E

TWC/26/3
ORIGINAL: English
DATE: July 24, 2008

UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL WORKING PARTY ON AUTOMATION AND COMPUTER PROGRAMS

Twenty-Sixth Session
Jeju, Republic of Korea, September 2 to 5, 2008

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 (TWP) sessions held in 2007; 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 (TC) at its forty-fourth session, held in Geneva from April 7 to 9, 2008. The following documents will also be considered in conjunction with the TGP documents:

TWC/26/9:	Comments on TGP documents by the Technical Working Parties at their sessions in 2008;
TWC/26/11:	Document TGP/8: Non-parametric statistical methods document to be provided by Australia: Relative tolerance limits for variance (F-test)
TWV/41/10 Rev.:	Exercise on shape (Revised) (document TGP/14 Section 2, Subsection 2 “Shapes and Structures”)
TWC/26/10:	Conclusions of the workshop on document TGP/14 Section 2, Subsection 3 “Color”;
TWC/26/12:	Proposals by Australia concerning document TGP/14 Section 3, Statistical Terms.

2. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial 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
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

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. As noted by the Chair at the fifty-fourth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 16 and 17, 2006, the development of TGP documents in relation to the DUS examination may be seen as another element in the preparation of information materials concerning the UPOV Convention[1] and, in addition to being published in their own right, the TGP documents can be used in support of various UPOV activities. In particular, the General Introduction and the TGP documents will form the basis of an advanced module on "Examination of Applications for Plant Breeders' Rights" for inclusion in the Distance Learning program, which the Consultative Committee has entrusted the Office of the Union to develop.

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

[1] The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4. It also agreed the establishment of an advisory group to the CAJ ("CAJ-AG") to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).

Document	Title	Stage of development
TGP/0	List of TGP Documents and Latest Issue Dates	Approved (2005)
TGP/1	General Introduction with Explanations	-
TGP/2	List of Test Guidelines Adopted by UPOV	Approved (2005)
TGP/3[2]	Varieties of Common Knowledge	-
TGP/4	Constitution and Maintenance of Variety Collections	Adopted (2008)
TGP/5	Experience and Cooperation in DUS Testing	
Introduction	*Introduction*	*proposed for adoption 2008*
Section 1	*Model Administrative Agreement for International Cooperation in the Testing of Varieties*	*Approved (2005) / revision proposed for adoption 2008*
Section 2	*UPOV Model Form for the Application for Plant Breeders' Rights*	*Approved (2005) / revision proposed for adoption 2008*
Section 3	*Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights*	*Approved (2005)*
Section 4	*UPOV Model Form for the Designation of the Sample of the Variety*	*Approved (2005) / revision proposed for adoption 2008*
Section 5	*UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results*	*Approved (2005) / revision proposed for adoption 2008*
Section 6	*UPOV Report on Technical Examination and UPOV Variety Description*	*Approved (2005) / revision proposed for adoption 2008*
Section 7	*UPOV Interim Report on Technical Examination*	*Approved (2005) / revision proposed for adoption 2008*
Section 8	*Cooperation in Examination*	*Approved (2005)*
Section 9	*List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established*	*Approved (2005)*
Section 10	*Notification of Additional Characteristics*	*Approved (2005)*
Section 11	*Examples of Policies and Contracts for Material Submitted by the Breeder*	*proposed for adoption 2008*
TGP/6	Arrangements for DUS Testing	Approved (2005)
TGP/7	Development of Test Guidelines	Approved (2004) / under revision
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	under development

[2] At its fifty-fifth session, held in Geneva on March 29, 2007, "[t]he CAJ endorsed the conclusion of the CAJ-AG that the General Introduction already provided guidance with respect to the term 'common knowledge' and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 'Varieties of Common Knowledge'." (see document CAJ/55/7, paragraph 46).

Document	Title	Stage of development
TGP/9	Examining Distinctness	Adopted (2008)
TGP/10	Examining Uniformity	proposed for adoption 2008
TGP/11	Examining Stability	under development
TGP/12	Special Characteristics	under development
TGP/13	Guidance for New Types and Species	under development
TGP/14	Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents	under development
TGP/15	New Types of Characteristics	-

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*.

