



TWC/25/3

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**TECHNICAL WORKING PARTY ON AUTOMATION AND  
COMPUTER PROGRAMS**

**Twenty-Fifth Session**  
**Sibiu, Romania, September 3 to 6, 2007**

TGP DOCUMENTS

*Document prepared by the Office of the Union*

1. The purpose of this document is: to provide a brief background to the TGP documents; to report on developments concerning the TGP documents since the Technical Working Party sessions held in 2006; to provide background information to assist the TWPs in their consideration of the drafts of individual TGP documents; and to report the program for the development of TGP documents agreed by the Technical Committee.

2. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
CAJ-AG:	Administrative and Legal Committee Advisory Group
TC:	Technical Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWPs:	Technical Working Parties
TWV:	Technical Working Party for Vegetables

## I. BACKGROUND

3. The purpose of document TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” (General Introduction), and the associated series of documents specifying Test Guidelines’ Procedures (TGP documents), is to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Convention itself. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention. In addition, UPOV has developed “Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability” (Test Guidelines), for many individual species or other variety groupings. The purpose of those Test Guidelines is to elaborate certain of the principles contained in the General Introduction and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

4. The situation with regard to the development of TGP documents can be summarized as follows:

Document reference	Title	Stage of development
TGP/0	List of TGP Documents and Latest Issue Dates	Approved (2005)
<i>TGP/1</i>	<i>General Introduction With Explanations</i>	-
TGP/2	List of Test Guidelines Adopted by UPOV	Approved (2005)
<i>TGP/3</i>	<i>Varieties of Common Knowledge</i>	<i>responsibility of CAJ</i>
<i>TGP/4</i>	<i>Constitution and Maintenance of Variety Collections</i>	<i>proposed for adoption by Council in October 2007</i>
TGP/5	Experience and Cooperation in DUS Testing	Approved (2005) (under revision)
TGP/6	Arrangements for DUS Testing	Approved (2005)
TGP/7	Development of Test Guidelines	Approved (2004)
<i>TGP/8</i>	<i>Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability</i>	<i>under development</i>
<i>TGP/9</i>	<i>Examining Distinctness</i>	<i>proposed for adoption by Council in October 2007</i>
<i>TGP/10</i>	<i>Examining Uniformity</i>	<i>under development</i>
<i>TGP/11</i>	<i>Examining Stability</i>	<i>under development</i>

Document reference	Title	Stage of development
<i>TGP/12</i>	<i>Special Characteristics</i>	<i>under development</i>
<i>TGP/13</i>	<i>Guidance for New Types and Species</i>	<i>under development</i>
<i>TGP/14</i>	<i>Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents</i>	<i>under development</i>
<i>TGP/15</i>	<i>New Types of Characteristics</i>	-

The General Introduction, approved TGP documents and adopted Test Guidelines are published on the UPOV website at [http://www.upov.int/en/publications/list\\_publications.htm](http://www.upov.int/en/publications/list_publications.htm).

## II. DEVELOPMENTS CONCERNING TGP DOCUMENTS

5. At its first session on October 20, 2006, the CAJ-AG noted that the program for the development of TGP documents agreed by the TC at its forty-second session (document TC/42/5, Annex II), proposed that a draft of TGP/3 might be considered by the CAJ-AG in 2007. At that first CAJ-AG session, the CAJ-AG concluded that it would be difficult to find agreement on any text which suggested that plant material needed to be in existence for a variety to be taken into account for distinctness. In particular, concern was raised with regard to a situation where a breeder reproduced a previous crossing program in order to “re-breed” an extinct variety. In that respect, the breeder might be considered to be the breeder of the variety and might be able to protect a previously extinct variety unless the existence of that variety was considered to be a matter of common knowledge. The CAJ-AG noted that the General Introduction already provided clear guidance with respect to the term “common knowledge”. On that basis, the program of development for TGP documents set out in TC/42/5, Annex II did not anticipate any further work on TGP/3.

6. At its forty-third session, held in Geneva from March 26 to 28, 2007, the TC agreed that documents TGP/4/1 “Constitution and Maintenance of Variety Collections” Draft 9 and TGP/9/1 “Examining Distinctness” Draft 9, as amended by the TC at that session (see document TC/43/12 “Report on the Conclusions”, paragraphs 11 and 13 respectively), should be the basis for adoption of documents TGP/4/1 and TGP/9/1 by the Council on the following basis: the changes to the text of documents TGP/4/1 Draft 9 and TGP/9/1 Draft 9 proposed by the TC at its forty-third session would be reported to the Administrative and Legal Committee (CAJ) for consideration at its fifty-fifth session, to be held in Geneva on March 29, 2007; and, subject to agreement of a common text by the TC and the CAJ, documents TGP/4/1 and TGP/9/1 would be put forward for adoption by the Council at its forty-first ordinary session, to be held in Geneva on October 25, 2007.

7. At its fifty-fifth session, the CAJ agreed that documents TGP/4/1 Draft 9 and TGP/9/1 Draft 9, as amended by the TC at its forty-third session, should be put forward for adoption by the Council at its forty-first ordinary session. The French, German and Spanish translations of documents TGP/4/1 Draft 9 and TGP/9/1 Draft 9, as amended by the TC at its forty-third session, will be checked by the relevant members of the Editorial Committee prior to adoption by the Council.

8. The following section presents background information for the TGP documents to be considered by the TWPs at their sessions in 2007. Whilst the TC has agreed that the revision of document TGP/7 should not start until 2008, this document also presents information on aspects of document TGP/7 where the TC has agreed that revisions may be appropriate (see document TC/43/12 “Report on the Conclusions”, paragraphs 21 to 25) according to comments made by the TWPs, the Enlarged Editorial Committee (TC-EDC) and the TC.

### III. DOCUMENTS TO BE CONSIDERED BY THE TECHNICAL WORKING PARTIES

9. At its thirty-ninth session (see document TC/39/16 “Report”, paragraph 102), the TC confirmed that documents TGP/4, TGP/9 and TGP/10 should continue to receive the highest priority after the approval of document TGP/7. This section considers first those TGP documents with highest priority.

#### (a) TGP documents to which the TC has given highest priority

##### *TGP/10 “Examining Uniformity”*

10. Document TGP/10/1 Draft 6 was considered by the TC at its forty-third session. The TC agreed the text as presented in document TGP/10/1 Draft 7, except for the highlighted sections which represent matters on which further consideration is required. The background information concerning those matters has been summarized in the form of endnotes. Those endnotes will be deleted from the adopted version of the document. By contrast, the footnotes which appear in the document are intended to remain in the adopted version of the document.

#### (b) Revision of TGP documents

##### *TGP/5 “Experience and Cooperation in DUS Testing”*

11. At its forty-first session, the TC approved document TGP/5/1 “Experience and Cooperation in DUS Testing”. The TC noted that sections 1 to 7 of document TGP/5 represented texts which were contained in the UPOV publication 644(E) “Important Texts and Documents”. It observed that some of those texts had been adopted several years ago and would benefit from updating. However, it recognized that those texts represented the adopted UPOV position and also noted that UPOV publication 644(E) was no longer available and that many new members of the Union did not have easy access to those texts. Therefore, it approved Sections 1 to 7 but, in addition, agreed to develop a program for updating those sections, based on priority, in conjunction with the CAJ and Council, as appropriate.

12. Given the need for the CAJ to be involved in any revision of Sections 1 to 7, the CAJ was notified of developments in the TC in the oral report made by Ms. Julia Borys, Chair of the TC, at the fifty-first session of the CAJ held in Geneva on April 7, 2005. The CAJ agreed that the review of document TGP/5/1 fell within the work of the Administrative and Legal Committee Advisory Group (CAJ-AG) on the development of information materials in relation to Articles 7, 8 and 9 of the 1991 Act of the UPOV Convention. At its first session on October 20, 2006, the CAJ-AG agreed that the proposed revised Sections 1 to 7 of document TGP/5/1 should be submitted directly to the CAJ, without consideration by the

CAJ-AG. Discussion of TGP/5 has been included on the agenda of the fifty-sixth session of the CAJ, to be held in Geneva on October 22 and 23, 2007.

13. The changes proposed to the current sections of TGP/5 by the TC at its forty-third session are highlighted in the documents to be considered by the TWPs, with deletions shown in strikethrough and additions shown by underlining. The background information concerning changes of a substantial nature are summarized as follows:

*General*

14. The Office of the Union (Office) has, where necessary, proposed changes for compatibility with all Acts of the UPOV Convention.

15. At its forty-first session, the TC proposed that suitable provisions should be made for genetically modified varieties in relevant sections. In that respect, it is recalled that the model Technical Questionnaire in document TGP/7/1: Annex 1: TG Template: Chapter 10 (see TGP/5 Section 3/1) contains a specific Technical Questionnaire for varieties covered by the relevant Test Guidelines. That model Technical Questionnaire, in Section 8, contains a request for information on whether prior authorization for release under legislation concerning the protection of the environment, human and animal health is required. No amendments have been proposed in the other sections of TGP/5.

