conditions for obtaining protection in respect of the applicant's nationality, place of residence or registered offices). In this case, it is advisable to draw attention to the fact that the particulars given under this item must make it possible to determine whether the variety is eligible for protection. Furthermore it is recommended that the applicable legal provisions are referred to. The terminology used should be that of the national law or at least compatible with it. Where necessary, the particulars should allow exact identification of the variety under both botanical and, as the case may be, technical aspects. Some problems might arise where the legal definition refers to a botanical family ("Orchidaceae," Bromilaceae" belonging to [particular genera or hybrids between these genera] or similar indications). In such case, reference is made to the explanations in subparagraph (a).

Item 4

4.1 The explanations should mention that under the national legal provisions corresponding to Article 13 (5) of the UPOV Convention the variety must be filed in each of the member States under the same denomination.

4.2 Where permitted under the national law, the variety denomination may be filed at a later stage in the procedure. The explanations should refer to this possibility, but attention should be drawn to the fact that it is necessary to give at least a breeder's reference, i.e. a provisional designation of the variety.

4.3 Attention should be drawn in the explanations to the fact that it is desirable to give the breeder's reference even in cases where a variety denomination is proposed.

4.4 If a special form must be used for applying for variety denomination, reference should be made to this obligation in the explanations.

4.5 Where necessary, the explanations should mention that accents may not be deleted from a variety denomination.

Item 5.(a)

5.1 The explanations should give the following instructions:

- Mark the first box with a cross if the applicant or all applicants are the breeders of the variety.
- Mark the second box with a cross if not all the applicants are breeders of the variety and/or if (a) third person(s) is (are) the breeder(s) of the variety. Give the name(s) and address(es) of the breeder(s) (if not given under 2).

5.2 In some countries, only natural persons can be breeders. Attention should be drawn to this fact in the explanations.

5.3 In some States eligibility for protection depends on the nationality of the breeder. In such case, the explanations should mention that nationality has also to be stated for the persons named in this item if not already done under Item 1.(b).

Item 5.(b)

5.4 The explanations should mention that nothing has to be entered under this item if the first box has been marked in Item 5(a).

5.5 Where the applicant is not the breeder of the variety, some States require a document be submitted from which the right of the breeder to protection can be seen. Attention could be drawn to this obligation under this item or under the unnumbered item “Other forms and documents attached.”

Item 5.(c)

5.6 Some States make the grant of protection to foreigners dependent on the country which the variety has been bred. Item 5.(c) is necessary for such States. The other States may omit this item.

Item 6

6.1 The explanations should requested that the particulars given under this item be complete and be given in abbreviated form; this could be done as follows:

- “The term “protection” comprises special titles of protection, plant patents and industrial patents.
- “Official variety list” means any list of varieties whose marketing is authorized by the competent authorities.
- “Specify all prior applications without exception in chronological or- der, including those filed in States that are not members of the Inter- national Union for the Protection of New Varieties of Plants (UPOV).
- “In the “Stage” column use the following abbreviations:
 - A = application pending
 - B = application rejected
 - C = application withdrawn
 - D = plant breeder’s rights granted or variety entered in official variety list
- “If the variety denomination under which the application was filed in the other State(s) was not accepted by the authority concerned, give also the accepted denomination and underline it.”

Item 7

7.1 It could be worthwhile mentioning the conditions for claiming the priority of a former application, using the terminology of the national law.

Item 8

8.1 The structure of this item corresponds to Article 6(1)(b) of the Convention. Its wording must, however, in certain cases be adapted to the terminology used for the terms “variety” or “offering for sale or marketed” in the national law; if necessary, further clarification must be given in the explanations.

8.2 The item is so structured that it may be used for both States which give a “period of grace” and States which do not afford such a period.

8.3 States, whose national law stipulates a transitional limitation of the novelty requirement under Article 38 of the UPOV Convention should refer in the explanations to the fact that applicants wishing to benefit from that limitation might be required to give additional information.

If such cases are frequent, a special form should be provided.

8.4 Certain States request detailed information on prior commercial use, in particular the date of first commercial use in each country and the names under which the variety was marketed there. It is recommended that this information be requested on a special form.

Item 9

9.1 This item is of interest to States participating in a system of international cooperation in the testing of varieties. States not participating in such a system can omit the item.

9.2 The declarations provided for under Items 9(b) and (c) might not be applicable in some States.

Item 10 “Other forms and documents attached”

10.1 This item has not been given a number to allow each State using the UPOV Model Form to add further items to its national form, which might be needed under its national law.