II. DEVELOPMENTS CONCERNING TGP DOCUMENTS

(a) TGP documents adopted in April 2008 (TGP/4/1 and TGP/9/1)

TGP/4 "Constitution and Maintenance of Variety Collections"

6. At its twenty-fifth extraordinary session, held in Geneva on April 11, 2008, the Council, adopted document TGP/4/1 "Constitution and Maintenance of Variety Collections" on the basis of document TGP/4/1 Draft 10 and the amendments proposed by the TC and CAJ, as set out in document C(Extr.)/25/2 Add.

TGP/9 "Examining Distinctness"

7. At its twenty-fifth extraordinary session, the Council adopted document TGP/9/1 "Examining Distinctness" on the basis of document TGP/9/1 Draft 10.

(b) TGP documents to be considered for adoption in October 2008 (TGP/10/1 and TGP/5)

TGP/10 "Examining Uniformity"

8. The TC, at its forty-fourth session, and the CAJ, at its fifty-seventh session, held in Geneva on April 10, 2008, proposed the adoption of document TGP/10/1 by the Council at its forty-second ordinary session, to be held in Geneva on October 30, 2008, on the basis of document TGP/10/1 Draft 9, amended as follows:

4.2.3.3	to read "In cases where there is still uncertainty at the end of a growing cycle about whether or not a plant is an off-type, in particular concerning the genetic basis or otherwise of atypical expression, the variety could be observed in a further growing cycle. This can be carried out on the existing material for a second cycle, or on new material. Depending on the circumstances, new plants or plant material may be requested from the breeder and/or plants may be propagated from existing DUS trial material, including from the plants with atypical expression. That would

	also allow measures to be taken concerning the phytosanitary status of the material, if that was considered to be a possible cause of the atypical expression. In cases where a new batch of plants is requested, a sample of the original material should be retained, where possible, to check the conformity of the new material with the original material."

9. The TC noted that the French, German and Spanish language versions of document TGP/10/1 Draft 9, as amended above, would be checked by the respective language experts of the Editorial Committee before submission to the Council for adoption.

TGP/5 "Experience and Cooperation in DUS Testing"

10. At its forty-fourth session, the TC made proposals concerning the Introduction and Sections 1, 2, 4, 5, 6, 7 and 11 of document TGP/5 and proposed that all sections of document TGP/5 should be reviewed with regard to the possibility of confusion arising from their application to use in relation to official registers, for example, of varieties admitted to trade (e.g. National List, Official Catalogue etc.). Those proposals which are presented in document TC/44/12 "Report on the Conclusions", paragraphs 24 and 25, are reflected in the amendments made by the CAJ at its fifty-seventh session.

11. At its fifty-seventh session, the CAJ agreed the following amendments concerning the Introduction and Sections 1, 2, 4, 5, 6, 7 and 11 of document TGP/5:

Introduction Draft 2: Introduction	
	no comments

Section 1/2 Draft 5: Model Administrative Agreement for International Cooperation in the Testing of Varieties	
	no comments

Section 2/2 Draft 5: UPOV Model Form for the Application for Plant Breeders' Rights	
Box (before 1.)	to delete "with the following State or Intergovernmental Organization" and to move this part of the form to Item 7, with any consequential editorial amendments.
1. (a)	to delete "(Breeder)", whilst retaining footnote "[2]"
5. (a)	to delete the tick box and to present the text "To the best of my/our knowledge there is no other person who bred, or discovered and developed the variety" as a statement, in a new subparagraph 5. (b).
9. (a)	to amend to read as follows: "□ has already been completed in _____ date completed: (if known)_____ "□ is in progress in _____ date started: (if known)_____ "□ has not yet been started _____

B Item 3	The CAJ noted that the TC at its forty-fourth session had requested: "(i) to consider the deletion of 'In respect of period of protection, fees or conditions for obtaining protection in respect of the applicant's nationality, place of residence or registered offices' from Item 3.1 (b) (ii) to consider the use of separate paragraphs to address technical and legal considerations; (iii) to consider amending "law" to cover situations where the genera and species are specified in, for example, regulations; and (iv) to use paragraph numbering 3.1.1, 3.1.2 etc. instead of (a), (b) etc."
B Item 8.4	to amend the text to clarify that "prior commercial use" refers to commercial use prior to the filing of the application.

