

**Technical Working Party on Automation and Computer Programs**

**TWC/39/4**

**Thirty-Ninth Session**

**Alexandria, United States of America, September 20 to 22, 2021**

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**COMMENTS ON GUIDANCE AND INFORMATION MATERIALS**

*Document prepared by the Office of the Union*

*Disclaimer: this document does not represent UPOV policies or guidance*

1. The purpose of this document is to report the comments on guidance and information materials made by the Technical Working Party for Vegetables (TWV)<sup>1</sup>, the Technical Working Party for Ornamental Crops and Forest Trees (TWO)<sup>2</sup>, the Technical Working Party for Agricultural Crops (TWA)<sup>3</sup> and the Technical Working Party for Fruit Crops (TWF)<sup>4</sup>, at their sessions in 2021.

2. The structure of this document is as follows:

|   |   |
|---|---|
| DOCUMENTS FOR ADOPTION IN 2021 .....  | 2 |
| Review of document UPOV/INF/17 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (‘BMT Guidelines’)” .....                | 2 |
| Development of document UPOV/INF/23 “UPOV Code System” .....  | 2 |
| DOCUMENTS FOR ADOPTION AFTER 2021 .....   | 2 |
| (a) Information document .....  | 2 |
| Document UPOV/INF/16 “Exchangeable software” .....  | 2 |
| (b) TGP documents .....   | 2 |
| Revision of document TGP/5 “Experience and cooperation in DUS testing”, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description” ..... | 2 |
| Testing facility and location .....   | 2 |
| Additional information to be included in DUS test reports .....   | 3 |
| TGP/8 Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision) .....  | 3 |
| Data Processing for the Production of Variety Descriptions for Measured Quantitative Characteristics .....  | 3 |
| The Combined-Over-Years Uniformity Criterion (COYU) .....   | 4 |
| NEW PROPOSALS .....   | 5 |
| Document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention” .....   | 5 |
| Proposal to revise the denomination Class 201 .....   | 5 |
| Document UPOV/INF/23 “UPOV Code System” .....   | 5 |

3. The following abbreviations are used in this document:

- 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

<sup>1</sup> At its fifty-fifth session, hosted by Turkey and held via electronic means from May 3 to 7, 2021

<sup>2</sup> At its fifty-third session, hosted by the Netherlands and held via electronic means from June 7 to 11, 2021

<sup>3</sup> At its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

<sup>4</sup> At its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

DOCUMENTS FOR ADOPTION IN 2021

Review of document UPOV/INF/17 “Guidelines for DNA-Profiling: Molecular Marker Selection and Database Construction (‘BMT Guidelines’)”

4. The TWV, TWO, TWA and TWF agreed with the revision of document UPOV/INF/17/1 on the basis of document UPOV/INF/17/2 Draft 5 and document TWP/5/7, Annex II (see documents TWV/55/16 “Report”, paragraph 50, TWO/53/10 “Report”, paragraph 58, TWA/50/9 “Report”, paragraph 87 and TWF/52/10 “Report”, paragraph 12).

Development of document UPOV/INF/23 “UPOV Code System”

5. The TWV, TWO, TWA and TWF, at their sessions in 2021, agreed with the proposal for amending the UPOV code system to provide information on variety types, groups and denomination class, as set out in document UPOV/INF/23/1 Draft 2 (see documents TWV/55/16 “Report”, paragraph 73, TWO/53/10 “Report”, paragraph 38, TWA/50/9 “Report”, paragraph 48 and TWF/52/10 “Report”, paragraph 47).

DOCUMENTS FOR ADOPTION AFTER 2021

(a) Information document

*Document UPOV/INF/16 “Exchangeable software”*

6. The Office of the Union received a proposal from China to include software “DUS Excel 2.0 - Data Analysis System for DUS Testing of Plant Varieties” in document UPOV/INF/16. A copy of the user manual is provided as Annex I to this document (in English only).

7. In accordance with the procedure in document UPOV/INF/16, the software “DUS Excel 2.0 - Data Analysis System for DUS Testing of Plant Varieties” will be presented for review by the TWC<sup>5</sup>, at its thirty-ninth session. The TWC will be invited to make a recommendation for consideration by the TC, at its fifty-seventh session, on whether to include the proposed software in document UPOV/INF/16. Comments from the TWC will be presented as an addendum to this document.

8. The TWA, at its fiftieth session<sup>6</sup>, received a presentation on “A Statistical Analysis Software: DUSCEL2.5” by an expert from China. A copy of the presentation is provided in document TWA/50/8 (see document TWA/50/9 “Report”, paragraph 13).

(b) TGP documents

Revision of document TGP/5 “Experience and cooperation in DUS testing”, Section 6 “UPOV Report on Technical Examination and UPOV Variety Description”

9. The TWV, TWO, TWA and TWF considered document TWP/5/14.

*Testing facility and location*

10. The TWV, TWO, TWA and TWF agreed with the proposal to amend document TGP/5 Section 6, chapters “UPOV Report on Technical Examination” and “UPOV Variety Description”, as follows (see documents TWV/55/16 “Report”, paragraph 19, TWO/53/10 “Report”, paragraph 19 and TWA/50/9 “Report”, paragraph 19, TWF/52/10 “Report”, paragraph 29):

Chapter: UPOV Report on Technical Examination

13. Testing station facility(ies) and place location(s)

[...]