10.2 The UPOV Model Form requires that a box be marked for each added form or document. Three annexes have to be added in the great majority of States. The boxes which have to be marked in that case have been given the numbers 1, 2 and 3. They concern the following information and the explanations given could be worded as follows:

- “ 1* Variety description: Attach the description of the variety on the special Technical Questionnaire for the species to which the variety belongs and mark box 1 with a cross;
- “ 2 Power of attorney: If one joint applicant has been authorized to act for the other joint applicants or an agent or proxy has been named, attach the power of attorney referred to in [2.4] and mark box 2 with a cross;
- “ 3 Priority claim: If the priority of the first application is claimed, a certified copy of the documents which constitute that application must be forwarded to the Plant Breeders’ Rights Office [Office for variety protection] within three month of the date of filing of the present application; if that copy is attached, mark box 3 with a cross.”

10.3 The additional boxes, which are marked with letters have been added to permit each State to ask for additional information, for instance an application form for a variety denomination, communication of natural persons authorized to represent a legal person (Item 1.(a)), approval of the transfer of a right to protection (Item 5.(b)), form containing more detailed information on prior marketing (Item 8), declaration signed by the applicant that to the best of his knowledge the variety is new or proof that the application fee has been paid.

[End of Section 2]

* Special forms must be completed.



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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 3: Technical Questionnaire to be Completed
in Connection with an Application for Plant Breeders’ Rights

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

A model Technical Questionnaire is provided in document TGP/7 “Development of Test Guidelines”: Annex 1: TG Template: Chapter 10. The UPOV Test Guidelines (<http://www.upov.int/en/publications/tg-rom/index.html>) contain, in Chapter 10, a specific Technical Questionnaire for varieties covered by those Test Guidelines.

[End of Section 3]



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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 4: UPOV Model Form for the
Designation of the Sample of the Variety

adopted by the Administrative and Legal Committee
on April 25, 1979
(document C/XIII/8, paragraph 4)
reproduced from C/XIII/8, Annex II

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

UPOV MODEL FORM FOR THE DESIGNATION OF THE SAMPLE OF THE VARIETY

1. Model Accompanying Letter¹

According to our information, the examination for distinctness, homogeneity and stability of the variety mentioned in the attached form

- has already been performed
- is being performed
- is to be performed

on the basis of an earlier application filed in [other State]

It is our intention to decide on the application for protection/inclusion in the national list on the basis of the said examination for distinctness, homogeneity and stability and of the identity sample submitted for that purpose, and we would appreciate your assistance in returning the attached form duly signed

by [date]

Failure to return the attached form by that date will mean that the variety will be the subject of a separate examination, for which the normal examination fee will be charged.

¹ To be sent to the person to whom all correspondence is to be sent (mentioned in item 2 of the UPOV Model form for the Application for Plant Breeder's Rights).

2. Form²

- Application for protection
 inclusion in the national list

Application Number:

Filing Date:

Denomination/Breeder's Reference:

Species:

DESIGNATION OF IDENTITY SAMPLE

I/We have taken note that the decision on the above-mentioned application will be based on the examination for the distinctness, homogeneity and stability performed by the authority of [State] on the basis of the application No. of [date]

- for protection
 inclusion in the national list

filed in [State]

I/We designate the sample already submitted in connection with that application as the sample to be submitted in connection with the above-mentioned application.

.....
[Place] [Date]
.....
[Signature]

Name and Address of Signatories:

[End of Section 4]

² To be filled in by the competent authority and to be signed by the applicant or by the person authorized by the applicant.



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“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 5:

UPOV Request for Examination Results

and

UPOV Answer to the Request for Examination Results

as adopted by the Technical Committee
on October 6, 1989
reproduced from TC/XXV/12, Annex, pages 6 and 7

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

UPOV REQUEST FOR EXAMINATION RESULTS

1. Requesting authority
2. Reference number of requesting authority
3. Breeder's reference
4. Date of application in requesting State
5. Applicant (name and address)
.....
.....
.....

6. Botanical name of taxon
7. Common name of taxon
8. Variety denomination
9. Breeder (name and address)
.....
.....
.....
10. We would be grateful to receive the report on the examination of the above-mentioned variety. It will be needed for an application:
 - (a) for protection []
 - (b) for registration in the list of varieties []
11. A copy of the technical questionnaire filled in by the breeder is attached []
12. According to our information, prior application(s) for the same variety has (have) been made in
.....
.....
13. Date
14. Signature

UPOV ANSWER TO THE REQUEST FOR EXAMINATION RESULTS

1. Reference number of requesting authority
2. Reference number of reporting authority
3. Testing authority

-
4. The examination of the variety mentioned on the back of this form
 - (a) has already been completed []
 - (b) has been in progress since/for []
(date/approximate time)
 - (c) will be undertaken as from (approximate []
date) on the basis of an application
or a request already submitted
 - (d) will be undertaken as from (approximate []
date) on the basis of your request

5. The examination report:
 - (a) is enclosed. An official invoice will []
be submitted in due course
 - (b) will be forwarded by (approximate date) []

6. The costs are expected to amount to

7. Special requirements

.....