Section 4/2 Draft 5: UPOV Model Form for the Designation of the Sample of the Variety	
1.	tick boxes to read as follows: "□ has already been completed in _____ date completed: (if known)_____ "□ is in progress in _____ date started: (if known)_____ "□ is to be performed in _____

Section 5/2 Draft 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	
	no comments

Section 6/2 Draft 5: UPOV Report on Technical Examination and UPOV Variety Description	
UPOV Report on Technical Examination	
16. (a)	to amend "Other variety from which it is not distinct (if applicable)" to read "Variety(ies) from which …"
16. (b)	to replace line "……" with "are provided in an annex to this report"
16. (c)	to replace line "……" with "are provided in an annex to this report"
16. (d)	to replace "the annex" with "an annex" and to delete ", for which there may be an additional cost"
UPOV Variety Description	
General	to clarify that the UPOV variety description and the corresponding explanatory notes to the UPOV variety description form are contained in the Annex to Section 6

15.	15. header line to be moved above column header row
17.	to add "(if appropriate)" after "Photograph"

Section 7/2 Draft 5: UPOV Interim Report on Technical Examination	
16.	to include "no plant material received", "requirements for plant material not met" and "test failed, observations" as examples of general information to be provided in Item 16.

Section 11/1 Draft 3: Examples of Policies and Contracts for Material Submitted by the Breeder	
	no comments

12. The CAJ proposed the adoption of the Introduction and Sections 1, 2, 4, 5, 6, 7 and 11 of document TGP/5 by the Council, at its forty-second ordinary session to be held on October 30, 2008, on the basis of the following documents as amended in the preceding paragraph:

Introduction Draft 2: Introduction;

Section 1/2 Draft 5: Model Administrative Agreement for International Cooperation in the Testing of Varieties;

Section 2/2 Draft 5: UPOV Model Form for the Application for Plant Breeders' Rights;

Section 4/2 Draft 5: UPOV Model Form for the Designation of the Sample of the Variety;

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

Section 6/2 Draft 5: UPOV Report on Technical Examination and UPOV Variety Description;

Section 7/2 Draft 5: UPOV Interim Report on Technical Examination; and

Section 11/1 Draft 3: Examples of Policies and Contracts for Material Submitted by the Breeder;

13. With regard to TGP/5 Section 2/2, B item 3, based on the considerations by the TC and the CAJ, the CAJ agreed that a proposed text for B Item 3 should be prepared by the Office of the Union and circulated for approval of the CAJ by correspondence within four weeks of circulation. In the event that substantive changes are proposed, that specific item would be included in the agenda of the CAJ at its fifty-eighth session in October 2008. If no substantive changes are proposed, document TGP/5 Section 2/2, as modified, would be presented for adoption by the Council at its forty-second ordinary session on October 30, 2008.

III. DOCUMENTS TO BE CONSIDERED BY THE TECHNICAL WORKING PARTIES

(a) Revision of TGP documents

TGP/7 "Development of Test Guidelines"

14. At its forty-fourth session, the TC agreed that the proposals set out in Annex I to this document should be included for discussion in relation to the revision of document TGP/7/1.

15. The following proposals relate to Section 1.2: Individual Authorities' Test Guidelines, on the basis of which, a revised draft of Section 1.2 has been presented for consideration in Annex II to this document:

new section to be developed on the development of individual authority test guidelines from UPOV Test Guidelines (see document TC/43/12 "Report on the Conclusions", paragraph 22)
to consider developing a more detailed section within TGP/7 for guidance on the development of an authority's own guidelines in the absence of UPOV Test Guidelines and, in particular, to include the possibility of providing a list of experts willing to provide guidance in the development of such guidelines (see document TWV/41/13 "Report", paragraph 80)

(b) New TGP documents

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

16. The TC considered the proposed structure and content of document TGP/8/1 Draft 9 and agreed the following with regard to Part II:

(a) to invite the TWPs to advise if there is a need for additional off-type tables to cover new combinations of population standards and acceptance probabilities;

(b) to invite the TWPs to consider if it would be necessary to conduct a comparison of the results of different statistical methods as a condition for their inclusion in TGP/8;

(c) to consider including statistical methods for very small sample sizes, subject to suitable methods which are in use by members of the Union being provided;

(d) methods used for distinctness to be placed before methods used for uniformity;

(e) to structure the section into separate sections on parametric and non-parametric methods and to include further methods for non-parametric methods, to be drafted by Australia;

(f) for each of the statistical methods included in document TGP/8, to provide an explanation of the requirements for its application and the situations where it would be appropriate to apply the method; and

(g) to provide a weblink to the International Seed Testing Association (ISTA) "seedcalc" method for calculating Type I and Type II errors;

TGP/11 "Examining Stability"

17. During discussions on document TGP/11 "Examining Stability" at its forty-first session, the TWV agreed 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. 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 TC and the CAJ and agreed to await the views of those committees before starting work on such a document.