16. At its forty-third session, the TC agreed to review the use of the term “official register” to reflect the fact that some authorities consider that the term “official” also covers registries for plant breeders’ rights.

17. Subsequent to the forty-third session of the TC, the Office noted that it was necessary to clarify the use of the terms “breeder”, “applicant” and “original breeder” within TGP/5 and has made proposals in the relevant sections.

*Section 1: Model Administrative Agreement for International Cooperation in the Testing of Varieties*

18. The following comments were made at the forty-first session of the TC:

(a) to review Article 6 with regard to the possibility to include the maintenance of reference collections in the main agreement rather than as a matter to be settled between the authorities by correspondence; and

(b) to review Article 7 with regard to the amount of 350 Swiss francs.

19. Article 6 has been amended in document TGP/5: Section 1/2 Draft 2, to provide the possibility of including the maintenance of reference collections in the main agreement.

20. At its forty-third session, the TC agreed to add an indication in the preamble that the use of the Model Administrative Agreement was not a prerequisite for international cooperation and that, for example, it was possible to purchase DUS reports without such an agreement.

*Section 2: UPOV Model Form for the Application for Plant Breeders’ Rights and  
Section 3: Technical Questionnaire to be Completed in Connection with an Application  
for Plant Breeders’ Rights*

21. At its forty-third session, the TC agreed to add a new item for indication of the UPOV code in Sections 5 and 6 of TGP/5. A corresponding item for indication of the UPOV code has also been included in the document TGP/5: Section 2/2 Draft 2.

22. In addition to considering the revision of the text of TGP/5 Section 2/1 “UPOV Model Form for the Application for Plant Breeders’ Rights”, the Office was approached by the International Seed Federation (ISF) with regard to the development of an electronic version of the model application form and technical questionnaire.

23. The Office received a letter from ISF on January 18, 2007, proposing that UPOV should consider the development of an electronic version of the model application form and technical questionnaire for use by members of the Union. It was noted that such an approach would allow a standard application form and technical questionnaire to be completed in a language of the applicants choice and then converted electronically to the language of the member of the Union where an application was to be made. It was suggested that the individual members of the Union could have a separate appendix containing additional questions not covered by the standard application form and technical questionnaire, although ISF suggested that such appendices should be minimized. ISF clarified that the intention was to make the forms available for use by members of the Union as they considered appropriate.

24. The Office received a letter from the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) on January 19, 2007, supporting the proposal made by ISF. It requested, in addition, that any initiative should not lead to a result that application forms which were short and simple would become more complex. The Office also received a letter from the European Seed Association (ESA) on January 30, 2007, expressing its support for the proposal made by ISF.

25. In agreement with the TC Chairperson, ISF was invited to make a presentation on its proposal at the forty-third session of the TC. The TC thanked the ISF for its presentation and noted that a copy of the presentation would be posted on the ISF website ([http://www.worldseed.org/pdf/UPOV\\_model\\_form.pdf](http://www.worldseed.org/pdf/UPOV_model_form.pdf)). The TC noted that any developments should take into account the initiatives by a number of the members of the Union to develop on-line application facilities. The Vice Secretary-General welcomed the initiative of ISF and looked forward to investigating ways in which this matter could be taken forward in the most appropriate and beneficial way, within UPOV’s resources. In that respect, the Vice Secretary-General informed the TC that, at its fifty-fifth session, to be held in Geneva on March 29, 2007, the CAJ would be considering the possibility to invite ISF to make a similar presentation to the CAJ in October 2007.

26. At its fifty-fifth session, the CAJ agreed to extend an invitation to members of the Union and ISF to present their experiences and initiatives for the development of electronic application forms and technical questionnaires at the fifty-sixth session of the CAJ. Members of the Union wishing to make presentations on this matter have been invited to inform the Office of the Union by September 1, 2007 (circular E-475, sent to representatives of the Council and copied to the members of the CAJ and TC).

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

27. At its forty-third session, the TC agreed to clarify that the form was not intended for official registration (national list) purposes and proposed to review the use of the term “official registration” (see general comment concerning TGP/5 above)

*Section 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results*

28. At its forty-first session, it was proposed that, in TGP/5: Section 5, consideration should be given to amending the wording in the “UPOV Answer to the Request for Examination Results”, paragraphs 5 and 6, to reflect the possibility for invoicing to be made directly to breeders.

29. UPOV Request for Examination Results: at its forty-third session, the TC agreed to add a new item for indication of the UPOV code, to include an option for “applicant” in item 9 and to add a new item to indicate to where the invoice should be sent.

30. UPOV Answer to the Request for Examination Results: at its forty-third session, the TC agreed to provide an option in item 5 for the invoice to be sent to a relevant party other than the applicant

*Section 6: UPOV Report on Technical Examination and UPOV Variety Description*

31. UPOV Report on Technical examination: at its forty-third session, the TC agreed to add a new item to indicate the UPOV code.

32. UPOV Variety Description: at its forty-third session, the TC agreed to add a new item to indicate the UPOV code, to include an option for photographs to be provided and to consider whether to add a section specifying the varieties included in the DUS test

*Section 7: UPOV Interim Report on Technical Examination*

33. At its forty-third session, the TC agreed to include the possibility to attach an annex to report on problems.

*Section 10: Notification of Additional Characteristics*

34. The approval of document TGP/5/1 “Experience and Cooperation in DUS Testing” by the TC at its forty-first session was made on the basis that, with regard to Section 10/1, there would be a review of the notification of additional characteristics on the UPOV website after three years of operation. At its forty-second session, the TC agreed that the review of Section 10/1 should be undertaken in parallel with the revisions of Sections 1 to 7.

35. At its forty-third session, the TC noted that no additional characteristics had been notified to the Office of the Union, but considered that the system was very useful and agreed to retain Section 10 in document TGP/5.

*Possible New Section: Examples of Contracts / Agreements between Authorities and Breeders*

36. During its consideration of document TGP/4/1 Draft 7, the TWA discussed the text which proposed that “in the particular case of parent lines submitted as a part of the examination of a candidate hybrid variety, living plant material should only be made available to other variety collectors in such a way that the legitimate interests of the breeder would be safeguarded.” In that respect, it proposed that UPOV might develop a model contract / agreement between authorities and breeders for inclusion in document TGP/5 as a part of the revision of that document (see document TWA/35/12 “Report”, paragraph 26).

37. At its at its fifty-fourth session, held in Geneva on October 16 and 17, 2006, the CAJ considered the TWA proposal for UPOV to develop a model contract / agreement between authorities and breeders. It agreed that it would be more appropriate to seek to provide examples of contracts / agreements between authorities and breeders in document TGP/5. The indication that UPOV would seek to provide, in document TGP/5, examples of contracts / agreements between authorities and breeders was reflected in document TGP/4/1 Draft 9, Section 3.1.2.2.2.

38. At its forty-third session, the TC noted the invitation for members of the Union to provide examples of contracts / agreements between authorities and breeders for inclusion in a new section of TGP/5. The Delegation of the European Community indicated that it had agreements on the transfer of material between authorities, which it would be willing to provide, if those agreements were considered to be relevant. A representative of ISF offered to provide examples of contracts/agreements between breeders and authorities if that information could be included in TGP/5. The Office observed that such examples should have the consent of the relevant authorities. ISF acknowledged that requirement and noted that the consent of the breeders would also be required in the case of an example agreement concerning a particular breeder.

39. The Office has issued an invitation to members of the Union (circular E-475, sent to representatives of the Council and copied to the members of the CAJ and TC) and to international breeders' organizations (circular E-476, sent to non-governmental organizations with observer status in the CAJ and TC) for contributions of examples of contracts / agreements between authorities and breeders for inclusion in a new section of TGP/5. The deadline for contributions was indicated as June 30, 2007.

*TGP/7 “Development of Test Guidelines”*

40. At its forty-second session, the TC agreed that the revision of document TGP/7 should start in 2008, after document TGP/9/1 had been approved by the TC and in anticipation of document TGP/14 attaining a good level of agreement. However, as explained in paragraph 8, this document also presents information on aspects of document TGP/7 where the TC has already agreed that revisions may be appropriate (see document TC/43/12 “Report on the Conclusions”, paragraphs 21 to 25) according to comments made by the TWPs, the Enlarged Editorial Committee (TC-EDC) and the TC.

41. As a result of discussions on the draft Test Guidelines for Spinach at its meeting on January 9, 2007, the TC-EDC agreed that there should be a discussion at the forty-third session of the TC on the possibility of having Technical Questionnaire characteristics which did not have an asterisk in the Table of Characteristics. In that respect, it noted that the

following extracts from document TGP/7/1, Annex III, GN 13 “Characteristics with specific functions” allowed such an approach:

1. *Asterisked characteristics*

“(d) particular care should be taken before selection of disease resistance characteristics.”

