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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/4

“CONSTITUTION AND^a MANAGEMENT OF VARIETY COLLECTIONS”

Document prepared by the Office of the Union

to be considered by the

*Technical Working Party for Vegetables (TWP),
at its thirty-eighth session, to be held in Seoul, from June 7 to 11, 2004*

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SECTION 1: CRITERIA TO ADDRESS VARIETIES OF COMMON KNOWLEDGE

1.1 Introduction

1.1.1 ^bArticle 7 of the 1991 Act of the UPOV Convention establishes that “a variety shall be deemed to be distinct if it is clearly distinguishable from any other variety whose existence is a matter of common knowledge at the time of filing the application.”

1.1.2 ^cThe “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), hereinafter referred to as “the General Introduction”, states, with respect to common knowledge (see document TG/1/3, section 5.2.2), that:

“Specific aspects which should be considered to establish common knowledge include, among others:

- (a) commercialization of propagating or harvested material of the variety, or publishing a detailed description;
- (b) the filing of an application for the grant of a breeder’s right or for the entering of a variety in an official register of varieties, in any country, which is deemed to render that variety a matter of common knowledge from the date of the application, provided that the application leads to the grant of a breeder’s right or to the entering of the variety in the official register of varieties, as the case may be;
- (c) existence of living plant material in publicly accessible plant collections.

Common knowledge is not restricted to national or geographical borders.”

1.1.3 ^dAlthough not exhaustive, and taking into account that these aspects have to be considered on a worldwide basis, it is clear that the list of varieties whose existence is a matter of common knowledge (“varieties of common knowledge”) for a given species include a very large number of entries.

1.1.4 ^eIn addition, even if each aspect seems to be clear enough, its interpretation by each member of the Union could be different depending on the national legislation, the interpretation of the term “commercialization” and the legal statement on genetic resources. TGP/3 “Varieties of Common Knowledge” (currently document C(Extr.)/19/2Rev., paragraphs 22 and 23) also states that “common knowledge” has its natural meaning and that members of the Union should take into account not only knowledge that exists in documented form, but also the knowledge of relevant communities around the world provided that this knowledge can be credibly substantiated so as to satisfy the standard of proof of the civil law courts.

1.1.5 ^fWith regard to the varieties which are the subject of an application for protection or national listing (document TG/1/3, section 5.2.2.1(b)), the establishment of a definitive list of such varieties at any given time is more or less impossible, due to the permanent evolution of this list and the difficulty in obtaining a clear identification of each candidate variety.

1.1.6 ^hBesides the difficulties mentioned above, the introduction of such large lists of varieties in the examination for distinctness of new varieties would generate an unacceptable practical and financial burden for the authorities. Therefore, it is necessary to provide a practical basis on which the authorities can establish variety collections for the conduct of the examination of distinctness.

1.1.7 In other words, the aim is to define a set of criteria to be considered in a given country, or region of the world, to establish a list of varieties of common knowledge (“the variety collection”) against which the authority should check for distinctness of the candidate varieties.

1.2 The notion of risk in the establishment of variety collections

1.2.1 The criteria to establish the list of varieties of common knowledge must be defined in a way which limits, as far as possible, the risk of [wrongly] declaring [concluding] a variety to be distinct just because another variety, which is already a variety of common knowledge, is missing from the variety collection. ¹It is important to emphasize that, whatever the approach adopted to establish a variety collection, it is impossible and in most cases unnecessary to have a full collection of all the varieties of common knowledge, but it is important to have a “working” variety collection with all varieties which should be included on the basis of the criteria set out in this document.

1.2.2 Hence, there is some risk of making a wrong decision because of the absence of a variety of common knowledge. [However] The risk of making such a wrong decision should be as low as possible and the criteria described below are intended to help each authority to limit this risk, in recognition that it will never be zero.

1.2.3 Article 21 of the 1991 Act of the UPOV Convention, establishes the requirement to nullify a right if it has been incorrectly granted on the basis of distinctness or novelty of a candidate variety [but], [in order] to maintain a good quality of the protection, such cases should remain the exceptions.

1.3 ¹Factors to be considered when establishing variety collections

1.3.1 General

1.3.1.1 To establish a variety collection for a given species, the authority of a member of the Union should consider what are the relevant varieties of common knowledge in its territory and in other territories.

