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Geneva

TECHNICAL WORKING PARTY FOR AGRICULTURAL CROPS

Forty-Fifth Session
Mexico City, Mexico, July 11 to 15, 2016

ADDENDUM TO

MATTERS CONCERNING VARIETY DESCRIPTIONS

Document prepared by the Office of the Union

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This document contains presentations to be made at the forty-fifth session of the Technical Working Party for Agricultural Crops (TWA), as follows:

- Annex I: “Updating Variety Descriptions - Outcome of the survey”, by an expert from the Community Plant Variety Office of the European Union (CPVO);
- Annex II: “Development and Use of Variety Descriptions”, by an expert from Germany.

[Annexes follow]

UPDATING VARIETY DESCRIPTIONS - OUTCOME OF THE SURVEY

Presentation by Mr. Dirk Theobald, Community Plant Variety Office of the European Union (CPVO)

1



CPVO
Community Plant Variety Office

Updating Variety Descriptions

- Outcome of the Survey -

1

2

History

- Discussion with EU examiners revealed wide-ranging understanding of the term "variety description"
- CPVO seeks to develop a common understanding
- Survey amongst examination office
- Presentation in 2015's UPOV-TWPs



Variety Descriptions

2

3

Legal basis to update variety descriptions

- Article 87(4) 2100/94:

“The Office may of its own motion and upon consultation with the holder adapt the official variety description in respect of the number and type of characteristics or of the specified expressions of those characteristics, when necessary, in the light of the current principles governing the description of varieties of the taxon concerned, in order to render the description of the variety comparable with the descriptions of other varieties of the taxon concerned.”



4

Understanding of the Office

- Concerns only variety descriptions of the registers of the CPVO
- Updates are exceptional cases
- Adapted description replaces the former description
- Update variety description may also be requested by the holder of the right



5

To facilitate discussions:

- CPVO provisionally defined 3 types of Variety Descriptions (VD):
 1. "Original VD": approved upon granting or listing (possibly several original VDs if variety underwent several procedures)
 2. "Official VD": either original or adapted version of an original VD
 3. "Working VD": any other VD



Variety Descriptions

5

6

Survey amongst our examination offices

1. Do you prepare a (full) Working VD of each variety grown for reference purpose?

All EOs prepare (full) Working VD of each variety grown for reference purpose for the first time at least for seed-propagated varieties if they are listed or protected



Variety Descriptions

6

7

Survey amongst our examination offices

- 1.1. If yes, do you (fully) describe the reference variety each time the variety is grown as reference?

2/3 of EOs systematically re-describe varieties and compare the new data to previous data.

- observe annual fluctuations in the expression of characteristics.
- statistical analysis (COYU and COYD)
- to exclude varieties from future growing trials.
- (full) re-description for working purpose upon the adoption of a new TP is a matter of course



Variety Descriptions

7

8

Survey amongst our examination offices

- 1.2. If you do not (fully) describe reference varieties each time do you re-describe them (primarily for working purpose) when a new Technical Protocol becomes applicable?

- Countries that do not (fully) re-describe reference varieties regularly do so when a new TP becomes applicable.
- (limited to) varieties of certain crop groups
- (limited to) certain characteristics (grouping or MS char.)



Variety Descriptions

8

9

Survey amongst our examination offices

1. Preparation of working VD for reference varieties

Conclusion of the CPVO:

- various approaches may be justified and may be well adapted to the crops
- no need for a harmonization covering all crops and all EOs.



Variety Descriptions

9

10

Survey amongst our examination offices

2. When mentioning a reference variety as similar variety under point 16 or 17 of the Official Variety Description, do the notes there reflect the state of expression of the year the candidate variety is assessed, or are the notes taken from the Official Variety Description that was part of the title of protection (or the basis for registration in the National/Common Catalogue)?

- EOs follow one or the other philosophy



Variety Descriptions

10

11

Survey amongst our examination offices

2. Similar varieties point 16 or 17 VD

Conclusion of the CPVO:

- Origin of the notes to be indicated
- Proposal: notes should come from the same growing trial as for the candidate



12

Survey amongst our examination offices

3. Do above-mentioned (question 1 and 2) descriptions replace Official Variety Descriptions? If so, are there particular conditions to be fulfilled?

- No EO replaces the official VD
- Exception:
 - One EO may amend the official VD if, usually after many years, the reference collection has significantly changed even if the TP remained unchanged.
 - amended official VD replaces then the original VD



13

Survey amongst our examination offices

4. Are there other circumstances when an Official Variety Description is amended? (*not to be confused with correcting errors in the Official Variety Description*)

- No amendments for other reason than new TPs or correction of errors



Variety Descriptions

13

14

Survey amongst our examination offices

5. What would be the procedure to change Official Variety Descriptions?

Is the CPVO/other Examination Offices/holder of the right informed on such adaptations?

Do you publish adapted variety description?