4. *Relationship between Asterisked, Grouping and TQ characteristics*

“(b) TQ characteristics selected from the Table of Characteristics should, in general, receive an asterisk in the Table of Characteristics and be used as grouping characteristics. TQ characteristics are not restricted to those characteristics used as grouping characteristics;” [underlining added for emphasis]

However, the TC-EDC noted that having Technical Questionnaire characteristics which did not have an asterisk in the Table of Characteristics would make the observation necessary for the applicant but not for the authority.

42. At its forty-third session, the TC agreed that, where information on such characteristics was to be requested in the Technical Questionnaire, such information should be requested in Section 7 of the Technical Questionnaire (Additional information which may help in the examination of the variety), rather than in Section 5 (Characteristics of the variety to be indicated). In that respect, it noted that the information in Section 7 was provided at the discretion of the breeder/applicant. The TC agreed that that approach should be considered in respect of the revision of TGP/7.

43. In addition, at the forty-third session of the TC, the Chairperson recalled that, during its discussions on the drafts of document TGP/7, the TC had agreed that a new section should be developed to provide guidance on the development of individual authority Test Guidelines from UPOV Test Guidelines. The TC also agreed (see document TC/43/12 “Report on the Conclusions”, paragraphs 24 and 25) that the matters below should be added to those to be considered in the revision of TGP/7 and those have been included in the proposed revisions to document TGP/7/1 as set out in Annex I to this document.

(a) elaboration of the two uses of the grouping characteristics, i.e.

TGP/7/1, Annex I: TG Template: Chapter 5.2

“(a) to select, either individually or in combination with other such characteristics, varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness”; and

“(b) to organize the growing trial so that similar varieties are grouped together”.  
[underlining added for emphasis];

and to consider indicating in Chapter 5.3 of the Test Guidelines for which of those purposes the grouping characteristics were intended;

(b) the development of a simple, generalized growth stage key for use in Test Guidelines covering crops and species for which a suitable growth stage key had not been published;

(c) in relation to the indications used in UPOV Test Guidelines for the method of observation and the type of record for the examination of distinctness (VG, VS, MG, MS), to consider revising document TGP/7/1 in line with the text adopted in document TGP/9/1 (see document TGP/9/1 Draft 9, Section 4.4); and

(d) in relation to Section 6 “Combining observations for all characteristics” in document TGP/10, the TC agreed that it would be necessary to consider the possible inclusion of that matter in the revision of document TGP/7/1 at its next session, when the development of that section of document TGP/10 would be more advanced.

(c) Other TGP documents

44. Documents TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability” Draft 6, TGP/12 “Special Characteristics” Draft 1, TGP/13 “Guidance for New Types and Species” Draft 8 and TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents” Draft 2, were prepared for the TC but were not discussed in detail and the highlighting of the text in those drafts, indicating matters to be discussed, has been retained in the drafts to be considered by the TWPs at their sessions in 2007.

*TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”*

45. Document TGP/8/1 Draft 4 was considered by the TWPs at their sessions in 2006 and document TGP/8/1 Draft 5 was considered by the TC-EDC at its meeting on January 9, 2007. The TC-EDC did not have sufficient time to discuss the latter document and concluded that, in particular as a result of the substantial change in the scope and content of the TGP/8, which was reflected in the change of the title, the structure and content of TGP/8 would require substantial discussion in the TWPs in 2007. On that basis, and given the volume of the document, the TC-EDC in conjunction with the TC Chairperson, agreed that it would not be an appropriate use of UPOV’s resources to translate document TGP/8/1 Draft 6 into all UPOV languages. However, it agreed that it would be useful for the proposed table of contents of document TGP/8 to be translated to enable the TC to review the planned structure and content of the document. That proposed table of contents was provided as document TC/43/5, Annex II and is reproduced as Annex II to this document.

46. At its forty-third session, the TC agreed to add a new section in Part II for multiple range tests, subject to models and assumptions being provided to the TWC for consideration

*TGP/12 “Special Characteristics”*

47. At its forty-second session, the TC considered document TGP/12 Section 1 Draft 2 “Development of Characteristics Based on a Response to an External Factor” and a subsequent draft was considered by the TWPs at their sessions in 2006. At its forty-first session, the TC considered TGP/12 Section 2/1 Draft 2 “Chemical Constituents: Protein Electrophoresis”, but agreed that that section should not be adopted at that time and should be brought forward for adoption in conjunction with the other sections of TGP/12. A first draft

of Section 3 “Examination of Combined Characteristics Using Image Analysis”, was prepared for consideration by the TC-EDC at its meeting on January 9, 2007. However, there was insufficient time for discussion of the document at that meeting.

48. At its forty-third session, the TC agreed to add a new subsection within Section I, 2 “Disease Resistance”, corresponding to the explanation in Section I, 3 “Insect Resistance” (see Section 3.2.1 “Methods”) explaining that UPOV had also considered the possibility of using gene-specific molecular markers as a predictor of traditional characteristics. That new subsection is included as Section I, 2.5 in document TGP/12/1 Draft 2.

*TGP/13 “Guidance for New Types and Species”*

49. Changes to document TGP/13/1 Draft 5, agreed by the TC at its forty-second session, were incorporated into document TGP/13/1 Draft 6, which was considered by the TWPs at their sessions in 2006. The comments made by the TWPs were incorporated into document TGP/13/1 Draft 7, prepared for consideration by the TC-EDC at its meeting on January 9, 2007. The TC-EDC did not have sufficient time to consider document TGP/13/1 Draft 7.

50. The TC did not consider document TGP/13/1 Draft 8 in detail and made no proposals concerning the text.

*TGP/14 “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents”*

51. Document TGP/14/1 Draft 2 was the first draft of TGP/14 to be considered by the TC. Drafts of various sections have been discussed in the TWPs, starting in 2002; however, a complete draft has not previously been considered by the TWPs. A first consolidated draft, document TGP/14/1 Draft 1, was prepared for consideration by the TC-EDC at its meeting on January 9, 2007. The TC-EDC did not have sufficient time to discuss that document and concluded that, the structure and content of TGP/14 would require substantial discussion by the TWPs at their sessions in 2007. On that basis, and given the volume of the document, the TC-EDC in conjunction with the TC Chairperson, agreed that it would not be an appropriate use of UPOV’s resources to translate document TGP/14/1 Draft 2 into all UPOV languages. However, it agreed that it would be useful for the table of contents of that document to be translated to enable the TC to review the planned structure and content of the document. That proposed table of contents was provided as document TC/43/5, Annex III and is reproduced as Annex III to this document.

52. At its forty-third session, the TC considered the proposed structure and content of document TGP/14, as set out in document TC/43/5, Annex III (reproduced as Annex III to this document) and agreed to review the title of the section if the content extended beyond technical terms, as was the case in the terms currently included in that document.

53. Annex IV to this document presents comments made on the draft TGP documents by: the TWA at its thirty-sixth session, held in Budapest from May 28 to June 1, 2007; the TWV at its forty-first session, held in Nairobi from June 11 to 15, 2007; the TWO at its fortieth session, held in Kunming, China, from July 2 to 6, 2007; and the TWF at its thirty-eighth session, held in Jeju, Republic of Korea, from July 9 to 13, 2007.

### III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

54. At its forty-third session, the TC approved the program for the development of TGP documents as set out in document TC/43/5, Annex IV (see document TC/43/12 “Report on the Conclusions”, paragraph 30), which is reproduced as Annex IV to this document. That program reflects the request of the TWA, TWF and the TWO to consider a new draft of document TGP/10/1 at their sessions in 2007.

55. In the case of document TGP/5, Sections 1, 2, 4, 5, 6 and 7, the program for the development of TGP documents as agreed by the TC at its forty-third session, as set out in document TC/43/5, Annex IV (see document TC/43/12 “Report on the Conclusions”, paragraph 30), indicated that the CAJ, at its fifty-sixth session, to be held in Geneva on October 22 and 23, would be invited to consider the same drafts of those sections as those considered by the TWPs at their sessions in 2007 (i.e. Section 1/2 Draft 2, etc.). However, the TWA, TWV, TWO and TWF have already made a number of important proposals for improving the earlier drafts (see Annex IV to this document), which the Office, in consultation with the Chair of the CAJ, agreed that it would be appropriate to incorporate in new drafts in order to facilitate the work of the CAJ (i.e. Section 1/2 Draft 3, etc.). Any further comments or proposals made by the TWC at its twenty-fifth session will be included in an oral report at the CAJ session.