1.3.1.2 The following criteria should be taking into account:

- (i) The list of protected varieties and the official register of varieties. The variety collection must include all the varieties in these lists and those which have been listed previously;
- (ii) any commercial document in which varieties are offered for marketing in its territory as propagating or harvested material, especially when there is no official registration system;

(iii) the list of varieties which are the subject of an application for protection or official registration;

(iv) any list including varieties that are publicly available within plant collections (genetic resources, collection of old varieties, etc.);

(v) the variety collection should also include the relevant example varieties used for the examination of distinctness (for more information about example varieties see TGP/7; GN 26).

1.3.1.3 The following criteria should be taken into account when considering varieties of common knowledge in other territories:

(i) The selection of varieties to be included in the variety collection should first consider the countries with which the UPOV member has a relationship for breeding activities, seed trade or any exchange of plant products and which have similar climatic and growing conditions.

1.3.1.4 The collection may also include varieties with historic significance in the territory of the authority, or in another territories, as well as any other variety that the authority considered relevant for the examination of distinctness.

1.3.2 ^mTypes of variety

1.3.2.1 In the case ⁿof a UPOV Member with more than one geoclimatic zone for a given crop, the variety collection might be limited by taking into account certain physiological traits of the varieties (e.g. earliness, day length susceptibility, frost resistance, etc.) according to the climatic conditions where the authority and or the testing place is located.

1.3.2.2 In some territories, a selection of varieties of common knowledge should be made in order to consider only varieties which would have normal growth in the location where the variety collection is established;

1.3.2.3 Depending on the species, the relevant geographic area concerned might be different; in the case of field crops, the similarity of geoclimatic conditions is more relevant than for vegetable or ornamental crops grown in greenhouses, where the seed and plant product trade is on a more world-wide basis.

1.3.3 Availability[Accessibility]

1.3.3.1 ^oAs stated in TG/1/3 Section 5.2.2.1 (c), the existence of living plant material in publicly accessible plant collections establishes common knowledge. Furthermore, accessibility to plant material is necessary to include it in the growing trials for examining distinctness of candidate varieties. There may be reasons (e.g. phytosanitary regulations) for which plant material, even if it exists, may not be accessed. In those cases where that plant material is known to exist but, where for practical reasons is not readily accessible for examination, the authority should seek other procedures to take into account such reference varieties.

1.3.3.2 Particular consideration should be given to varieties for which an application has been filed in other countries, which are to be considered varieties of common knowledge from the date of application if granted plant variety protection or entered in an official register of varieties.

1.3.3.3 ^PThe authority should first seek information of those other varieties still under examination, and secondly should await the final decision in respect of those other applications (i.e. whether they are accepted or not) to take a final decision on distinctness for the candidate variety.

1.3.3.4 In this respect, it is important to note that these varieties of common knowledge may become evident to the authority at different times during the examination of the application of a candidate variety (e.g. before or after the application or even after the DUS examination).

1.3.3.5 Therefore, it is of particular importance for authorities to streamline the exchange of information on applications and on priority cases. To maintain a good quality of the protection, cases of plant breeder's right declared null should remain the exceptions.

1.3.4 Feasibility

1.3.4.1 ⁹There are several factors which may affect the feasibility of establishing a collection of plant material for a given species. For example:

(i) Type of material to be stored: seed is, in general, easier to store for long periods than vegetatively propagated material, where, it may be necessary to develop temporary variety collections (see section 2.2.3)

(ii) Type of species: in annual species it is necessary either to store propagating material or renew it every year. In such species the whole collection is not necessarily grown every year, only those varieties of common knowledge which are relevant for the candidate varieties under examination are included in the field trial. In perennial species, the collection could be formed by plants (details about permanent collections are given in section 2.2.2).

(iii) Limited capacity to store, maintain and grow plant material.

(iv) Climatic limitations (for collections of perennial varieties formed by plants).

SECTION 2: MAINTENANCE^r OF VARIETY COLLECTIONS

2.1 ^sGeneral

A variety collection can never be established definitively. It must be continuously updated taking into account the evolution of the lists of varieties, the development of new types of varieties and the introduction of new plant genetic material. It is necessary to establish contacts with the authorities in different territories to obtain information and to be able to obtain descriptions and seed samples as required. It is also important to complete the variety collection on a case-by-case basis considering the information provided by the applicant, particularly concerning the breeding scheme of the candidate variety. Having defined the general basis on how to establish a variety collection, it is important to note that a variety collection to conduct an examination of distinctness should include:

- (i) ^t[access to] a representative sample of plant material of the variety,
- (ii) a description of each variety.

