UPOV
International Union for the Protection of New Varieties of Plants

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Technical Working Party for Agricultural Crops **TWA/53/6**

Fifty-Third Session
Virtual meeting, May 27 to 30, 2024

Original: English
Date: May 11, 2024

COMMENTS ON GUIDANCE AND INFORMATION MATERIALS

Document prepared by the Office of the Union

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1. The purpose of this document is to report the comments on guidance and information materials made by the Technical Working Party for Vegetables (TWV)[1] and Technical Working Party for Ornamental Plants and Forest Trees (TWO)[2], at their sessions in 2024.

2. The structure of this document is as follows:

3. The following abbreviations are used in this document:

TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWF:	Technical Working Party for Fruit Crops
TWM:	Technical Working Party on Testing Methods and Techniques
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

4. The TWV considered document TWP/8/1 "Development of guidance and information materials". The TWO considered documents TWP/8/1 and TWO/56/8 "Comments on guidance and information materials (see documents TWV/58/11 "Report", paragraphs 5 to 27; and TWO/56/9 "Report", paragraphs 5 to 29).

[1] TWV, fifty-eighth session, held via electronic means, from April 22 to 25, 2024

[2] TWO, fifty-sixth session, held via electronic means, from April 29 to May 2, 2024.

EXPLANATORY NOTES

UPOV/EXN/DEN "Explanatory Notes on Variety Denominations under the UPOV Convention" (Revision)

New variety denomination classes for Prunus and situations when a denomination should be compared with other classes within a genus

5. The TWV and TWO considered situations when a denomination should be compared with denominations in other classes within a genus or the entire genus, as set out in document TWP/8/1, paragraph 11.

6. The TWO agreed with the TWV that the situation described for *Prunus* would be applicable to denominations in other classes within a genus, i.e. denominations of interspecific hybrids should be different from those in the classes of all parent species; and denominations for varieties from one of the "Classes within a genus" should be different from denominations of interspecific hybrids with one parent in that class.

7. The TWO noted that applications for ornamental varieties were often filed with information on the genus only and agreed that, in such a case, the variety denominations should be different from other denominations within that genus.

8. The TWO recalled that UPOV guidance on variety denominations followed the general rule of "one genus/one class". The TWO agreed to invite the Netherlands (Kingdom of) to inform the IUBS Commission responsible for the International Code for the Nomenclature of Cultivated Plants (ICNCP) about the exceptions introduced to the general rule for the purpose of plant variety protection.

TGP DOCUMENTS

TGP/5: Section 6 "UPOV Report on Technical Examination and UPOV Variety Description" (Revision)

Subsection "UPOV Variety Description", item 16 "Similar varieties and differences from these varieties"

9. The TWV and TWO considered the additional explanations proposed for inclusion under Item 16 "Similar varieties and differences from these varieties" in the "UPOV Variety Description", as set out in document TWP/8/1, paragraph 18.

10. The TWV agreed that information on similar varieties and differences from the candidate variety were important to facilitate cooperation and the exchange of DUS test reports.

11. The TWO agreed with the TWV that it would not be practical to report in a variety description all the varieties in a collection or a list of varieties tested along with a candidate variety.

12. The TWV agreed that variety descriptions should always provide information on most similar varieties, even if it was a parent or sibling of the candidate. The TWV agreed that the lack of information in item 16 led to uncertainty whether the variety description had been duly filled. The TWV agreed that a standard wording should be developed for such situations.

13. The TWO agreed that item 16 in variety descriptions should not be left unanswered and agreed to propose the first bulled point to read as follows:

- All similar/closest/~~reference~~ varieties should be considered ~~as determined by the Examiner~~. If there is no such variety(s), a sentence such as "No similar/closest variety was identified in the growing trial" should be stated.

14. The TWO recalled that the current explanation in Section 16, paragraph 2 provided as follows:

> "2) The state of expression of the candidate variety and similar variety(ies) relate to the DUS examination conducted at the testing station, place and period of testing indicated in 11 [Testing facility(ies) and location(s)] and 12 [Period of testing]."

15. The TWO agreed that the following proposed explanation in the second bullet point should not be included in the guidance as it could create confusion in relation to varieties not grown in the same trial:

- "Only varieties which have been tested under the same growing conditions as the candidate variety"

16. The TWO agreed that the wording in the third bullet should be improved to explain that "information on the closest similar variety(ies) to the candidate should be provided", instead of "varieties that express the least number of characteristic differences from the candidate variety."

17. The TWO agreed that information provided under item 16 should list the most relevant characteristics where the candidate differed from the most similar varieties. The TWO agreed that the proposal in the last bullet point (reproduced below) should not be included in the guidance as it could lead to extensive lists with characteristics with only small differences between the candidate and most similar varieties.

- "All characteristics are treated equally, with all characteristics providing distinctness to be included for each similar variety."

Subsection "UPOV Variety Description", item 17 "Additional information"

18. The TWV agreed with the proposal for further explanations under item 17 "Additional Information" in the "UPOV Variety Description", as set out in document TWP/8/1, paragraph 21, and reproduced as follows:

17. Additional Information

(a) Additional Data (e.g. COYU or COYD results, measured data supporting certain characteristics, scales for measured characters for example varieties)

(b) Photograph (if appropriate)

(c) RHS Colour Chart version used (if appropriate)

(d) Examples varieties used in testing

(e) Remarks

19. The TWO noted that some examples provided under "(a) Additional Data" were not common to ornamental plants, such as COYU or COYD results. The TWO agreed with TWV that the elements provided under item 17 "Additional information" were examples to be considered on a case-by-case basis, as appropriate, according to crop type and variety described.