[Annexes follow]

## ANNEX I

## PROPOSED REVISIONS TO TGP/7/1

*Section 2: Procedure for the Introduction and Revision of UPOV Test Guidelines*

2.2.4	consideration to be given to introducing deadlines for the submission of non-final draft Test Guidelines to the Technical Working Parties. (TWA: document TWA/34/14, paragraph 36)
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*New Section: Development of Individual Authority Test Guidelines from UPOV Test Guidelines*

	new section to be developed (see document TC/43/12 “Report on the Conclusions”, paragraph 22)
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*Annex 1: TG Template*

3.5 / ASW 7	<p><i>3.5 Number of Plants / Parts of Plants to be Examined</i></p> <p>Paragraph 3.5 to be moved within Section 4.1 “Distinctness”, to clarify that this section recommends the number of plants / parts of plants to be examined for distinctness. In addition, ASW 7 to be amended to the following:</p> <p><u>“ASW 7 (Chapter 3.5) – Number of plants / parts of plants to be examined</u></p> <p>Alternative 1: Unless otherwise indicated, all observations should be made on {x} plants or parts taken from each of {x} plants.</p> <p>Alternative 2: Unless otherwise indicated, all observations should be made on {x} plants or parts taken from each of {x} plants. In the case of observations of parts of plants, the number of parts to be taken from each of the plants should be {y}.”</p> <p>(Mrs. Beate Rücker (Germany))</p>
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5.2, 5.3	<p>to elaborate on the two uses of the grouping characteristics, i.e.</p> <p>“(a) <u>to select</u>, either individually or in combination with other such characteristics, <u>varieties of common knowledge that can be excluded from the growing trial</u> used for examination of distinctness”; and</p> <p>“(b) to organize the growing trial so that <u>similar varieties are grouped together</u>”. [underlining added for emphasis];</p> <p>and to consider indicating in Chapter 5.3 of the Test Guidelines for which of those purposes the grouping characteristics were intended;</p> <p>(see document TC/43/12 “Report on the Conclusions”, paragraph 24(a))</p>
6.3	<p><u>Quantitative characteristics</u></p> <p>the Test Guidelines should explain the use of the 3, 5, 7 abbreviated notes in the 1-9 scale for quantitative characteristics.</p> <p>(TWV: document TWV/38/9, paragraph 57)</p>

*Annex 2: Additional Standard Wording (ASW) for the TG Template*

ASW 4: 2(b)	<p><u>(TG Template: Chapter 3.3) – Conditions for conducting the examination: Information for conducting the examination of particular characteristics: Type of observation</u></p> <p>TGP/7 to be amended according to the wording agreed for TGP/9.</p> <p>(see document TC/43/12 “Report on the Conclusions”, paragraph 24(c))</p>
ASW 4: 2(d)	<p><u>(TG Template: Chapter 3.3) – Conditions for conducting the examination: Observation of color by eye</u></p> <p>to add that the color chart and the version of the color chart used should be specified with the variety description (TWF: document TWF/35/11, paragraph 54)</p>
ASW 8: (GN 11)	<p><u>(TG Template: Chapter 4.2) – Uniformity assessment</u></p> <p>In relation to Section 6 “Combining observations for all characteristics” in document TGP/10, the TC agreed that it would be necessary to consider the possible inclusion of that matter in the revision of document TGP/7/1 at its next session, when the development of that section of document TGP/10 would be more advanced.</p> <p>(see document TC/43/12 “Report on the Conclusions”, paragraph 25)</p>
ASW 9	<p>to be modified because it would not be appropriate to test stability by growing a further generation for cross-pollinated varieties. Also proposed that the text “... to ensure that it exhibits the same characteristics as those shown by the previous material supplied.” should be amended to read “... to ensure that it exhibits the same characteristics as those shown by the initial material supplied.”</p> <p>(see document TC/42/12 “Report”, paragraph 103)</p>

ASW 16	<p><u>(TG Template: Chapter 10: TQ 7.3) – Where a photograph of the variety is to be provided</u></p> <p>to add text indicating that guidance would be provided by the authority to enhance the usefulness of the photograph (e.g. to include a metric scale in the picture, to define what parts of the plant should be included; light conditions, background color, etc)</p> <p>(see document TGP/9/1 “Examining Distinctness” Draft 6, Section 2.4.2)</p>
New 1.	<p><u>Chapter 1 of the Test Guidelines: Subject of these Test Guidelines</u></p> <p>to seek to develop Additional Standard Wording (ASW) for the following situations:</p> <ul style="list-style-type: none"> <li>(i) where there are separate Test Guidelines for different types of variety within the same genus/species (TWF: document TWF/35/11, paragraph 55);</li> <li>(ii) for Test Guidelines for rootstock varieties which do not include flower or fruit characteristics (TWA: document TWA/33/16, paragraph 31);</li> <li>(iii) for Test Guidelines covering hybrids with species / genera which are covered by other Test Guidelines (TWF: document TWF/35/11, paragraph 40).</li> </ul>
New 2.	<p><u>Chapter 3.1</u></p> <p>to provide a new Additional Standard Wording (ASW) for crops where the two independent growing cycles are recommended to be in the form of two separate plantings, e.g. “The two independent growing cycles should be in the form of two separate plantings”.</p> <p>(TWA: see proposals concerning Test Guidelines for Ryegrass TG/4/8(proj.3))</p>
New 3.	<p><u>Chapter 8</u></p> <p>to provide a standard definition of time of eating maturity .</p> <p>(TWF: document TWF/35/11, paragraph 54).</p>
New 4.	<p><u>Chapter 8</u></p> <p>to consider the development of a simple, generalized growth stage key for use in Test Guidelines covering crops and species for which a suitable growth stage key had not been published</p> <p>(see document TC/43/12 “Report on the Conclusions”, paragraph 24(b))</p>

*Annex 3: Guidance Notes (GN) for the TG Template*

GN 11	see ASW 8 comments
GN 19 (3)	<p><u>Numbers</u></p> <p>requirement for numbers lower than 10 to be written and higher numbers to be indicated numerically to be deleted</p> <p>(Office)</p>

GN 20 (1)	<p><u>Presentation of characteristics: States of expression according to type of expression of a characteristic</u></p> <p>to clarify that adjectives such as moderately, medium, etc. (e.g. much smaller (1), moderately smaller (3), etc. / light green (1), medium green (2), etc.) should be used for pseudo-qualitative characteristics and for quantitative characteristics where there are one or more fixed states (Office in communication with Mrs. Elise Buitendag (South Africa), Coordinator of document TGP/7)</p>
GN 20 (3)	<p><u>Quantitative characteristics: Explanation</u></p> <p>to explain that the notes for quantitative characteristics should be meaningful in relation to the range of variation of the characteristic and for the assessment of distinctness</p> <p>(see TGP/9 “Examining Distinctness”)</p>
GN 20 (3)	<p><u>Quantitative characteristics</u></p> <p>to provide guidance on the use of a scale with more than 9 notes</p> <p>(TWA: document TWA/33/16, paragraph 67).</p>
GN 20 (3)	<p><u>3.5 “Condensed” range</u></p> <p>to consider accepting a 3-state range where there is no fixed point, e.g. weak/medium/strong, on the basis that the second state should read “intermediate”</p> <p>(TC-EDC: January 2006)</p>
New	<p><u>TG Template: Chapter 10: TQ 7 – TQ / Non-asterisked characteristics</u></p> <p>With regard to Technical Questionnaire characteristics which do not have an asterisk in the Table of Characteristics (see document TC/43/5, paragraph 35) the TC agreed that where information on such characteristics was to be requested in the Technical Questionnaire, that information should be requested in Section 7 of the Technical Questionnaire (Additional information which may help in the examination of the variety), rather than in Section 5 (Characteristics of the variety to be indicated). In that respect, it noted that the information in Section 7 was provided at the discretion of the breeder/applicant.</p> <p>(see document TC/43/12 “Report on the Conclusions”, paragraph 23)</p>