.....

8. Remarks

.....

.....

9. Date

10. Signature



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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 6:

UPOV Report on Technical Examination

adopted by the Technical Committee
on October 6, 1989
reproduced from TC/XXV/12, Annex

and

UPOV Variety Description

adopted by the Technical Committee
on October 12, 1990
reproduced from TC/26/6, Annex I, pages 1 to 3

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

TC/XXV/12

ANNEX

UPOV REPORT ON TECHNICAL EXAMINATION

1. Reference number of reporting authority
2. Requesting authority
3. Reference number of requesting authority
4. Breeder's reference
5. Date of application in requesting State
6. Applicant (name and address)
7. Agent (name and address)(if applicable)

-
8. Botanical name of taxon
 9. Common name of taxon
 10. Variety denomination
 11. Breeder (name and address)
 12. Testing authority
 13. Testing station(s) and place(s)
 14. Period of testing
 15. Date and place of issue of document

16. RESULTS OF THE TECHNICAL EXAMINATION AND CONCLUSION

(a) Report on Distinctness

The variety

- is clearly distinguishable from any other variety []
- is not clearly distinguishable from all varieties []
whose existence is known to us.

(b) Report on Uniformity

The variety

- is sufficiently homogeneous []
 - is not sufficiently homogeneous []
- having regard to the particular features of its sexual reproduction or vegetative propagation.

(c) Report on Stability

The variety

- is stable []
 - is not stable []
- in its essential characteristics.

In the case of a positive conclusion, a description of the variety is given as annex to this report.

17. Remarks
18. Signature

UPOV VARIETY DESCRIPTION

1. Reference number of reporting authority
2. Reference number of requesting authority
(bilateral agreements only)
3. Breeder's reference
4. Applicant (name and address)

-
5. Botanical name of taxon
 6. Common name of taxon
 7. Variety denomination
 8. Date and document number of UPOV
Test Guidelines
 9. Date and/or document number of national
test guidelines
 10. Testing authority
 11. Testing station(s) and place(s)
 12. Period of testing
 13. Date and place of issue of document

| UPOV No. | National No. | Characteristics | States of Expression | Note | Remarks |
|-------------|-----------------|-----------------|----------------------|------|---------|
|-------------|-----------------|-----------------|----------------------|------|---------|

14. Group: (if characteristics of number 15 are used for grouping, they are marked with a G in that number)
-

Reference number of reporting authority

| UPOV No. | National No. | Characteristics | States of Expression | Note | Remarks |
|-------------|-----------------|-----------------|----------------------|------|---------|
|-------------|-----------------|-----------------|----------------------|------|---------|

15. Characteristics Included in the UPOV Test Guidelines or National Test Guidelines

16. Similar Varieties and Differences from These Varieties

| Denomination of similar variety | Characteristic in which the similar variety is different ^{o)} | State of expression of similar variety | State of expression of candidate variety |
|---------------------------------|--|--|--|
|---------------------------------|--|--|--|

^{o)} In the case of identical states of expression of both varieties, please indicate the size of the difference.

17. Additional Information

(a) Additional Data

(b) Remarks

18. Explanatory Notes to the UPOV Variety Description Form

(a) General

The reference number of the reporting authority should be repeated on each page of the report.

(b) Ad Number 14

Only information on the group to which the variety belonged should be given or information on groupings other than by characteristics listed in Number 15. Grouping by characteristics mentioned in Number 15 should be indicated simply by marking the respective characteristic in Number 15 with the letter “G” before the number of the characteristic.

(c) Ad Number 15

(i) All characteristics of the UPOV Test Guidelines should be reproduced, including those which are not applicable and those which have not been recorded. Those not applicable should be marked “not applicable,” those not recorded, “not recorded.”

(ii) The asterisks from the UPOV Test Guidelines should be repeated on the form.

(iii) Additional national characteristics should not be placed after the UPOV characteristics, but in their sequence according to the UPOV rules, as the main purpose of the form is still for national use. They do not need to be specially marked as they are sufficiently identified by the national number.

(iv) The list contains only a small column for brief remarks or for a reference to lengthier remarks which should be reproduced in a footnote.

(d) Ad Number 16

Only those characteristics that show sufficient differences to establish distinctness should be given. Information on differences between two varieties should always contain the states of expression with their notes for both varieties; if possible, in columns if more varieties are mentioned.

