UPOV

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

TECHNICAL WORKING PARTY ON AUTOMATION AND COMPUTER PROGRAMS

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REVISION OF
DOCUMENT TGP/5 "EXPERIENCE AND COOPERATION IN DUS TESTING":
SECTION 10 "NOTIFICATION OF ADDITIONAL CHARACTERISTICS"

Document prepared by the Office of the Union

1.   The consideration of a revision of document TGP/5, Section 10/1 "Notification of Additional Characteristics" is in response to: (i) the need to notify amendments to states of expression of characteristics in Test Guidelines; and (ii) the procedure for publishing TGP/5, Section 10 information on the UPOV website.

(i)   Notifying amendments to states of expression of characteristics in Test Guidelines

2.   Document TGP/5, Section 10/1 "Notification of Additional Characteristics", states as follows:

"1.   The General Introduction states in section 4.2.3 that "The characteristics included in the individual Test Guidelines are not necessarily exhaustive and may be expanded with additional characteristics if that proves to be useful and the characteristics meet the conditions set out [in section 4.2.1]". It further clarifies in section 4.8, "Functional Categorization of Characteristics" that the function of additional characteristics is

"1.   To identify new 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"; and

"2.   To facilitate harmonization in the development and use of new characteristics and provide opportunity for expert review."

2.   Document TGP/7 "Development of Test Guidelines" GN 27 "Handling a long list of characteristics in the Table of Characteristics" states that " … in some circumstances the TWP may consider that it is unhelpful to include [in the Test Guidelines] all those characteristics which fulfill the criteria for inclusion and, if there is a full consensus amongst all interested experts, may agree to omit certain characteristics. Such omitted characteristics would then be included in document TGP/5, Experience and Cooperation in DUS Testing, in the section on "Notification of Additional Characteristics".
[…]

"4.   The following table has been developed for the notification of additional characteristics. Additional characteristics notified to the Office of the Union will be presented   on   the   password-restricted   area   of   the   UPOV   website (*http//www.upov.int/restrict/en/index_drafters_kit.htm*)."

3.   At its forty-sixth session, held in Geneva from March 22 to 24, 2010, the Technical Committee (TC)   agreed   that,   subject   to   agreement   by   the   CAJ, document TGP/7/2 Draft 5, as amended by the TC at its forty-sixth session, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010 (see document TC/46/15 "Report on the conclusions", paragraph 29). Document TGP/7/2 Draft 5 reads as follows:

"(e)   Modification of Test Guidelines characteristics

"4.1.9   It may become necessary for a characteristic in an individual authorities' test guidelines to be changed over time, e.g. to create new states of expression arising from breeding developments. Such changes would mean that the characteristic in the individual authorities' test guidelines would become different from that in the Test Guidelines. In order to retain internationally harmonized variety descriptions, in particular for asterisked characteristics, such changes should be reported at the relevant Technical Working Party and/or submitted to UPOV for inclusion in document TGP/5, Section 10 "Notification of Additional Characteristics". In the interim, members of the Union may indicate in DUS reports that the characteristic in the individual authorities' test guidelines has some differences to the characteristic in the Test Guidelines, pending consideration of a revision of the Test Guidelines by the Technical Committee."

4.   The adoption of document TGP/7/2, with its reference to the reporting of modifications to characteristics in the Test Guidelines by means of document TGP/5, would require a corresponding revision of document TGP/5, Section 10/1.

(ii)   Procedure for publishing document TGP/5, Section 10 information on the UPOV website

5.   Document TGP/5, Section 10/1 "Notification of Additional Characteristics", paragraph 4 states that "Additional characteristics notified to the Office of the Union will be presented   on   the   password-restricted   area   of   the   UPOV   website (*http://www.upov.int/restrict/en/index_drafters_kit.htm*)".

6.   The Technical Working Party for Ornamental Plants and Forest Trees (TWO), at its forty-second session, held in Angers, France, from September 14 to 18, 2009, agreed that that new characteristics and new states of expression notified by means of document TGP/5, Section 10 "Notification of Additional Characteristics", should be presented for consideration at the session of the relevant Technical Working Party(ies) (TWP(s)) (see document TWO/42/18 "Report", paragraph 31). The Technical Working Party for Fruit Crops (TWF), at its fortieth session, held in Angers, France, from September 21 to 25, 2009, agreed with that TWO proposal (see document TWF/40/17 "Report", paragraph 34).