*Annex 4: Collection of Approved Characteristics*

Introduction	to be clarified that characteristics contained in adopted UPOV Test Guidelines may be omitted from the “Collection of approved characteristics” (document TGP/7, Annex 4) where considered appropriate by the TC, on the basis of recommendations by the Enlarged Editorial Committee (TC-EDC) (TWA: document TWA/34/14, paragraph 15)
	to explain that the indication of the characteristic number, the method of observation, type of characteristic and the indications of (+) and (*) had been retained from the Table of Characteristics from which the characteristic had originated, but to clarify that that information might not be appropriate for other Test Guidelines (TWA: document TWA/34/14, paragraph 16)
	to explain to drafters of Test Guidelines that, for characteristics where any element of the characteristic is changed after copying from the collection, the translations into French, German and Spanish should be deleted (TWV: document TWV/38/9, paragraph 40)
Collection	examples of color characteristics developed in conjunction with TGP/14 Section 2.3: “Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents: Botanical Terms: Color” to be incorporated into TGP/7: Annex 4 “Collection of Approved Characteristics”. (It was noted that that might require the organization of the TGP/7 to be modified to some extent.) (TWF: document TWA/36/8, paragraph 35)
	to consider incorporating characteristics which are used in most Test Guidelines (e.g. Leaf: length) into the electronic template. To consider developing electronic templates for variety types (e.g. seed-propagated vegetables) which would incorporate more standard characteristics for the varieties concerned (TWV: document TWV/38/9, paragraph 40)
	to consider including a collection of approved illustrations and to consider making that collection available to breeders to assist in their applications for PBR. (see also TGP/14 Section 2.1: Plant shapes) (TWO: document TWO/38/12, paragraph 60)
	to consider the development of tools such as CD-ROMs containing photographs to enhance the understanding of the characteristics used in the Test Guidelines and thereby reduce observer error (TWA: document TWA/34/14, paragraph 54)

[Annex II follows]

ANNEX II

OVERVIEW OF TGP/8 “TRIAL DESIGN AND TECHNIQUES USED IN THE EXAMINATION OF DISTINCTNESS, UNIFORMITY AND STABILITY”

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[Annex III follows]

OVERVIEW OF TGP/14 “GLOSSARY OF TECHNICAL, BOTANICAL AND STATISTICAL TERMS USED IN UPOV DOCUMENTS”

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[Annex IV follows]

## ANNEX IV

## COMMENTS ON TGP DOCUMENTS BY THE TWA, TWF, TWO AND TWV

(a) TGP documents to which the Technical Committee has given highest priority:*TGP/10 Examining Uniformity (document TGP/10/1 Draft 7)*

1.2	final sentence to read “Hence, it is a matter for the authority to decide, in addition to those characteristics included in the UPOV Test Guidelines or national guidelines, which other characteristics it may include in its consideration of distinctness, which must (also) be considered for uniformity and stability.”	TWA
1.2	the TWV, TWO and TWF noted the proposed change of wording by the TWA to the highlighted sentence in square brackets (“[Hence, ...]”) but expressed a preference for the sentence to be deleted completely.	TWV/O /F
2.1	to delete “[is always present to some extent and]”	TWA/V /O/F
2.2	final sentence to read “As a general rule, the states of expression of qualitative characteristics are not influenced by the environment.”	TWA/V /O/F
2.3.1(c)	first sentence to read “in cross-pollinated varieties (including synthetic varieties), the expression of characteristics within varieties results from both genetic and environmental components.”	TWA/V /O/F
2.4.1	last sentence to read “In addition, for varieties maintained by near-isogenic maintainer lines (e.g. male sterile lines) and for synthetic varieties, a segregation of certain characteristics is acceptable if it is compatible with the method of propagation of the variety.”	TWV/O /F
2.4.2	first sentence to read “Thus, for the varieties covered by paragraph 2.4.1, a segregation for certain characteristics, in particular for qualitative characteristics, is accepted if it is compatible with the expression of the parental lines and the method of propagating the variety.	TWA/V /O/F
4.2	Section 4.2 to be moved after Section 4.6	TWA/V /O/F
4.2.1.1	(e) to amend to refer to propagation effects and to add example of positional effects according to where the material is taken on the mother plant	TWF
4.2.1.1	to add new notes to cover atypical expression resulting from damage and lack of fertilization	TWV/O
4.2.1.1	to add examples of damage and lack of fertilization.	TWO
4.2.1.1	to add new notes to cover atypical expression resulting from damage (e.g. herbicide scorch, wind damage, adverse environmental conditions etc.) and lack of pollination (rather than fertilization)	TWF
4.2.2.1	to retain the sentence “Within-plant variation can be caused by an external influence (e.g. light levels of the inner and outer plant) or can be genetically based.”	TWO/F

4.2.2.1	to add the following text from Section 4.3.2.5: “A second example can be seen in apple fruit coloration and patterning. The fruit color, color intensity, amount of overcolor and pattern of overcolor can have atypical expression present, but it is the frequency of the variation which requires consideration.”	TWF
4.3.2.4	to add after the final sentence “However, in some cases, the presence or absence alone of atypical expression for a characteristic may not be sufficient and the frequency and proportion of the atypical expression may also need to be considered (e.g. a single fruit with atypical expression in a relevant characteristic caused by genetic factors in a tree, may not result in an off-type plant).”	TWF
4.3.2.5	to revise the example of a plant with a single green shoot in order to provide a more realistic example and to add that the “atypical” parts of plants concerned, if propagated, should produce plants which were true-to-type.	TWV
4.3.2.5	to retain the “green shoot” example, but to explain that it would be necessary for the “atypical” parts of plants concerned, if propagated, to produce plants which were true-to-type and to note that, in most cases, it was unlikely that that would be the case.	TWO
4.3.2.5	to delete “[A second example can be seen in apple fruit coloration and patterning. The fruit color, color intensity, amount of overcolor and pattern of overcolor can have atypical expression present, but it is the frequency of the variation which requires consideration.]”	TWA
4.3.2.5	to defer to the views of the TWF on the suitability of the sentence “[A second example can be seen in apple fruit coloration and patterning. The fruit color, color intensity, amount of overcolor and pattern of overcolor can have atypical expression present, but it is the frequency of the variation which requires consideration.]”	TWV/O
4.3.2.5	to be deleted	TWF
4.3.3.3	to delete “[This can be carried out on the existing material for a second cycle or on new material and is not specifically intended as a test for stability.]”	TWA/V
4.3.3.3	to retain the highlighted sentence, but to revise to read “This can be carried out on the existing material for a second cycle or on new material” and to add that a sample of the original material should be retained, where possible, to check the conformity of any new material.”	TWO/F
4.5.1	title to read “Self-pollinated, vegetatively propagated and single-cross hybrid varieties”	TWV/O /F
4.5.1.4, 4.5.1.5	to retain existing version	TWA/V /O/F
4.5.1.7	to delete “[The sample size and maximum acceptable number of off-types must be selected with care in order to produce a good test.]”	TWA/V /O/F

4.6	<p>to add the following text from TGP/13/1 Draft 9, Section 2.5.3 for consideration by the TC:</p> <p>“Setting the uniformity standard too low could have the consequence of protecting a variety with a large variation in the expression of its characteristics, thereby making it more difficult to establish distinctness for subsequent candidate varieties of that new species or type. Setting uniformity standard too high may lead to the rejection of the variety although, under consideration of the genetic background, the variety could not be more uniform due to the inherent genetic variation.”</p>	TWA
4.6	<p>the TWV and TWO noted the TWA proposal to add the following text from TGP/13/1 Draft 9, Section 2.5.3 for consideration by the TC:</p> <p>“Setting the uniformity standard too low could have the consequence of protecting a variety with a large variation in the expression of its characteristics, thereby making it more difficult to establish distinctness for subsequent candidate varieties of that new species or type. Setting uniformity standard too high may lead to the rejection of the variety although, under consideration of the genetic background, the variety could not be more uniform due to the inherent genetic variation.”</p> <p>The TWV and TWO noted that the setting of a “low uniformity standard” in terms of acceptable numbers of off-types would not make it any more difficult to establish distinctness for subsequent candidate varieties of a new species or type. Therefore, in its proposed form, the statement was not applicable for self-pollinated, vegetatively propagated or single-cross hybrid varieties. However, it noted that it could be more difficult to establish distinctness for subsequent candidate varieties of a new species or type if an insufficient number of characteristics was considered for DUS. With regard to cross-pollinated varieties, the TWV noted that the statement should be checked in relation to its applicability for COYD if it was used as the basis for examining distinctness, if that method used only the average value for a variety of each characteristic.</p>	TWV/O
4.6	to make no additions to the existing text	TWF
5.2.1	to retain the word “comparable”	TWA/V /O/F
5.2.2	to delete “with comparable expression of characteristics” from the final sentence	TWA/V /O/F
5.2.4	the TWA, TWV, TWO and TWF noted that a paper on LSD had been prepared by experts from Australia and would be considered by the Technical Working Party on Automation and Computer Programs at its twenty-fifth session, to be held in Sibiu, Romania, from September 3 to 6, 2007	TWA/V /O/F
5.3	to delete “[, but closely related,]”	TWV/O /F

(b) Other TGP Documents:

*TGP/8 Trial Designs and Techniques used in the Examination of Distinctness, Uniformity and Stability (document TGP/8/1 Draft 7)*

1. The TWA, TWV, TWO and TWF agreed that it would be more appropriate to have a detailed discussion on TGP/8 at their sessions in 2008, when the document would be more advanced. The TWA heard that the expert from Australia had prepared a paper on LSD, including the use of multiple range tests, for consideration by the Technical Working Party on Automation and Computer Programs (TWC) at its twenty-fifth session, to be held in Sibiu, Romania, from September 3 to 6, 2007. That expert also observed that document TGP/10/1 Draft 7, Section 2.4.2, made reference to the  $\chi^2$  test and noted that it made reference to document TGP/8 for an explanation of that approach. Therefore, he proposed to prepare a document for consideration by the TWC at its twenty-fifth session which could form the basis of a section in the subsequent draft of TGP/8. The TWA supported that proposal and the Office clarified that the document would need to be sent to the Office by August 4, 2007. The TWO and TWF proposed that document TGP/8/1, Part I, Section 2 “Trial Design” should cover the possibility of having separate trials to examine plants at different stages of development, e.g. young trees and mature trees.