[End of Section 6]



TGP/5: Section 7/1 Draft 2

ORIGINAL: English

DATE: January 13, 2005

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/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 7: UPOV Interim Report on Technical Examination

as adopted by the Technical Committee
on October 6, 1989
reproduced from TC/XXV/12, Annex, page 5

Document prepared by the Office of the Union

to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005

UPOV INTERIM REPORT ON TECHNICAL EXAMINATION

1. Reference number of reporting authority
2. Requesting authority
3. Reference number of requesting authority
4. Breeder's reference
5. Date of application in requesting State
6. Applicant (name and address)
7. Agent (Name and address) (if applicable)

-
8. Botanical name of taxon
 9. Common name of taxon
 10. Variety denomination
 11. Breeder (name and address)
 12. Testing authority
 13. Testing station(s) and place(s)
 14. Period of testing
 15. Date and place of issue of document

16. GENERAL INFORMATION

- (a) No plant material received []
- (b) Requirements for plant material not met []
- (c) Test failed, Observations: []

17. RESULTS OF THE EXAMINATION

- (a) No remarks []
- (b) Remarks []

18. The final examination report will be forwarded by (approximate date)

19. Note: The above interim report does not prejudice the final report.

20. Signature



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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 8: Cooperation in Examination

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

A synopsis of cooperation in examination between authorities is provided in the form of a Council document:

C/[session]/5 (e.g. C/38/5, http://www.upov.int/en/documents/index_c.htm).

[End of Section 8]



INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
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Associated Document
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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/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 9: List of Species in Which Practical Knowledge has Been Acquired
or for Which National Test Guidelines Have Been Established

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

A list of genera and species in which practical knowledge has been acquired or for which national test guidelines have been established is provided in the Technical Committee document:

TC/[session]/4 (e.g. TC/41/4, http://www.upov.int/restrict/en/tc/index_tc.htm).

[End of Section 9]



TGP/5: Section 10/1 Draft 2

ORIGINAL: English

DATE: January 13, 2005

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

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DOCUMENT TGP/5

“EXPERIENCE AND COOPERATION IN DUS TESTING”

Section 10: Notification of Additional Characteristics

Document prepared by the Office of the Union

*to be considered by the Technical Committee at its forty-first session,
to be held in Geneva, Switzerland, from April 4 to 6, 2005*

1. The General Introduction states in section 4.2.3 that “The characteristics included in the individual Test Guidelines are not necessarily exhaustive and may be expanded with additional characteristics if that proves to be useful and the characteristics meet the conditions set out [in section 4.2.1]”. It further clarifies in section 4.8, “Functional Categorization of Characteristics” that the function of additional characteristics is:

“1. To identify new characteristics, not included in the Test Guidelines, that have been used by members of the Union in the examination of DUS and which should be considered for inclusion in future Test Guidelines”; and

“2. To facilitate harmonization in the development and use of new characteristics and provide opportunity for expert review.”

2. TGP/7 “Development of Test Guidelines”: GN 27 “Handling a long list of characteristics in the Table of Characteristics” states that “...in some circumstances the TWP may consider that it is unhelpful to include [in the Test Guidelines] all those characteristics which fulfill the criteria for inclusion and, if there is a full consensus amongst all interested experts, may agree to omit certain characteristics. Such omitted characteristics would then be included in document TGP/5, Experience and Cooperation in DUS Testing, in the section on “Notification of Additional Characteristics”.

3. The criteria which an additional characteristic must satisfy are set out in the General Introduction: section 4.8, “Functional Categorization of Characteristics”, namely it:

1. must satisfy the criteria for use of any characteristic for DUS as set out in Chapter 4, section 4.2 and evidence for this must be available from the submitting member of the Union;

“2. must have been used to establish DUS in at least one member of the Union”;

and

“3. such characteristics should be submitted to UPOV for inclusion in document TGP/5, “Experience and Cooperation in DUS Testing.”

4. The following table has been developed for the notification of additional characteristics. The table will be used as the basis for presenting the additional characteristics on the UPOV website (<http://www.upov.int/en/publications/tg-rom/index.html>) in association with the relevant Test Guidelines. Because the additional characteristics are not UPOV approved characteristics they will only be available in the password-restricted area of the website.

Test Guidelines for [.....]: TG/[...]/[...]

Additional Characteristics

Submitting Authority

Contact Expert

Name:

Organization:

Tel:

E-mail:

| | English | français | deutsch | español | Example Varieties* / Exemples* / Beispielssorten* / Variedades ejemplo* | Note/ Nota |
|--|------------------|----------|---------|---------|--|---------------|
| Type of expression of the characteristic (QL, PQ, QN) | [characteristic] | | | | | |
| | [state 1] | | | | | |
| | [state 2] | | | | | |
| | etc. | | | | | |

Explanation / Illustration:

[End of document]

* Must be provided for at least two states