7.   At its forty-sixth session, the TC noted that the proposal in document TGP/7/2 Draft 5 for the reporting of modifications to characteristics in the Test Guidelines by means of document TGP/5 would require a corresponding revision of document TGP/5, Section 10/1. It further noted that the TC, in document TC/46/2, paragraphs 22 to 24, was invited to consider whether new characteristics and new states of expression notified by means of document TGP/5, Section 10 "Notification of Additional Characteristics", should be presented for consideration at the session of the relevant TWP(s) and the TC before they are presented on the password-restricted area of the UPOV website.

8.   The TC agreed that the TWPs should be invited to consider those proposals at their sessions in 2010, on the basis of a draft text to be prepared by the Office of the Union, with a view to a revision of document TGP/5, Section 10/1 being considered by the TC and CAJ in 2011, for proposal to the Council in October 2011 (see document TC/46/15 "Report on the conclusions", paragraph 34).

9.   With regard to additional characteristics, the Office of the Union has been notified by an expert from France of an additional characteristic for "Content of vicine/convicine", in relation to the Test Guidelines for Field Bean (document TG/8/6), a copy of which is provided as the Annex to this document. On the basis of the proposals by the TWO and TWF, the Office of the Union has not yet posted that additional characteristic on the password-restricted area of the UPOV website.

10.   At its thirty-ninth session, held in Osijek, Croatia, from May 24 to 28, 2010, the Technical Working Party for Agricultural Crops (TWA) considered document TWA/39/10 (see document TWA/39/27 "Report", paragraphs 36 and 37).

11.   The TWA agreed the following with regard to the proposals concerning a revision of document TGP/5 Section 10 "Notification of Additional Characteristics":

| (i) | proposals for additional characteristics and states of expression notified to the Office of the Union by means of document TGP/5 Section 10, should be presented to the relevant Technical Working Party(ies) (TWP(s)) at the earliest opportunity. The characteristics would then, as appropriate, be posted on the password-restricted area of the UPOV website (*http://www.upov.int/restrict/en/index_drafters_kit.htm*) on the basis of comments made by the relevant TWP(s). In that regard, the TWA noted that, for example, it might not be useful to publish such characteristics or states of expression if the knowledge of such developments led to a revision or a partial revision of the Test Guidelines concerned. In proposing that approach, the TWA considered that consideration of additional characteristics and states of expression by the TWPs was an important means of informing members of the |

	Union of relevant developments and, therefore, in facilitating harmonization.
(ii)	document TGP/5 Section 10 should be revised to clarify that the notification of characteristics in document TGP/5 Section 10 was not necessary before a characteristic could be used by a member of the Union.

12.   With regard to the additional characteristic "Content of vicine/convicine" for the Test Guidelines for Field Bean (document TG/8/6), as set out in document TWA/39/10 Annex, the TWA agreed that the type of expression and notes should not be included. It agreed that two states (low and high) should be indicated with a range of values indicated for France, with a clear discontinuity between the two states. It noted that a revised version of the table would be provided to the Office of the Union for posting on the password-restricted area of the UPOV website (*http://www.upov.int/restrict/en/index_drafters_kit.htm*).

[Annex follows]

ANNEX

Test Guidelines for Field Bean : TG/8/6
Additional Characteristic

Submitting Authority: GEVES FRANCE

Date: 20/11/2009

Contact Expert: Name: Laetitia DENECHEAU

Organization: GEVES

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	English	français	deutsch	español	Example Varieties[*]/ Exemples[*]/ Beispielssorten[*]/ Variedades ejemplo[*]	Note/ Nota
Type of expression of the characteristic	**Content of vicine/convicine**	**Teneur en vicine/convicine**				
PQ					Mandoline	1
(+)					Mireille	9

Explanation / Illustration:
-The chemical method is the liquid chromatography (HPLC)
-The analyze are done on a seeds sample of 150 gram (around 400 seeds)
(+) note1 = the content is less or equal to 0.15% of dry material. This value is the mean between the sample of reference seeds given by the breeder and the sample of harvested seeds in our official trials. Note 9 = the content is superior to 0.15% of dry material.

[End of Annex and of document]

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[*] Must be provided for at least two states