18. The Enlarged Editorial Committee (TC-EDC) discussed document TGP/11 at its meeting on January 8, 2008, and agreed that practical assistance on how to address problems concerning stability which were brought to the attention of an authority after the grant of a breeder's right should not be included in a document entitled "Examining Stability". However, it noted that there would be practical advantages in dealing with all aspects of stability in a single document. On that basis, it proposed that the TC, in conjunction with the CAJ, might consider an amendment to the title of TGP/11, with the document being clearly separated into two parts:

Part I: Examining Stability (Article 12 "Examination of the Application", of the 1991 Act of the UPOV Convention)

Part II: Stability after the grant of a breeder's right (Article 22(1) "Cancellation of the Breeder's Right", of the 1991 Act of the UPOV Convention).

19. At its forty-fourth session, the TC noted the TWV proposal for the possible development of a document to provide guidance on matters concerning distinctness, uniformity, stability and novelty which are brought to the attention of an authority after the grant of a breeder's right and the status and use of the "official" variety description (see document TC/44/3, paragraph . The TC also noted the comments of the TC-EDC that there would be practical advantages in dealing with all aspects of stability in a single document and the proposal of the TC-EDC that the TC, in conjunction with the CAJ, might consider an amendment to the title of TGP/11, with the document being clearly separated into two parts:

Part I: Examining Stability (Article 12 "Examination of the Application", of the 1991 Act of the UPOV Convention)

Part II: Stability after the grant of a breeder's right (Article 22(1) "Cancellation of the Breeder's Right", of the 1991 Act of the UPOV Convention)

20. The TC agreed that the view of the CAJ should be sought with regard to whether it would be appropriate to pursue those proposals. The CAJ will be invited to consider this matter, in conjunction with its consideration of document TGP/11, at its fifty-eighth session, to be held in Geneva on October 27 and 28, 2008.

TGP/12: Special Characteristics

21. The TC considered document TGP12/1 Draft 4 and agreed the following:

1.2.2	to invite the TWPs, in particular the TWV, to review the sentence "In general, for DUS purposes, 'tolerance' is not a suitable characteristic in relation to biotic factors." and to modify the sentence to read "In many instances, for DUS purposes, tolerance may not be a suitable characteristic.". As a part of the review, to consider the definition of "tolerance" for biotic factors and to consider whether it would be appropriate to explain why, in most instances, it is not used as DUS characteristic.
2.2.6 (iii)	- to amend heading to read "technical requirements"; and - to amend the first sentence to read "The technical requirements of disease tests can, for some DUS testing authorities, be an obstacle for the use of such characteristics."

TGP/13: Guidance for New Types and Species

22. The TC considered document TGP/13/1 Draft 11 and agreed the following:

2.4.2 (i)	to read "a variety obtained by propagation from a plant originating from a population in the wild, of a species not in cultivation. […]"
2.4.2 (ii)	to read "a variety obtained by propagation from a plant in a population of a species which is in commercial production. […]"
2.7.3	to include a recommendation to consider the range of variation within the plant species

TGP/14: Glossary of Technical, Botanical and Statistical Terms Used in UPOV Documents

23. The TC agreed that the TWPs, at their sessions in 2008, should consider the results of the shape exercise, as presented in TWV/41/10 Rev., in conjunction with their discussions on document TGP/14.

24. The TC agreed to the organization of a meeting to discuss the development of TGP/14/1 Section 2, Subsection 3 "Color" on May 30 and 31, 2008. The conclusions of that meeting will be reported to the TWPs at their sessions in 2008.

25. The TC agreed that "Section 1: Technical Terms" should be updated with relevant terms from documents TGP/4 and TGP/9 and heard that Australia would make some suggestions to the Office in that respect.

26. The TC agreed that it would consider whether to await the adoption of document TGP/8 before finalizing TGP/14, if that became necessary.

IV. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

27. The TC and the CAJ, at its fifty-seventh session, agreed the program for the development of TGP documents, as set out in Annex III to this document.