TGP/7 "Development of Test Guidelines" (Revision)

Additional Standard Wording (ASW) 3 "Explanation of the growing cycle"

20. The TWV considered the proposal to amend the standard wording of growing cycle for "fruit species with clearly defined dormant period" in document TGP/7, ASW 3(a), as set out in document TWP/8/1, paragraph 24.

21. The TWV agreed with the proposal while noting it was not common situation in vegetables.

22. The TWO agreed with the proposal to amend the standard wording of growing cycle for "fruit species with clearly defined dormant period" in document TGP/7, ASW 3(a), as set out in document TWP/8/1, paragraph 24.

Additional Standard Wording (ASW) 7(b) "Number of plants / parts of plants to be examined"

23. The TWV considered the proposal to amend document TGP/7, ASW 7(b), on the number of parts to be examined from single plants, as set out in document TWP/8/1, paragraph 28.

24. The TWV agreed that the number of parts to be taken from each plant was particularly relevant for assessments on small sample sizes. The TWV agreed that more information would be required on any consequences for international harmonization of not having a precise value provided in the Test Guidelines.

25. The TWO noted that the ASW 7(b) was not often used for ornamental plants and agreed with the TWV that the number of parts to be taken from each plant was particularly relevant for assessments on small sample sizes and that more information would be required on any consequences for international harmonization of not having a precise value provided in the Test Guidelines.

Guidance Note (GN) 28 "Example Varieties" – Example varieties for asterisked quantitative characteristics when illustrations are provided

26. The TWV and TWO considered document TWV/58/10, presented by an expert from Germany.

27. The TWV agreed that Test Guidelines should have as much information as possible, including both example varieties and illustrations. The TWV agreed that illustrations provided additional information and could be more informative than example varieties, in some cases.

28. The TWO agreed with the TWV agreed that illustrations were particularly useful when the example varieties in Test Guidelines were not available or not suitable for cultivation in certain growing conditions.

29. The TWV agreed with the proposal to provide further guidance on the situations where illustrations would complement or could replace example varieties.

30. The TWV considered paragraphs 2.1 to 2.3 of the proposal and agreed to invite the drafter from Germany to provide further explanation on the criteria for decision or examples when illustrations could replace example varieties.

31. The TWO recalled the examples provided previously on situations when illustrations could replace example varieties, as provided in the Annex to document TWO/56/7 and agreed to invite the drafter from Germany to consider their inclusion in the next draft of the guidance.

TGP/12: Guidance on Certain Physiological Characteristics

32. The TWV agreed with the proposal to amend document TGP/12 "Guidance on Certain Physiological Characteristics" to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector, as set out in document TWP/8/1, paragraph 34, and reproduced as follows:

	Equivalence of states of expression in UPOV Test Guidelines with the terminology used in the vegetable seed sector	
	State of expression in UPOV Test Guidelines	Terminology used in the vegetable seed sector[3]
UPOV notes	Resistance to (disease resistance name) is:	Reaction of a plant variety to a specific pest is:
1	absent or low	Susceptibility (S)
2	medium	Intermediate Resistance (IR)
3	high	High Resistance (HR)

33. The TWV agreed with the proposal to add an explanation in document TGP/12 that the table could be used as a reference in case of equivalence between the states of expression according to the method described in the explanation of the characteristic in Section 8.2 of the Test Guidelines.

34. The TWO considered a proposal to amend document TGP/12 "Guidance on Certain Physiological Characteristics" to include a table of equivalence of states of expression in Test Guidelines with terminology used in the vegetable seed sector, as set out in document TWP/8/1, paragraph 34.

35. The TWO noted that, in general, disease resistance characteristics were not used in ornamental plants and agreed there was not enough experience among experts in the meeting to provide a particular view on the proposal.

[3] source: https://worldseed.org/

ACCESS TO PLANT MATERIAL FOR THE PURPOSE OF MANAGEMENT OF VARIETY COLLECTIONS AND DUS EXAMINATION

36. The TWV and TWO considered the proposed elements for inclusion in requests for the submission of plant material of candidate varieties and varieties of common knowledge for DUS examination, as set out in document TWP/8/1, paragraph 41.

37. The TWV noted the experiences reported with a model request for the submission of plant material from plant breeders based on existing regulations in the European Union and France.

38. The TWV agreed that information on the reasons for the request and intended use of the plant material could facilitate its provision by breeders. The TWV agreed to invite further information on experiences with requests for the submission of plant material to be considered in future meetings.

39. The TWV noted the reports from Germany and Japan on the existence of particular requirements from domestic regulations and agreed that it would not be appropriate to develop guidance on the matter at this stage.

40. TWO agreed that the elements provided in the document were useful examples in case of difficulty to obtain plant material for examination of ornamental plants.

41. The TWO noted the experiences reported by the European Union and Germany with requests for the submission of plant material of candidate varieties and varieties of common knowledge and agreed there was no need for further guidance to be developed on this topic.

[End of document]