*TGP/11 Examination of Stability (document TGP/11/1 Draft 2)*

2. The TWA considered document TGP/11/1 Draft 2 and heard from the expert from the CPVO that the removal of the section on verification meant that the document contained relatively little substance beyond what was already contained within the General Introduction (document TG/1/3). The TWA supported that analysis and, whilst noting that the document had provided a very useful opportunity to review the subject, agreed that there was not an urgent need for TGP/11 to be developed for the time-being.

3. The TWV agreed that Section 2.5.4 should be deleted from TGP/11 because it was subsequent to the DUS examination. The TWV further agreed that, in addition to continuing the development of TGP/II, it would be of practical assistance to seek to develop a document on how to address problems concerning stability which were brought to the attention of an authority after the grant of a plant breeder’s right. It noted that such a document could also be extended to address problems concerning distinctness, uniformity and novelty which were brought to the attention of an authority after the grant of a plant breeder’s right and also to consider the status and use of the “official” variety description. The TWV noted that the development of such a document would be outside the framework of the DUS examination and, therefore, outside the scope of the General Introduction and TGP documents. It also noted the need for such a document to be endorsed by the Technical Committee and the Administrative and Legal Committee and agreed to await the views of those committees before starting work on such a document.

4. The TWO and TWF discussed document TGP/11/1 Draft 2 up to Section 2.2.4 and agreed that the document should be revised to differentiate between issues of stability and uniformity and address only those issues which concerned stability. The TWO and TWF agreed that the document should continue to be developed. With regard to the text of document TGP/11/1 Draft 2 up to Section 2.2.4, the TWO and TWF made the following comments:

2.2.1	to be revised to avoid stating that the assessment of distinctness and uniformity is not possible without the assumption that the variety is stable in the expression of its characteristics	TWO/F
2.2.3	to avoid relating off-types to the assessment of stability	TWO/F
2.2.3 (b)	to delete “and inbred lines of hybrid varieties”	TWO/F
2.2.4	to revise the sentence “The real reason as to why the variety is deemed being not uniform resulting from the higher than tolerable numbers of off-types may be due to its genetic make up: the variety is inherently not stable.”	TWO/F
2.5.4	in addition to the points made up to Section 2.2.4, the TWO and TWF agreed with the TWV that Section 2.5.4 should be deleted from TGP/11 because it was subsequent to the DUS examination.	TWO/F

5. The TWO agreed that a new draft of TGP/11 should be prepared by the experts from European Community, in conjunction with the United Kingdom, by October 2007 in time for the development of the draft to be considered by the Technical Committee in 2008.

6. The TWO and TWF agreed with the TWV proposal that, in addition to continuing the development of TGP/11, it would be of practical assistance to seek to develop a document on how to address problems concerning stability which were brought to the attention of an authority after the grant of a plant breeder’s right. They noted the TWV comment that such a document could also be extended to address problems concerning distinctness, uniformity and novelty which were brought to the attention of an authority after the grant of a plant breeder’s right and also to consider the status and use of the “official” variety description. It was noted that the development of such a document would be outside the framework of the DUS examination and, therefore, outside the scope of the General Introduction and TGP documents. They also noted the need for such a document to be endorsed by the Technical Committee and the Administrative and Legal Committee and agreed to await the views of those committees before starting work on such a document.

*TGP/12 Special Characteristics (document TGP/12/1 Draft 2)*

<u>Section I</u>		
General	the TWO agreed to propose that consideration be given to including frost tolerance in the document. The TWF proposed to first check whether frost tolerance had been used as a DUS characteristic	TWO/F
General	the TWA agreed that the TWV was the appropriate TWP to review the matter of whether the term “pathotype” was a suitable term to replace the terms race, strain etc.	TWA
	the TWV agreed that the term “pathotype” could be used in TGP/12 to replace the terms “race”, “strain” etc., although the terms “race”, “strain” etc. should be used in the Test Guidelines where appropriate	TWV

2.	to provide guidance on the development of explanations for disease resistance characteristics, as required in Chapter 8 of the Test Guidelines, which could also be used a basis for similar guidance to be developed for Subsection 2 “Insect resistance” and Subsection 3 “Chemical response” through the work of the TGP/12 Section I subgroup	TWV
2.2.1	to reverse the order of the sentences	TWA/V
2.2.2	to edit the first sentence to be coherent with the terms used in the heading	TWA/V
2.2.3	to correct the title in line with Table 1(c)	TWV
2.2.3	first sentence to read “Disease resistance characteristics, if properly tested, can give a clear differentiation in the variety collections.”	TWA/V
2.2.4.2	first sentence to be deleted and second sentence to read “The same [race/strain] / [pathotype] may be named differently in different parts of the world, e.g. <i>Fusarium oxysporum</i> f.sp. <i>lycopersici</i> (Fol) in tomato, where race 1 in the United States of America is identical to race 0 in Europe.”	TWA/V
2.2.6(i)	first sentence: to delete “still”	TWA/V
2.3	to be moved to the Introduction of Section I	TWA/V
2.3.2.1	to explain as set out in Section I, Table 1(d) that, in general, for DUS purposes, “tolerance” is not a suitable characteristic in relation to biotic factors.”	TWA/V
2.4	Mr. Tanvir Hossain (Australia), in conjunction with experts from Argentina, France and United Kingdom (the TGP/12 Section I subgroup), to prepare a draft subsection containing an example of a disease resistance characteristic for cross-pollinated varieties. Mr. Hossain to circulate a first draft to the members of the TGP/12 Section I subgroup by the end of June 2007, with their comments to be sent to Mr. Hossain by the end of July 2007. Mr. Hossain to then prepare a new draft for circulation to all TWPs by the end of August, with comments to be requested by the end of September, thus enabling a subsection to be included in TGP/12/1 Draft 3, to be considered by the Enlarged Editorial Committee in January 2008.	TWA
TGP/12 Section I subgroup	the TWV agreed that Mr. Kees van Ettehoven (Netherlands) should be included in the TGP/12 Section I subgroup, as proposed by the TWA	TWV
2.4	with respect to the TWA proposal to prepare a draft subsection containing an example of a disease resistance characteristic for cross-pollinated varieties, the TWV agreed that Mr. van Ettehoven should propose a suitable example from a vegetable crop (e.g. Resistance to <i>Peronospora farinosa</i> f. <i>spinaciae</i> or to Cucumber mosaic virus (CMV) in Spinach).	TWV
2.4.1	to read “Disease resistances which are discontinuously expressed as absent or present are qualitative characteristics.”	TWA/V
2.4.2.1	second sentence to read “In general, it is not possible to define nine states of resistance which would be necessary in order to apply the standard “1-9” scale.”	TWA/V
2.5	to be moved to the Introduction of Section I and to delete “[and that different genes lead to different genotypic expressions]”.	TWA/V

3.1	to be edited to apply to insect resistance only or to be moved to the Introduction of Section I	TWA/V
3.2.1	from “ UPOV has also [...]” to be moved to the Introduction of Section I and to delete “[and that different genes lead to different genotypic expressions]”.	TWA/V
3.2.2	to change “the bioassay” to “a bioassay”	TWA/V
3.2.2.1 to 3.2.2.3	to be condensed to the type of summary provided in Section 2.4 and to present the characteristic with states of expression. France to provide a new text by the end of August, to allow circulation of that text with the new subsection of Section 2.4 (disease resistance characteristics for cross-pollinated varieties).	TWA
3.2.2.1 to 3.2.2.3	the TWV noted the TWA proposal for the text to be condensed to the type of summary provided in Section 2.4 and to present the characteristic with states of expression. It noted that France would provide a new text by the end of August, to allow circulation of that text with the new subsection of Section 2.4 (disease resistance characteristics for cross-pollinated varieties).	TWV
3.3 (new)	Mr. Hossain (Australia), in conjunction with the TGP/12 Section I subgroup (see 2.4 above), to prepare a new draft subsection containing an example for aphid resistance in cross-pollinated varieties, according to the same timetable as for the new subsection for Section 2.4.	TWA
3.3 (new)	the TWV noted the TWA proposal for Mr. Hossain (Australia), in conjunction with the TGP/12 Section I subgroup (see 2.4 above), to prepare a new draft subsection containing an example for aphid resistance in cross-pollinated varieties, according to the same timetable as for the new subsection for Section 2.4. In that respect, the TWV proposed that Mr. van Ettehoven should propose an example from a vegetable crop (e.g. Resistance to colonization by <i>Aphis gossypii</i> in Melon)	TWV
4.2.2	title to read “Case Study on the Use of Herbicide Tolerance as a Characteristic in the DUS Examination”	TWA
4.2.2	to be condensed to the type of summary provided in Section 2.4 and to present only the characteristic “Plant: herbicide tolerance” with the states of expression absent (1), present (9)	TWA
4.2.2	Mr. Hossain (Australia) to provide a new example within herbicide tolerance for a characteristic for pollen viability. To be provided by the end of August to allow circulation of that text with the new subsection of Section 2.4 (disease resistance characteristics for cross-pollinated varieties).	TWA