- theoretical question
- occasional updated *ex officio* upon renewal of listing
- no publication
- majority would inform the title holder
- EOs would inform other authorities if DUS was made on their behalf



Variety Descriptions

14

15

Survey amongst our examination offices

5. Procedure to amend Official VD

Conclusion of the CPVO:

- to inform title holder, other EOs and CPVO
- publication as for the previous version



16

Survey amongst our examination offices

6. In case you contribute to shared databases, which VD(s) do you provide for shared databases? (Working VD or Official VD?)

- theoretical question for some EOs
- large majority: official VD

Conclusion of the CPVO:

- to be decided on species level
- approach chosen should be discussed and agreed for all contributors



17

Survey amongst our examination offices

7. When a report is provided for a take-over, which variety description is provided?

- the Official Variety Description as attached to the national plant variety right/registration certificate ?
- the latest Working Variety Description?
 - All EOs the Official VD in its latest officially amended version where such amendments are practiced (in analogy to Article 87 (4) of Council Regulation (EC) 2100/94)



18

Survey amongst our examination offices

8. If a characteristic was not observed at the time the Official VD was prepared but becomes observable later, will these additional observations be added and thus be considered as an updated Working VD?

- All but one EO would add this information to the technical data → updated working VD
- Three EOs would foresee updating the Official VD



19

Summary of the Conclusions and Follow-up:

- notes of similar varieties shall come from the same growing trial as for the candidate variety
- to inform parties concerned on amendments of the Official VD
- agreement on data supplied to shared databases



Variety Descriptions

19

20

Thank you for your attention!



Variety Descriptions

20

[Annex II follows]

DEVELOPMENT AND USE OF VARIETY DESCRIPTIONS

Presentation by Ms. Beate Rucker, Bundessortenamt, Germany

 Bundessortenamt

Development and use of variety descriptions

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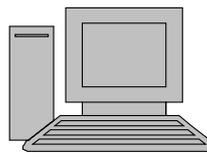
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Data for distinctness and description

Growing trial



Database



• assessed annual data
• annual transformation into notes

Stored annual data are used in a different way for:

1. Assessment of D in the same growing trial
2. Establishment of official variety description
3. Selection of similar varieties for new applications
4. Verification of plant material

Year 1: CAND →
Year 2: CAND →
Year 3: REF →
Year 4: REF →
Year 5: REF →
Year 6: REF →
... →
Year X: REF →

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How annual data from the database are used?

1. **Assessment of distinctness in the same growing trial**
 - (a) Side by side comparison
 - (b) Comparison of actual measurements/visual observations for each year (and location) or application of COY
2. **Establishment of official variety description**
 - Transformation of annual measurements into notes (notes stored in DB together with measured values)
 - In case of more than one growing cycle calculation of mean of notes over cycles
3. **Selection of similar varieties for new applications**
 - Comparison across different growing tests always based on notes
 - For each REF mean descriptions over several years are considered
4. **Verification of plant material**
 - (a) Side by side comparison = best way (provided standard sample is available)
 - (b) No standard sample: Same data as for selection of similar varieties



Different levels to look at a characteristic

(TGP/8/2: Part I, Sect. 2.4)

Process level	Description of the process level	Remark
1	Characteristics as expressed in the trial	- Type of expression (QL, PQ, QN)
2	Data for evaluation of characteristics	- Data recorded in the trial - Visual observations or measurements (VG, VS, MG, MS) - Assessment of D based on data from same growing trial
3	Variety description	- Transformation of measured data into notes - If appropriate, final note across growing cycles - Management of reference collection = assessment of D based on data from different growing trials



How annual data from the database are used?

1. Assessment of **distinctness** in the same growing trial >>> **Process Level 2**
 - (a) Side by side comparison
 - (b) Comparison of actual measurements/visual observations for each year (and location) or application of COY

2. Establishment of official variety **description** >>> **Process Level 3**
 - Transformation of annual measurements into notes (notes stored in DB together with measured values)
 - In case of more than one growing cycle calculation of mean of notes over cycles
3. Selection of **similar varieties** for new applications >>> **Process Level 3**
 - Comparison across different growing tests always based on notes
 - For each REF mean descriptions over several years are considered
4. **Verification** of plant material >>> **Process Level 3**
 - (a) Side by side comparison = best way (provided standard sample is available)
 - (b) No standard sample: Same data as for selection of similar varieties



Meaningful notes

TG/1/3, TGP/7 GN 20: Notes must be meaningful for the assessment of DUS

- Appropriate description of the **range of variation in the species**
- Appropriate **reflection of clear differences and similarities** between varieties
- Consideration of environment: **stable descriptions** across growing cycles

How to get „meaningful notes“?

1. Do the varieties in the trial represent the whole variation of the known varieties or only part of it?
2. What is the smallest clear (and consistent) difference between two varieties?
3. How many notes are reasonable to describe the range of variation in the trial and in the whole collection?
4. Are the example varieties in the Test Guidelines appropriate for my conditions?

 Bundessortenamt



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[End of Annex II and of document]