[Annexes follow]

ANNEX I

PROPOSED REVISIONS TO TGP/7/1

The following terms are used in relation to TGP/7 "Development of Test Guidelines" (see document TGP/7/1: Chapter 1.3):

ASW: Additional Standard Wording (ASW) for the TG Template
GN: Guidance Notes (GN) for the TG Template

Section 1.2: Individual Authorities' Test Guidelines

	new section to be developed on the development of individual authority test guidelines from UPOV Test Guidelines (see document TC/43/12 "Report on the Conclusions", paragraph 22)
	to consider developing a more detailed section within TGP/7 for guidance on the development of an authority's own guidelines in the absence of UPOV Test Guidelines and, in particular, to include the possibility of providing a list of experts willing to provide guidance in the development of such guidelines (see document TWV/41/13 "Report", paragraph 80)

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

2.2.4	to consider whether it would be useful to make reference in document TGP/7 to the "drafters kit", including the "Practical Guide for Drafters (Leading Experts) of UPOV Test Guidelines", posted on the first-restricted area of the UPOV website (see document TC/44/3)
2.2.5	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)

Annex 1: TG Template

3.5 / ASW 7	*3.5 Number of Plants / Parts of Plants to be Examined* 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: "ASW 7 (Chapter 3.5) – Number of plants / parts of plants to be examined Alternative 1: Unless otherwise indicated, all observations should be made on {x} plants or parts taken from each of {x} plants.

	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}." (Mrs. Beate Rücker (Germany))
4.2 / GN 11	to consider the possible inclusion of the matters covered in Section 6 "Combining observations for all characteristics" of document TGP/10 (see document TC/43/12 "Report on the Conclusions", paragraph 25)
5.2, 5.3	to elaborate on the two uses of the grouping characteristics, i.e. "(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; (see document TC/43/12 "Report on the Conclusions", paragraph 24(a))
6.3	Quantitative characteristics the Test Guidelines should explain the use of the 3, 5, 7 abbreviated notes in the 1-9 scale for quantitative characteristics. (TWV: document TWV/38/9, paragraph 57)

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

ASW 4: 1.	to review whether ASW 4(1.) "Fruit species", and similar such explanations concerning satisfactory growing cycles, should be included in Chapter 3.1 of the Test Guidelines "Number of Growing Cycles". It noted that a consequential change would also need to be made to GN 9 (TC-EDC at its meeting on January 8, 2008)
ASW 4: 2(b)	(TG Template: Chapter 3.3) – Conditions for conducting the examination: Information for conducting the examination of particular characteristics: Type of observation TGP/7 to be amended according to the wording agreed for TGP/9. (see document TC/43/12 "Report on the Conclusions", paragraph 24(c))

ASW 4: 2(d)	(TG Template: Chapter 3.3) – Conditions for conducting the examination: Observation of color by eye 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)
ASW 8: (GN 11)	(TG Template: Chapter 4.2) – Uniformity assessment 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. (see document TC/43/12 "Report on the Conclusions", paragraph 25)
ASW 9	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." (see document TC/42/12 "Report", paragraph 103)
ASW 9	to review the wording: "Where appropriate, or in cases of doubt, stability may be tested, either by growing a further generation, or by testing a new [seed or plant] stock to ensure that it exhibits the same characteristics as those shown by the previous material supplied.", with a view to the possible deletion of ", either by growing a further generation, or" for some Test Guidelines, such as those covering synthetic varieties. In that respect, it is noted that the wording in ASW 9 is reproduced from the General Introduction, Chapter 7.3.1.2 (TC-EDC at its meeting on January 8, 2008)
ASW 16	(TG Template: Chapter 10: TQ 7.3) – Where a photograph of the variety is to be provided 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) (see document TGP/9/1 "Examining Distinctness" Draft 6, Section 2.4.2)
New 1.	Chapter 1 of the Test Guidelines: Subject of these Test Guidelines to seek to develop Additional Standard Wording (ASW) for the following situations: (i) where there are separate Test Guidelines for different types of variety within the same genus/species (TWF: document TWF/35/11, paragraph 55); (ii) for Test Guidelines for rootstock varieties which do not include flower or fruit characteristics (TWA: document TWA/33/16, paragraph 31); (iii) for Test Guidelines covering hybrids with species / genera which are covered by other Test Guidelines (TWF: document TWF/35/11, paragraph 40).