2.1.1 Collections of plant material (obtaining, verifying, maintaining, updating/renewing samples)

^uThe establishment of a variety collection of plant material involves a number of activities, the aim of which is to have a collection which can be ready for use when examination of distinctness renders it necessary and to be certain of the identity of the material kept. The following tasks should be considered in the case of a [variety collection containing] representative samples of plant material:

2.1.1.1 ^vObtaining plant material

2.1.1.1.1 Once the list of varieties to be included in the collection has been defined (see section 4.1), it is necessary to obtain plant material of those varieties to establish the variety collection. Possible options as sources of plant material are:

- (i) protected varieties or varieties included in an official register of varieties, as well as those varieties which are subject to an application for protection or official registration: the first sources of material to consider are the breeder, the maintainer and the applicant of these varieties;
- (ii) varieties which are known to be on the market: further to the previous mentioned sources the commercial agents should be considered as a possible source of material;
- (iii) varieties which are publicly available within plant collections (genetic resources, gene banks, collections of old varieties, etc.): possible sources of plant material are the holder and maintainers of these collections;

(iv) temporary variety collections: usually the cost of maintaining a collection of plant material of vegetatively propagated material is very high. For some species (see section 2.2.3 Management of Temporary Variety Collections), a common practice is to request samples of the material to the breeder and/or the maintainer of the variety each time it is necessary to conduct a specific examination of distinctness;

(v) varieties of common knowledge in other territories: other authorities could be sources of plant material for varieties of common knowledge.

2.1.1.1.2 The above list of situations should not be considered as an exhaustive or limiting list. On the contrary, it enumerates several possible sources of plant material for different situations and can be used as an orientation by any authority. Other situations may exist: for example, it might be possible that, apart of what is mentioned in 1 (v), the breeder could be a good source to obtain plant material of a foreign variety, especially if he has offices or a local representative in the territory of the authority requesting the material; or for some vegetative propagated varieties, apart of what is mentioned in 1 (iv), a gene bank might be the unique source of plant material.

2.1.1.1.3 In all cases, difficulties may hamper the obtaining of plant material such as: phytosanitary regulations; quality of plant material; no maintenance of the variety; lack of a source.

2.1.1.2 ^wVerification

2.1.1.2.1 There are situations when new plant material should be introduced into the collection. Before doing so, some verifications should be made.

2.1.1.2.2 The verification of the identity of the plant material is a very important subject in the maintenance of a variety collection. It should be included in the routine of tests to be made to the plant material before it is introduced into the collection. A wrong, or a lack of, verification of the identity of the material will lead to wrong or misleading examinations of distinctness, with negative consequences for the plant breeder's rights granted on the basis of these examinations.

2.1.1.2.3 For seed propagated varieties, one way of verifying the identity of the variety is to conduct side by side plots of the material in the collection and the new material to be introduced in the collection and verify during the growing season if both plant materials present the same characteristics. ^xIn the case of some vegetatively propagated species, the new material should be tested against the variety description before the removal of the old plants, or where very similar varieties have to be compared. In some cases, it is particularly relevant that all the plant material in the trial be produced under the same conditions. In the case of temporary variety collections (see section 2.2.3 Management Of Temporary Variety Collections), where plant material is renewed every year, the official description of the variety should be used to check if the material has the same characteristics as the variety.

2.1.1.2.4 The routine tests for verifying the plant material before its introduction into the variety collection may be intended to check other features apart of the identity. Plant material is usually tested for its phytosanitary, and when the stored material is seed, it is usually recommended that the material should have as high a germination capacity as possible.

2.1.1.3 ^yMaintenance

2.1.1.3.1 When dealing with maintenance of the variety collection we refer mainly to the way the plant material is stored or under cultivation (fruit trees) [and not to the genetic maintenance of the plant material]. The plant material in the variety collection should be maintained as long as possible in good conditions. The duties involved in its maintenance depend on the type of plant material stored: seeds, plants, plant tissue in micro-propagation, etc.

