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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

TECHNICAL WORKING PARTY FOR AGRICULTURAL CROPS

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

SECOND ADDENDUM TO

MATTERS CONCERNING VARIETY DESCRIPTIONS

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

The Annex to this document contains a presentation by an expert from Australia on "Variety Descriptions in Australia" to be made at the forty-fifth session of the Technical Working Party for Agricultural Crops (TWA).

[Annex follows]

ANNEX

VARIETY DESCRIPTIONS IN AUSTRALIA

Presentation by Mr. Tanvir Hossain, Plant Breeder's Rights, IP Australia

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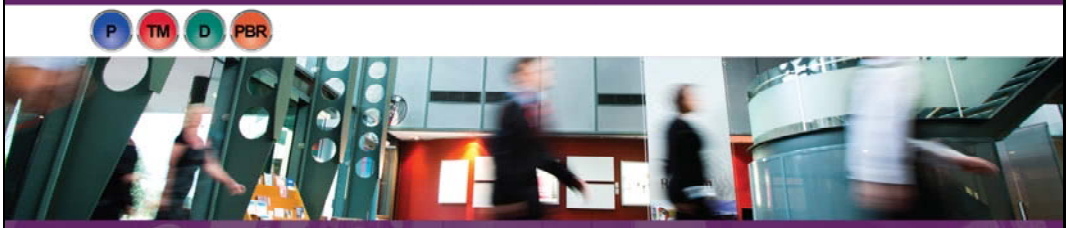
IP Australia

Variety Descriptions in Australia

Tanvir Hossain , Senior Examiner, Plant Breeder's Rights, IP Australia

TWA 45th Session, Mexico City, Mexico, July 11-15, 2016



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Roles

- Claim for Distinctness – primary

- Defines the variety and show distinctness from other similar varieties of common knowledge

- Virtual reference collection
- Public notice for objections
- Adds transparency and rigour to the PBR examination
- Helps in Infringement actions, EDV claims
- Provides a legal basis for the PBR grant

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Distinctness

- Provides an official description of the variety
  - grown under specified conditions
- Amendments permitted before grant
- Amendments after grant are generally not permitted – very rare
- Uniformity and Stability data is part of the description but it is not published.

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AU Published Detailed Description Includes

- **Details of the Application.**
- **Details of the DUS Trial**
- **Origin and Breeding**
- **Grouping Criteria**
- **Choice of Comparators**
- **Varieties Excluded (if any)**
- **Variety Description and Distinctness**
- **Additional Characteristics (optional)**
- **Statistical Data (optional)**
- **Prior Applications and Sales Information.**
- **Comparative Photograph**

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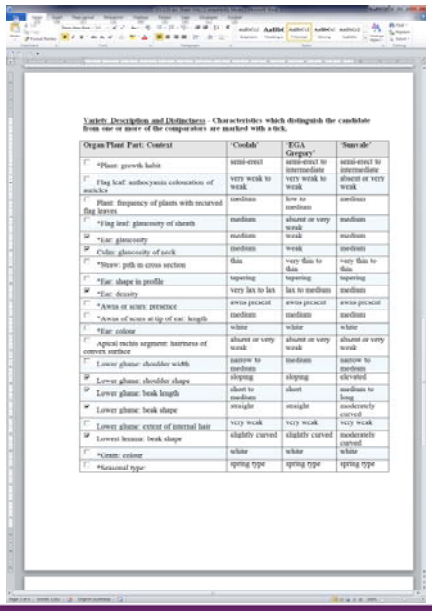
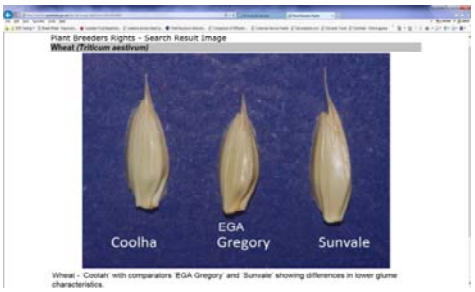


Variety Description and Distinctness - Characteristics which distinguish the candidate from one or more of the comparators are marked with a tick.

Organ/Plant Part: Context	'Coolah'	'EGA Gregory'	'Sunvale'
*Plant: growth habit	semi-erect	semi-erect to intermediate	semi-erect to intermediate
Flag leaf: anthocyanin colouration of auricles	very weak to weak	very weak to weak	absent or very weak
Plant: frequency of plants with recurved flag leaves	medium	low to medium	medium
*Flag leaf: glaucosity of sheath	medium	absent or very weak	medium
*Ear: glaucosity	medium	weak	medium
Culm: glaucosity of neck	medium	weak	medium
*Straw: pith in cross section	thin	very thin to thin	very thin to thin
*Ear: shape in profile	tapering	tapering	tapering
*Ear: density	very lax to lax	lax to medium	medium
*Awns or scurs: presence	awns present	awns present	awns present
*Awns or scurs: at tip of ear, length	medium	medium	medium
*Ear: colour	white	white	white
Apical rachis segment: hairiness of convex surface	absent or very weak	absent or very weak	absent or very weak
Lower glume: shoulder width	narrow to medium	medium	narrow to medium
Lower glume: shoulder shape	sloping	sloping	elevated
Lower glume: beak length	short to medium	short	medium to long
Lower glume: beak shape	straight	straight	moderately curved
Lower glume: extent of internal hair	very weak	very weak	very weak
Lowest lemma: beak shape	slightly curved	slightly curved	moderately curved
*Grain: colour	white	white	white
*Seasonal type:	spring type	spring type	spring type



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Virtual reference collection

- Provides a resource for identifying potential existing varieties of common knowledge
- Descriptions are stored in an online database. Freely available.
- http://pericles.ipaustralia.gov.au/pbr_db/search.cfm

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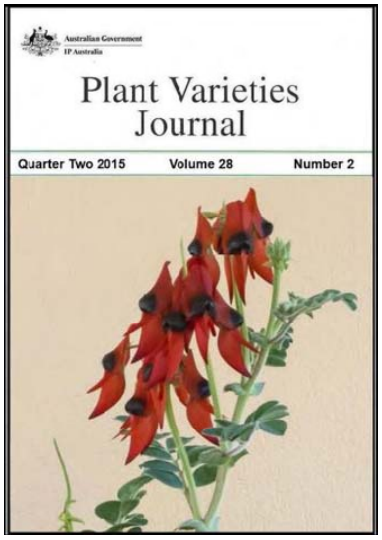

Publication

- Publication of the description provides transparency and opportunity for a third party to object to an application for PBR before it is granted.
- 6 months public exposure period for objections.
- It is a legislative requirement.

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Post Grant Infringement/EDV Claims

- Descriptions can play a role post grant in infringement cases usually in conjunction with other evidence
- Descriptions play a role post grant in claims of EDV

Maintenance

- Descriptions are maintained electronically in the PBR register and database.
- Plant material is maintained in an approved Genetic Resource Centre (GRC)
- If necessary, the descriptions can be verified from plant materials stored in a GRC.

[End of Annex and of document]