New 2.	Chapter 3.1 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". (TWA: see proposals concerning Test Guidelines for Ryegrass TG/4/8(proj.3))
New 3.	Chapter 8 to provide a standard definition of time of eating maturity . (TWF: document TWF/35/11, paragraph 54).
New 4.	Chapter 8 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 (see document TC/43/12 "Report on the Conclusions", paragraph 24(b))

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

GN 11	see ASW 8 comments
GN 19 (3)	Numbers requirement for numbers lower than 10 to be written and higher numbers to be indicated numerically to be deleted (Office)
GN 20	to consider whether the revision of Test Guidelines might not fully follow the guidance on the presentation of characteristics in document TGP/7 if that would involve substantial revision of databases of variety descriptions, which would not otherwise be necessary (see document TC/44/12, paragraph 26 (viii))
GN 20 (1)	Presentation of characteristics: States of expression according to type of expression of a characteristic 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)
GN 20 (3)	Quantitative characteristics: Explanation 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 (see TGP/9 "Examining Distinctness")

GN 20 (3)	Quantitative characteristics to provide guidance on the use of a scale with more than 9 notes (TWA: document TWA/33/16, paragraph 67).
GN 20 (3)	3.5 "Condensed" range 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" (TC-EDC: January 2006)
GN 28	to discuss the inclusion of example varieties in Test Guidelines (see document TWA/36/10 "Report", paragraph 50)
GN 29	to consider the possibility of introducing a table of trade names associated with the denominations of the example varieties (see document TWO/40/10 "Report", paragraph 58)
New	TG Template: Chapter 10: TQ 7 – TQ / Non-asterisked characteristics With regard to Technical Questionnaire characteristics (e.g. some disease resistance 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. (see document TC/43/12 "Report on the Conclusions", paragraph 23)

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

PROPOSED REVISION TO TGP/7/1:
SECTION 1.2 "INDIVIDUAL AUTHORITIES' TEST GUIDELINES"

1.2 Individual Authorities' Test Guidelines

1.2.1 Individual Authorities' Test Guidelines based on UPOV Test Guidelines

1.2.1.1 As explained in Section 1.1, the General Introduction states that "Where UPOV has established specific Test Guidelines for a particular species, or other group(s) of varieties, these represent an agreed and harmonized approach for the examination of new varieties and, in conjunction with the basic principles contained in the General Introduction, should form the basis of the DUS test.". Thus, it is intended that the Test Guidelines can be used by individual authorities, with appropriate administrative changes, as the basis of the DUS test. However, it may be appropriate to modify certain aspects of the Test Guidelines for use by an individual authority. For example:

(a) Selection of characteristics

1.2.1.2 The General Introduction (Chapter 4.8; Table) explains that asterisked characteristics "are important for the international harmonization of variety descriptions" and "should always be examined for DUS and included in the variety description by all members of the Union except when the state of expression of a preceding characteristic or regional environmental conditions render this inappropriate.".

1.2.1.3 Standard Test Guidelines characteristics are "characteristics that are accepted by UPOV for examination of DUS and from which members of the Union can select those suitable for their particular circumstances", i.e. members of the Union may choose not to include all characteristics in the Test Guidelines in their own authority test guidelines. In that respect, it is explained that "where there is a long list of [standard Test Guidelines] characteristics and, where considered appropriate, there may be an indication of the extent of use of each characteristic"."

1.2.1.4 In some cases, it may be appropriate for individual authorities' test guidelines to contain characteristics ("additional characteristics") which are not included in the Test Guidelines. The General Introduction (Chapter 4.8; Table) explains that "additional characteristics" are "characteristics, not included in the Test Guidelines, that have been used by members of the Union in the examination of DUS and which should be considered for inclusion in future Test Guidelines.". Additional characteristics must satisfy the criteria for use of any characteristic for DUS as set out in the General Introduction, Chapter 4.2 and must have been used to establish DUS in at least one member of the Union. Such characteristics should be submitted to UPOV for inclusion in document TGP/5, Section 10 "Notification of Additional Characteristics"

(b) Example Varieties

1.2.1.5 Annex 3 to this document: GN 28(1), explains that one of the reasons why example varieties are included in Test Guidelines is to provide the basis for ascribing the appropriate state of expression to each variety and, thereby, to develop internationally harmonized variety descriptions. Therefore, where example varieties are provided in the Test

Guidelines, it is intended that they be used as the basis for ascribing the appropriate state of expression to each variety. That can be achieved by using the same example varieties in the individual authorities' test guidelines or, where appropriate, by using other example varieties which have the same state of expression for the characteristic concerned but which may be more readily available in the territory for which the individual authorities' test guidelines apply.