*TGP/13 Guidance for New Types and Species (document TGP/13/1 Draft 9)*

1.3	final sentence to read “The starting point in each section of this document is the information provided in the Technical Questionnaire or application form [...]”.	TWA/V /O/F
2.1.1	to reverse the order of (a), (b) and (c)	TWA/V /O/F
2.1.3	to revise to make reference to the basic principles set out in documents TGP/4 and TGP/9 and to delete the example of Festulolium	TWA/V /O/F

2.2	to add “or application form” after “Technical Questionnaire”	TWA/V /O/F
2.3.4	to replace the highlighted text between square brackets with an explanation that it is not appropriate to develop (UPOV) Test Guidelines until several authorities have DUS testing experience	TWA/V
2.3.4	to replace the highlighted text between square brackets with an explanation that the need for the development of (UPOV) Test Guidelines should be based on the guidance in document TGP/7	TWO/F
2.4.2	the TWA restated its proposal from its thirty-fifth session for the section to be deleted or revised to avoid any general indications or assumptions with regard to the non-existence of varieties of common knowledge	TWA
2.4.2	in accordance with the TWA proposal, to be deleted or revised to avoid any general indications or assumptions with regard to the non-existence of varieties of common knowledge. In particular, the TWV proposed that the document should make reference to TGP/4 and TGP/9 and only provide additional guidance on any matters not covered by those documents.	TWV
2.4.2	in response to the concerns expressed by the TWA and TWV, the TWO proposed that the section should be revised to consider the <i>possibility</i> of varieties of common knowledge and, in particular, to explain that there could be cases where there would be no varieties of common knowledge	TWO
2.4.2	section to be revised to make reference to TGP/4 and TGP/9 and to be revised to be aware of the possibility of the non-existence of varieties of common knowledge and, in particular, to explain that there could be cases where there would be no varieties of common knowledge	TWF
2.5.3	to replace the highlighted section with a reference to TGP/10 and to incorporate the highlighted section in TGP/10	TWA
2.5.3	to replace the highlighted section with a reference to TGP/10 and to incorporate the highlighted section in TGP/10, as amended (see TWV comments to TGP/10/1 Draft 7, Section 4.6)	TWV
2.5.3	to replace the highlighted section with a reference to TGP/10	TWO/F
2.6	to delete “and Verification”	TWV/O /F
2.7	to suggest to the TWO to include advice to seek information on variation within the species and not just variation between varieties of common knowledge and to include advice to seek such information from other sources than just botanical references	TWA/V /O/F
2.7.4	final sentence to read “It would, therefore, be advisable to avoid the extreme states of expression for such a characteristic (very small (1) and very large (9)) to describe the first varieties within a species.”	TWA/V /O/F
3.	to consider adding a reference to whether a variety satisfies the criteria for a variety as set out in the 1991 Act of the UPOV Convention	TWA
3.	to consider whether there is a difference between “New Species” (Section 2) and “Interspecific / Intergeneric Hybrids” (Section 3)	TWA

3.	to consider whether to integrate “Interspecific / Intergeneric Hybrids” (Section 3) into “New Species” (Section 2), or to focus on particular matters requiring particular consideration for interspecific / intergeneric hybrids, such as uniformity requirements	TWV
3.	to avoid repetition of the elements in Section 2 and to consider only matters specific for interspecific / intergeneric hybrids, such as uniformity requirements and how to use the Test Guidelines for the “parent” species for DUS testing of the interspecific / intergeneric hybrid	TWO/F
3.2	to add “or application form” after “Technical Questionnaire”	TWA/V
3.3	to delete “Test Guidelines”	TWA/V
3.3.3	to replace with an explanation that it is not appropriate to develop (UPOV) Test Guidelines until several authorities have DUS testing experience	TWA/V
3.4	to make reference to the General Introduction and TGP/9	TWA/V
3.5	to make reference to the General Introduction and TGP/10	TWA/V
3.6	to make reference to the General Introduction and TGP/11 (if developed)	TWA/V
4.2	to add “or application form” after “Technical Questionnaire”	TWV/O /F

*TGP/14 Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents (document TGP/14/1 Draft 3)*

Section 1 “Technical Terms”

Section 1	to include the explanation of “relevant characteristics” provided in document TGP/10, Section 1.2	TWA
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Section 2 “Botanical Terms”: Subsection 2 “Shapes and Structures

Section 2.2	<p>With respect to document TWV/41/10 Rev., the TWV concluded that the results of the exercise on shape demonstrated that the observation of the individual components of shape (e.g. position of broadest part, length/width ratio, lateral outline) provided information which was more precise and consistent and which was more powerful for discriminating between varieties. However, the TWV noted that such components of shape might not be easily understood, particularly by applicants for characteristics included in the Technical Questionnaire, and agreed that it would be helpful to develop meaningful states: for example, “very elongated”, rather than “very high” for length/width ratio. The TWV confirmed its view expressed at its fortieth session, that a characteristic describing the overall shape, in addition to the individual components of shape, could be useful for variety description purposes and agreed that, in order to make such an overall shape characteristic as useful as possible, it would be worthwhile considering the inclusion of charts such as that in TGP/14/1 Draft 3, Section 2.2, Examples 4 and 5 in the explanation for such characteristics in Chapter 8 of the Test Guidelines. The TWV agreed that it might be helpful for other Technical Working Parties (TWPs) to see the results of the shape exercise, as presented in TWV/41/10 Rev., for their discussions on document TGP/14 and agreed that the Office might present those results to other interested TWPs. The TWV agreed that Section 2.2 should be reviewed accordingly.</p> <p>The TWO and TWF agreed that the approach of the TWV represented a good balance between the need for precise and consistent observations and the need for shape to be presented in a practical way for the purposes of description. They agreed that that approach for shape should be used for drafting Test Guidelines for their 2008 sessions.</p>	TWV/O /F
Section 2.2	to provide a definition of base, top etc. to cover all Test Guidelines or to recommend that the use of such terms is either accompanied by an explanation or is avoided by referring, for example, to stalk-end etc.	TWV
II, 3.4 Margins	to add an additional illustration for dentate, to be provided by Germany, showing incurved margins (like a holly leaf)	TWF
General	it was agreed that any proposals concerning specific terms should be sent to the Office of the Union for consideration by the TGP/14 Shape subgroup	TWF

Section 2 “Botanical Terms”: Subsection 3 “Color”

General	<p>the TWO noted that the discussions on draft Test Guidelines at its fortieth session had identified the following issues which needed to be resolved with regard to the development of color characteristics:</p> <ul style="list-style-type: none"> <li>(a) characteristics for “number of colors”;</li> <li>(b) strategies for sets of characteristics to describe color patterns;</li> <li>(c) describing color patterns where those are in addition to the variegation in variegated varieties;</li> <li>(d) the consideration of whether pigments, such as anthocyanin, should be considered as a color; and</li> <li>(e) explanation of conspicuousness (e.g. whether it relates to color <i>per se</i>, color contrast, etc. and excludes the area covered by the color)</li> </ul> <p>The TWO agreed that it would be difficult to make progress on those matters within the TWO session in a timely and effective way and agreed to propose to hold a separate meeting to discuss the development of TGP/14/1 Section 2, Subsection 3 “Color” on the Friday afternoon and Saturday morning immediately prior to the TWF or TWO session in 2008, whichever was the earliest. It noted that an invitation to that meeting would be sent to all TC and TWP experts. In order to ensure that the meeting was as productive as possible, it was agreed that a new draft of TGP/14/1, seeking to address as far as possible the issues raised above, should be produced before that meeting and that, in addition, a comprehensive set of examples and photographs should be prepared for discussion in the meeting. The TWF noted the above.</p>	TWO/F
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Section 3 “Statistical Terms”

General	to await the adoption of document TGP/8 before finalizing TGP/14, Section 3 in order to ensure that all terms are covered	TWA
	with regard to the proposal of the TWA to await the adoption of document TGP/8 before finalizing TGP/14, Section 3 in order to ensure that all terms are covered, the TWO proposed that the adoption of TGP/14 should not be delayed by awaiting the adoption of TGP/8.	TWO/F

(c) Revision of TGP documents:

*TGP/5 Experience and Cooperation in DUS Testing*

7. With regard to the proposed clarification of the terms “breeder”, “applicant” and “original breeder” in document TGP/5, the TWA noted that this would imply a significant change to the way in which those terms were used by many members of the Union and urged the CAJ to take that into account when discussing the documents.