2.1.1.3.2 In the case of seed, it is usually stored in cold chambers. The seed is usually cleaned and divided into subsamples and placed in special containers for final long-term storage. In general, each subsample contains the amount of seed necessary for one plot or one trial. Routine testing is necessary to check the quality of the plant material in store (see section 2.1.1.2 Verifying). ^zFor seed-propagated varieties, it is the best situation, but not always achievable because of the workload and the difficulties in obtaining representative seed samples. Wherever possible, this approach should be taken, even if it is only for a part of the variety collection;

2.1.1.3.3 ^{aa}In variety collections of trees and perennial varieties, the plants will become over-mature and will need to be replaced by rejuvenated ones. For each variety in the collection, a programmed plant rotation is necessary. Depending on the type of plant, a maximum plant age should be determined, which is determined by the usefulness of the plant for DUS examination. For a tree it might be 10 years, whilst for herbaceous perennial varieties it might be 4 years. Routine cultural practices, including the selection of rootstocks, should be standardized and applied to all the plant material in the collection with the aim of ensuring that distinctness is established based on differences in the genotype rather than on differences due to environmental conditions.

2.1.1.3.4 ^{bb}A reference collection in the case of hybrid varieties: the basic criteria are the same as for any other type of variety. However, where distinctness is based on the components and the formula of the hybrid, the effort to establish a reference collection must be mainly focused on the varieties used as components (generally inbred lines). The two main reasons are:

- (i) in many cases, plant variety protection is initially requested for the components, and
- (ii) when the components are available, it is generally possible to reproduce the hybrid variety if a direct comparison between similar hybrids is necessary (see TGP/9.4.2.4).

2.1.1.4 *Updating/renewal*

2.1.1.4.1 Keeping the variety collection up to date is necessary to maintain its usefulness, the quality of the examination, and its consequent protection. The list of varieties to be included in the variety collection should be revised and updated over time. The factors to be considered when establishing varieties of common knowledge (see section 1.3 Factors to be considered when establishing variety collections) should be examined and reconsidered on a regular basis to check whether the list of varieties in the collection needs to be revised. As a result, it may be that new varieties of common knowledge need to be included in the collection. If that is the case, the authority should seek plant material of these varieties.

However, the reason for the inclusion of some varieties already in the collection may be no longer valid, and consideration should be given to their possible elimination from the variety collection.

2.1.1.4.2 With respect to the material already included in the variety collection, there are situations which require the renewal of that plant material. Some of the situations could be :

- (i) when the plant material originally provided by the applicant was in the quantity needed for DUS examination only, and more material is needed after the examination for long term store in the collection;
- (ii) when the plant material in the collection has been depleted or has deteriorated;
- (iii) ^{cc}in the case of tree and perennial collections, once the plant has reached the maximum plant age (see section 4.2.1.1.3 *Maintenance*) for plants in the collection, the plant is removed and replaced with a new plant, propagated from variety material in the collection or from another known source. For some species, total plant replacement may not be necessary where an older plant can be rejuvenated by a cultural practice such as hard pruning;
- (iv) in the case of temporary variety collections, plant material is requested every year as required for DUS examination.

2.1.1.4.3 In any case, a routine process for verifying (see section 2.2.3 *Verification*) plant material before its introduction in the collection, whether of new varieties of common knowledge or renewal of plant material of varieties already included in the variety collection should be established.

2.1.2 Data management

2.1.2.1 The maintenance of a variety collection implies the management of different types of data to store, to verify the plant material, the sources of material, etc. The DUS examination generates data for the establishment of variety descriptions. In some cases, the most relevant information about a given variety in the collection may be a description, in particular when it is not possible to obtain plant material of the variety, or in the case of “Temporary variety collections” (see section 2.2.3).

2.1.2.2 ^{dd}The following types of variety description might be available:

- (i) a short description produced by the member of the Union where the variety is registered. In general, this type of description is not very helpful, except for grouping of similar varieties in the distinctness trial where the description is based on characteristics whose expression are not too susceptible to the influence of the environment (see TGP/9.2.1.2);
- (ii) a full description according to the UPOV Test Guidelines, produced by the member of the Union where the variety is registered. This might be a satisfactory basis on which to establish distinctness without making a direct comparison, if the differences are sufficiently clear. In the case of similar varieties, the environmental effect on the expression of characteristics is such that, in general, this is not a satisfactory basis.