1.2.1.6 Test Guidelines need to cover all the different countries, regions and environments where the DUS examinations are conducted and, as far as possible, they provide universal sets of example varieties in order maximize harmonization of variety descriptions. However, the regional adaptation of varieties in some genera and species may mean that it is inappropriate to seek to harmonize variety descriptions on a global basis and, therefore, inappropriate to seek to develop a universal set of example varieties. In such cases, the Test Guidelines may have regional sets of example varieties (see GN 30(4)). In such cases, the appropriate regional set of example varieties should be used as the basis for the individual authorities' test guidelines.

1.2.1.7 The difficulties in developing a universal set of example varieties for all characteristics in the Test Guidelines may mean that example varieties are not provided for all characteristics in the Test Guidelines. Annex 3 to this document: GN 30(3), explains that example varieties are not necessary for all characteristics. However, if a characteristic is influenced by the year or environment (most quantitative and pseudo-qualitative characteristics), or if example varieties are necessary for illustration of the characteristic, example varieties should be developed for individual authorities' test guidelines, irrespective of whether example varieties are provided in the Test Guidelines. The example varieties in individual authorities' test guidelines will help to ensure that the variety descriptions produced in the territory concerned are harmonized as far as possible over time and local environmental variation, even though such harmonization may not be possible at the international level.

1.2.2 Individual Authorities' Test Guidelines in the absence of UPOV Test Guidelines

1.2.2.1 The General Introduction also states that "Where UPOV has not established individual Test Guidelines relevant to the variety to be examined, the examination should be carried out in accordance with the principles in this document and, in particular, the recommendations contained in Chapter 9, Conduct of DUS Testing in the Absence of Test Guidelines. In particular, the recommendations in Chapter 9 are based on the approach whereby, in the absence of Test Guidelines, the DUS examiner proceeds in the same general way as if developing new Test Guidelines." Thus, in the absence of Test Guidelines, this document is also aimed at the drafters of individual authorities' test guidelines.

1.2.2.2 As a first step, the GENIE database *(URL address will be inserted)*, or document TGP/5 "Experience and Cooperation in DUS testing": Section 9: List of Species in Which Practical Knowledge has Been Acquired or for Which National Test Guidelines Have Been Established (TGP/5/1 Section 9), can be used to identify members of the Union which have practical experience of DUS testing for the species concerned. In some cases, those members of the Union may already have prepared individual authorities' test guidelines which can be used as a basis, thereby also helping to ensure international harmonization in DUS testing where Test Guidelines have not been developed.

1.2.2.3 In the case of authorities which require assistance in the development of individual authorities' test guidelines in the absence of Test Guidelines, the Office of the Union can identify experienced UPOV DUS experts who will be able to provide assistance in that process.

1.2.2.4 Once an authority has acquired experience in testing a particular species, it should communicate this to the Office of the Union for updating of the GENIE database *(URL address will be inserted)* and document. Where considered appropriate, according to the factors for prioritizing the commissioning of Test Guidelines set out in TGP/7 "Development of Test Guidelines", Section 2, proposals may be made for the development of Test Guidelines.

[Annex III follows]