8. With regard to the proposed clarification of the terms “breeder”, “applicant” and “original breeder” in document TGP/5, the TWV, TWO and TWF noted that this would imply

a significant change to the way in which those terms were used by many members of the Union and proposed to avoid introducing a new term such as “original breeder” by using the phrase “the person who bred, or discovered and developed, the variety”.

*Section 1/2 Draft 2: Model Administrative Agreement for International Cooperation in the Testing of Varieties*

page 2	to consider whether it was relevant to include the new paragraph in the Model Administrative Agreement and to consider whether that matter might be provided in a separate explanation	TWA/V
page 2	to retain the proposed new paragraph in the Model Administrative Agreement unless it can be moved to another document where it would be brought to the attention of members of the Union considering the need for establishing an agreement for cooperation	TWO/F

*Section 2/2 Draft 2: UPOV Model Form for the Application for Plant Breeders' Rights*

1.	to consider whether applicants would only be required to complete either (b) (by individuals) or (d) (by companies)	TWO/F
2.	to create a separate subsection to indicate whether there is a procedural representative (proxy / agent)	TWO/F
3.	to request only the following information, in line with the information requested in the standard Technical Questionnaire: “(a) Botanical name “(b) Common name”	TWA/O /F
3.	to request the following information: “(a) Botanical name “(b) Common name “(c) UPOV code”  With respect to the UPOV code, the TWV proposed to add the web address for the GENIE database	TWV
6.	to amend to read “Other applications”. The TWA, TWO and TWF noted the importance of this information being provided by breeders.	TWA/V /O/F
A 0.3	to delete “Dates should be written in year-month-day order (example: 76-01-14);”	TWV
A 0.3	to amend “Dates should be written in year-month-day order (example: 76-01-14);” to read “The format of dates should be specified and should include a requirement for the year to be provided in 4-digit format (e.g. 2007)”	TWO/F
B 1.1	to replace “Telephone and telex numbers” with “Contact details”	TWV
B 1.1	to replace “Telephone and telex numbers” with “Telephone number, e-mail and fax number”	TWO/F

B 3.1(a)	to delete “and the UPOV code”	TWA
B 3.1(a)	to retain “and the UPOV code”	TWV

9. The TWA, TWV, TWO and TWF noted the discussions which had taken place at the TC concerning the proposal of the International Seed Federation (ISF) for consideration to be given to the development of an electronic version of the model application form and technical questionnaire for use by members of the Union. It noted that the CAJ had agreed to extend an invitation to members of the Union and ISF to present their experiences and initiatives for the development of electronic application forms and technical questionnaires at the fifty-sixth session of the CAJ.

*Section 4/2 Draft 2: UPOV Model Form for the Designation of the Sample of the Variety*

10. The TWA, TWV, TWO and TWF did not have any comments with respect to document TGP/5/Section 4/2 Draft 2:

Section 5/2 Draft 2: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results

UPOV Request: 8.	to provide a field to indicate the status of the variety (applied for PBR; applied for official registration; granted PBR; entered in official register)	TWO
UPOV Request: 8.	with respect to the TWO proposal to provide a field to indicate the status of the variety (applied for PBR; applied for official registration; granted PBR; entered in official register), the TWF did not consider that to be necessary (however, see comment TWF to UPOV Answer: 3.)	TWF
UPOV Request: 8.	to provide a field to indicate the status of the denomination, i.e. approved or proposed	TWA/V/O/F
UPOV Answer: 3.	to provide a field for the variety denomination for indication of the status of the denomination, i.e. approved or proposed	TWA/V/O/F
UPOV Answer: 3.	to provide a field to indicate the status of the variety (applied for PBR; applied for official registration; granted PBR; entered in official register).	TWF
UPOV Answer: 4.	to check whether the “back of this form” was provided in the original version.	TWO/F
UPOV Answer: 5.	to add new item before (a) for “is enclosed”; and to modify (c) to read “will be forwarded” (to delete “by (approximate date)”)	TWO/F
UPOV Answer:	to suggest to the TC and CAJ to consider whether to include a request for the requesting authority to inform the reporting authority on the outcome of the use of the examination results.	TWO/F

*Section 6/2 Draft 2: UPOV Report on Technical Examination and UPOV Variety Description*

11. The TWA agreed to propose the following with respect to document TGP/5 Section 6/2 Draft 2:

<i>UPOV Report on Technical Examination</i>		
10.	to provide a field to indicate the status of the denomination, i.e. approved or proposed	TWW/O /F
16.	<p>to simplify the section to read as follows:</p> <p>“(a) Report on Distinctness</p> <p style="margin-left: 40px;">The variety</p> <p style="margin-left: 40px;">- is distinct [ ]</p> <p style="margin-left: 40px;">- is not distinct [ ]</p> <p>“(b) Report on Uniformity</p> <p style="margin-left: 40px;">The variety</p> <p style="margin-left: 40px;">- is uniform [ ]</p> <p style="margin-left: 40px;">- is not uniform [ ]</p> <p>“(c) Report on Stability</p> <p style="margin-left: 40px;">The variety</p> <p style="margin-left: 40px;">- is stable [ ]</p> <p style="margin-left: 40px;">- is not stable [ ]</p> <p style="margin-left: 40px;">In the case of a positive conclusion, a description of the variety is provided in an annex to this report.”</p>	TWA/V /O/F
<i>UPOV Variety Description</i>		
2.	term in brackets to be deleted	TWA/V /O/F
[new] (after 7.)	to provide a field to indicate the status of the variety (applied for PBR; applied for official registration; granted PBR; entered in official register)	TWO/F
16.	to be harmonized with Section of the Technical Questionnaire in document TGP/7/1	TWO/F
[new] (after 17.)	<p>some experts noted the potential value of receiving information on all the varieties included in the growing trial used for the examination of distinctness. However, it was noted that, as explained in documents TGP/4 and TGP/9, not all the varieties considered in the process of examining distinctness would be included in the DUS growing trial. In that respect, it was noted that information on similar varieties was requested in Section 16. It was also observed that requirements concerning information on the reference collections used in the examination of distinctness were included as an element within the Model Administrative Agreement (document TGP/5 Section 1/1). The TWA concluded that further consideration should be given before including a new section in TGP/5 Section 6: UPOV Variety Description. The TWV proposed that such a new section should not be introduced in TGP/5 Section 6: UPOV Variety Description.</p>	TWA/V

17 (new)	to add a new line to indicate the RHS Colour Chart version used for the variety description	TWF
[new] (after 17.)	the TWO noted that, as explained in documents TGP/4 and TGP/9, not all the varieties considered in the process of examining distinctness would be included in the DUS growing trial. In that respect, it was noted that information on similar varieties was requested in Section 16. It was also observed that requirements concerning information on the reference collections used in the examination of distinctness were included as an element within the Model Administrative Agreement (document TGP/5 Section 1/1). The TWO and TWF proposed that such a new section should not be introduced in TGP/5 Section 6: UPOV Variety Description.	TWO/F

*Section 7/2 Draft 2: UPOV Interim Report on Technical Examination*

10.	to provide a field to indicate the status of the denomination, i.e. approved or proposed	TWV/O /F
[new] (after 10.)	to provide a field to indicate the status of the variety (applied for PBR; applied for official registration; granted PBR; entered in official register)	TWO/F
16.	to consider replacing (a) to (c) with a blank space for completion	TWO/F

*Section 10: Notification of Additional Characteristics*

12. The TWA, TWV, TWO and TWF noted that the approval of document TGP/5/1 “Experience and Cooperation in DUS Testing” by the TC at its forty-first session was made on the basis that, with regard to Section 10/1, there would be a review of the notification of additional characteristics on the UPOV website after three years of operation. The TWA, TWV, TWO and TWF noted that, at its forty-third session, the TC had noted that no additional characteristics had been notified to the Office of the Union, but had considered that the system was very useful and had agreed to retain Section 10 in document TGP/5.

*TGP/7/1 Development of Test Guidelines (Revision)*

13. The TWA agreed that it would be appropriate to have a general discussion regarding the inclusion of example varieties in Test Guidelines in conjunction with the revision of document TGP/7/1 “Development of Test Guidelines”.

[Annex V follows]