However, in some cases, this method of comparison is the only possibility because no living plant material is available and, in the absence of expertise from persons with a good knowledge of the species (the “walking reference collection”), no other solution exists;

(iii) a full description produced by the member of the Union establishing the variety collection in accordance with the UPOV Test Guidelines. This is the most effective solution, but rather expensive. Where used, it provides the possibility to detect the most similar varieties on the basis of the data held in a database. However, in the case of very similar varieties, it is still necessary to have a direct side-by-side comparison of the varieties.

(iv) a collection of digitalized images of specific parts of plants to represent each variety: this solution is presently being considered within UPOV. It is an interesting way to obtain information for the grouping of varieties. This interest is limited when a comparison between similar varieties has to be done because of the difficulty in illustrating each characteristic and establishing a harmonized procedure for recording the image.

2.1.3 ^{ee}Access to plant material and data (e.g. restrictions on use, transfer agreement)

GUIDELINES FOR TRANSFER OF MATERIAL FOR DUS PURPOSES UNDER DEVELOPMENT IN THE CAJ

2.2 Variety Collections for Tree and Perennial Species

^{ff}Many ornamental varieties and most fruit crops belong to genera and species that are perennial or longer lasting. The management of variety collections and DUS testing procedures need to consider carefully the necessary requirements and implications of the growing cycles and behavior for these types of plants.

2.2.1 The Variety Collection

The constitution of a variety collection for tree and perennial species should follow the recommendations of section 1.

2.2.2 Management of Permanent Collections

Permanent collections are those in which the perennial plants are maintained under cultivation. ^{gg}When planning a growing trial it is not usually possible to design a trial with new plant material every year, which is standard practice for many annual species and seed-propagated crops. The management of the collection with respect to time will become an important criterion. Many varieties in this group will not be at a suitable growth stage for testing in one year or even two years. The timing of testing and the age or maturity of the plants in the trial and the collection will need to be managed accordingly. For details in obtaining, verifying, maintaining and updating/renewing of samples see section 2.1.1.

2.2.3 Management of Temporary Variety Collections^{hh}

Permanent variety collections can be important resources for DUS testing, however a permanent variety collection may not be essential for the DUS testing of varieties. For many species permanent variety collections of plant material do not exist. For these species, varieties of common knowledge and/or suitable reference varieties can be included in the growing trial to enable plant to plant comparisons and for the determination of distinctness and referencing to any other varieties, as necessary. A variety collection could exist as a list and the necessary plant material assembled when required, establishing a temporary collection. For this approach, the plants would need to be of similar maturity at establishment, propagated in the same manner and have a level of certainty as to individual plants being the correct variety and true to type. A temporary collection may exist for a single growing season or for a longer period as the variety may require time to reach a growth stage suitable for testing.

2.2.4 ⁱⁱUse for DUS Testing

2.2.4.1 When a collection is used for testing purposes, the age of individual plants will probably be different. This is not necessarily a problem providing that plant to plant comparisons made between the candidate variety and existing varieties are made at appropriate and similar stages of maturity. Comparable and consistent maturity stages or growth stages are more important than, and not the same as, plant age. For most tree fruit crops, evaluation of fruit characteristics begin when candidate trees are in their second year of fruiting. Comparisons between trees of the candidate variety and trees of varieties previously included in the collection can be made because all plants are at least in their second year of fruiting. It is not critical to the results that the trees of the candidate variety are four years from planting and trees of other varieties are six to eight years from planting. All are at fruiting maturity. This approach of clearly defining at what growth stage or level of maturity testing in a tree or perennial species can proceed, overcomes the difficulty of using variety collections containing plants of different ages. ^{jj}This approach is particularly relevant for vegetatively propagated varieties, which examination of distinctness is generally made using very few [if any] statistical methods.

2.2.4.2 ^{kk}Permanent variety collections and the DUS growing trials are closely related. In practice, the DUS growing trial is part of the collection. The collection already exists and candidate varieties are added to it as necessary. The need for grouping and sorting similar and reference varieties for inclusion in the trial is reduced, as most, if not all the varieties needed for testing will already be present in the variety collection. The significance of grouping and the determination of which varieties to include in a trial is greater for temporary collections.

2.2.5 Variety Collections for Perennial Species other than Trees

To be developed (proposed by TWF and TWO). The TWA requested it should cover herbaceous species.