ANNEX III

					2007				2008							2009				
Ref.	**Title of document**	**Current approved* documents**	**Drafter (TWP)**	**Drafter (Name)**	**TC-EDC**	**TC**	**TWPs**	**CAJ**	**TC-EDC**	**TC/44**	**CAJ/57**	**Council (Extr.)/25**	**TWPs**	**CAJ/58**	**Council / 42**	**TC-EDC**	**TC**	**CAJ**	**TWPs**	**Council**
TGP/0	**List of TGP Documents and Latest Issue Dates**	**TGP/0/1 ADOPTED**																		
TGP/1	**General Introduction with Explanations**	-	Office		---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---
TGP/2	**List of Test Guidelines Adopted by UPOV**	**TGP/2/1 ADOPTED**																		
TGP/3	**Varieties of Common Knowledge**	C(Extr.)/19/2 Rev.	CAJ																	
TGP/4	**Constitution and Maintenance of Variety Collections**				**draft 8**	**draft 9 / Approved**	---	**draft 9 / Approved**	**TC-EDC/ Jan08/2**	**TC/44/5**	**CAJ/57/2**	**draft 10 / Adoption**								
TGP/5	**Experience and Cooperation in DUS Testing**																			
	Section: Introduction								draft 1	draft 2 / approve	draft 2 / approve	---	---	---	draft 3 / Adopt					
	Section 1: Model Administrative Agreement for International Cooperation in the Testing of Varieties	Section 1/1 Adopted				Section 1/2 draft 1	Section 1/2 draft 2	Section 1/2 draft 3	Section 1/2 draft 4	Section 1/2 draft 5 / approve	Section 1/2 draft 5 / approve	---	---	---	Section 1/2 draft 6 / Adopt					
	Section 2: UPOV Model Form for the Application for Plant Breeders' Rights	Section 2/1 Adopted				Section 2/2 draft 1	Section 2/2 draft 2	Section 2/2 draft 3	Section 2/2 draft 4	Section 2/2 draft 5 / approve	Section 2/2 draft 5 / approve	---	---	---	Section 2/2 draft 6 / Adopt					
	Section 3: Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights	Section 3/1 Adopted																		
	Section 4: UPOV Model Form for the Designation of the Sample of the Variety	Section 4/1 Adopted				Section 4/2 draft 1	Section 4/2 draft 2	Section 4/2 draft 3	Section 4/2 draft 4	Section 4/2 draft 5 / approve	Section 4/2 draft 5 / approve	---	---	---	Section 4/2 draft 6 / Adopt					
	Section 5: UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	Section 5/1 Adopted				Section 5/2 draft 1	Section 5/2 draft 2	Section 5/2 draft 3	Section 5/2 draft 4	Section 5/2 draft 5 / approve	Section 5/2 draft 5 / approve	---	---	---	Section 5/2 draft 6 / Adopt					
	Section 6: UPOV Report on Technical Examination and UPOV Variety Description	Section 6/1 Adopted				Section 6/2 draft 1	Section 6/2 draft 2	Section 6/2 draft 3	Section 6/2 draft 4	Section 6/2 draft 5 / approve	Section 6/2 draft 5 / approve	---	---	---	Section 6/2 draft 6 / Adopt					
	Section 7: UPOV Interim Report on Technical Examination	Section 7/1 Adopted				Section 7/2 draft 1	Section 7/2 draft 2	Section 7/2 draft 3	Section 7/2 draft 4	Section 7/2 draft 5 / approve	Section 7/2 draft 5 / approve	---	---	---	Section 7/2 draft 6 / Adopt					
	Section 8: Cooperation in Examination	Section 8/1 Adopted																		
	Section 9: List of Species in Which Practical Knowledge has Been Acquired or For Which National Test Guidelines Have Been Established	Section 9/1 Adopted																		
	Section 10: Notification of Additional Characteristics	Section 10/1 Adopted				Reviewed														
	Section 11: Examples of Policies and Contracts for Material Submitted by the Breeder					discuss	discuss	draft 1	draft 2	draft 3 / approve	draft 3 / approve	---	---	---	draft 3 / Adopt					
TGP/6	**Arrangements for DUS Testing**	**TGP/6/1 ADOPTED**																		
TGP/7	**Development of Test Guidelines**	**TGP/7/1 ADOPTED**											**revisions**	---	---	**revisions**	**revisions**	**revisions**	**revisions**	---
TGP/8	**Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability** *(Coordinator: Office / TWC Chairperson)*				**draft 5**	**draft 6**	**draft 7**		**draft 8**	**draft 9**	---	---	**draft 10**	---	---	**draft 11**	**draft 12**	**draft 12**	**draft 13**	---
TGP/9	**Examining Distinctness** *(Coordinator: Office)*				**draft 8**	**draft 9 / Approved**	---	**draft 9 / Approved**				**draft 10 / Adoption**								
TGP/10	**Examining Uniformity** *(Coordinator: Office)*	**TC/33/7; TC/34/5**			**draft 5**	**draft 6**	**draft 7**		**draft 8**	**draft 9 / approve**	---	---	---	**draft 10 / approve**	**draft 10 / Adopt**					
TGP/11	**Examining Stability** *(Coordinator: Office)*		TWV	Mr. Semon (OZ)	---	---	**draft 2**	---	**draft 3**	**draft 4**	---	---	**draft 5**	**draft 5**	---	**draft 6**	**draft 7**	**draft 7**	**draft 8**	---
TGP/12	**Special Characteristics** *(Coordinator: Office)*				---	**draft 1**	**draft 2**	---	**draft 3**	**draft 4**	---	---	**draft 5**	**draft 5**	---	**draft 6**	**draft 7 / approve**	**draft 7 / approve**	---	**draft 8 / Adopt**
draft 15 / Adopt	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**	**draft 15 / Adopt**
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[End of Annex III and of document]