2.3 Cooperation in the Maintenance of Variety Collections

2.3.1 Article 12 of the 1991 Act of the UPOV Convention states:

“.....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. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material”. Cooperation for DUS testing is encouraged, it may take different forms under the UPOV Convention (see TG/1/3 chapter 3), and can cover different aspects related to variety collections.

2.3.2 For the establishment of variety collections the availability of information on varieties of common knowledge is a key subject. Exchange of information between authorities, breeders, botanic gardens, gene banks, and any other possible source of information is very important to define the list of varieties to be included in the collection (see section 1.3 Factors to be consider when establishing variety collections). Authorities can cooperate in the exchange of plant material, making varieties of common knowledge as widely available as possible.

2.3.3 In the case of maintenance of variety collections, cooperation is also relevant, in particular to avoid duplication of tasks and to make a better use of the resources available in the territory of the authority.

2.3.4 Cooperation may exist between authorities by which one authority maintains the plant material for a given species or a group of varieties within a given species, and the maintainer authority provides plant material to the other(s) when required for the examination of distinctness. ¹¹For territories with different geoclimatic conditions for a species, the maintenance can be made by means of cooperation with other official organizations located in the different regions. For some species, especially in the case of permanent variety collections, the collections can be maintained by another official organization (e.g. a national research institute), and can be used for the examination of distinctness, among other activities. Cooperation can also involve breeders or breeders' associations that may maintain the collection upon request of the authority.

2.3.5 Cooperation is a means by which authorities can increase the efficiency of the establishment and maintenance of variety collections with the available resources, consequently strengthening plant breeder's rights.

[End of document]

^a Title modification proposed by the TC at its 40th Session.

^b Added by the Office

^c Taken from TGP/4.1 draft 2 paragraph 1

^d Taken from TGP/4.1 draft 2 paragraph 2

^e Taken from TGP/4.1 draft 2 paragraph 3 and last sentence added by the Office.

^f Taken from TGP/4.1 draft 2 paragraph 4 and last sentence added by the Office.

^g Proposal by the Office

^h Taken from TGP/4.1 draft 2 paragraph 5

- ⁱ The added text comes from the last four paragraphs of TGP/4.1 draft2.
- ^j Text in square brackets proposed by the Office
- ^k Text in square brackets proposed by the Office
- ^l Based upon TGP/4.1 draft 2 paragraph 9 and the text in color added by the Office.
- ^m Added by the Office in response to the structure agreed at the 40th Session of the TC.
- ⁿ Added following comments from the 31 TWA Session
- ^o Added by the Office in response to the structure agreed at the 40th Session of the TC.
- ^p Text added from TGP/9.3.1 draft 1 (see paragraphs 14 and 15).
- ^q Added by the Office in response to the structure agreed at the 40th Session of the TC.
- ^r Title modification proposed by the TC at its 40th Session.
- ^s Taken from TGP/4.1 draft 2 paragraphs 10, 11, 12, and 13.
- ^t TWV proposal at its 36 Session
- ^u Added by the Office
- ^v Text from TGP/4.1 draft 2 paragraph 13 and other added by the Office.
- ^w Added by the Office
- ^x Text from TGP/4.2 draft 1, paragraphs 3 and 5
- ^y Added by the Office
- ^z Taken from TGP/4.1 draft 1, paragraph 13 c) i)
- ^{aa} Taken from TGP/4.2 draft 1, paragraph 1.
- ^{bb} Taken from TGP/4.1 draft 1. The 31 TWA meeting discussed whether varieties included in a variety collection of an authority as well as parent lines of commercial hybrids are a matter of common knowledge and noted different opinions among member States (see document TWA/31/14, paragraph 36).
- ^{cc} Text from TGP/4.2 draft 2, paragraph 5
- ^{dd} Text from TGP/4.1 draft 1, paragraph 13 (b)
- ^{ee} Title modification proposed by the TC at its 40th Session.
- ^{ff} Text from TGP/4.2 draft 1, paragraph 1.
- ^{gg} Text from TGP/4.2 draft 1, paragraph 1.
- ^{hh} Text from TGP/4.2 draft 1, paragraph 3.
- ⁱⁱ Text from TGP/4.2 draft 1, paragraph 6.
- ^{jj} Sentence added by the Office.
- ^{kk} Text from TGP/4.2 draft 2, paragraph 7.
- ^{ll} Sentence modified due to comments at the 31 TWA Session (see document TWA/31/14, paragraph 34).