16. Date and document number of UPOV Test Guidelines

<sup>5</sup> at its thirty-ninth session, hosted by the United States of America and organized by electronic means, from September 20 to 22, 2021.

<sup>6</sup> at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

**17. Date and/or document number of Reporting Authority's test guidelines**

Chapter: UPOV Variety Description

Item 11 to read "Testing station facility(ies) and place location(s)"

11. The TWO agreed that the term "testing facility" could better describe the situation when the authority utilizes breeders' premises or other areas, in addition to officially run testing stations. The TWO agreed that the term "location" would not change the current requirement of providing the locality where examination was conducted.

12. The TWO noted the cross-references to "testing station" and "place" in document TGP/5 Section 6 and agreed to propose to update the document according to the new proposed wording ("Testing facility and location") in Chapter "UPOV Variety Description", items 16.2 and 18 (see document TWO/53/10 "Report", paragraphs 20 and 21).

*Additional information to be included in DUS test reports*

13. At their sessions in 2021, the TWV<sup>7</sup>, TWO<sup>8</sup>, TWA<sup>9</sup> and TWF<sup>10</sup> considered the proposal to revise document TGP/5, Section 6 "UPOV Report on Technical Examination and UPOV Variety Description" to include additional information in DUS test reports, and whether alternative approaches to provide the desired information might be appropriate (see documents TWV/55/16 "Report", paragraphs 18 to 20; TWO/53/10 "Report", paragraphs 14 to 16; TWA/50/9 "Report", paragraphs 18 to 20; and TWF/52/10 "Report", paragraphs 30 to 32).

14. The TWV, TWO, TWA and TWF agreed that the proposed additional information was not useful for individual DUS test reports and presented practical difficulties for reporting authorities.

15. The TWV agreed that the proposed additional information should be provided through other means, such dedicated information platforms and specified in cooperation agreements, where appropriate.

16. The TWO noted the comments from Australia and New Zealand that information on the most similar variety and differences from the candidate variety were important for utilizing existing DUS test reports. The TWO recalled that authorities were invited to provide this information in Item 16 of the "UPOV Variety Description".

17. The TWO and TWA agreed that authorities should communicate with regard to varieties for inclusion in trials before commissioning examination, or request further information for particular cases.

18. The TWF agreed that authorities providing DUS test reports should provide information on the most similar variety, as far as possible, in accordance with guidance in the UPOV variety description (document TGP/5 Section 6). The TWF agreed to invite the expert from New Zealand to make a presentation at its fifty-third session, on what should be required as information to enhance the use of existing DUS test reports.

**TGP/8 Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Revision)***Data Processing for the Production of Variety Descriptions for Measured Quantitative Characteristics*

19. At their sessions in 2021, the TWV<sup>11</sup>, TWO<sup>12</sup>, TWA<sup>13</sup> and TWF<sup>14</sup> considered document TWP/5/10 "Data processing for the production of variety descriptions for measured quantitative characteristics" (see documents TWV/55/16 "Report", paragraphs 21 to 24; TWO/53/10 "Report", paragraphs 25 to 28; TWA/50/9 "Report", paragraphs 21 to 24; and TWF/52/10 "Report", paragraphs 33 to 36).

<sup>7</sup> at its fifty-fifth session, hosted by Turkey and held via electronic means, from May 3 to 7, 2021

<sup>8</sup> at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021

<sup>9</sup> at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

<sup>10</sup> at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

<sup>11</sup> at its fifty-fifth session, hosted by Turkey and held via electronic means, from May 3 to 7, 2021

<sup>12</sup> at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021

<sup>13</sup> at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

<sup>14</sup> at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

20. The TWV, TWO, TWA and TWF noted that the TC had agreed to invite the TC Chairperson, in conjunction with the Office of the Union, to develop proposals on next steps for developing guidance, to be presented to the TWPs and the TC at their sessions in 2021 (see paragraphs 12 to 15 of this document).

21. The TWV, TWO, TWA and TWF agreed with the inclusion of the guidance on “Different forms that variety descriptions could take and the relevance of scale levels” in document TGP/8 Part I Section 2 “Data to be recorded” as new Section 2.5.

22. The TWV, TWO, TWA and TWF agreed to invite members of the Union to propose the inclusion of software incorporating their methods for converting observations into notes in document UPOV/INF/16 or document UPOV/INF/22, as appropriate, with a reference to the availability of such methods in document TGP/8 Part I, new Section 2.5.

#### *The Combined-Over-Years Uniformity Criterion (COYU)*

23. At their sessions in 2021, the TWV<sup>15</sup>, TWO<sup>16</sup>, TWA<sup>17</sup> and TWF<sup>18</sup> considered document TWP/5/11 “The Combined-Over-Years Uniformity Criterion (COYU)” (see documents TWV/55/16 “Report”, paragraphs 25 to 31; TWO/53/10 “Report”, paragraphs 29 to 33; TWA/50/9 “Report”, paragraphs 25 to 30; and TWF/52/10 “Report”, paragraphs 37 to 40).

24. The TWV, TWO, TWA and TWF considered the proposed revision of document TGP/8, Section 9 “The Combined-Over-Years Uniformity Criterion (COYU),” on the basis of the draft presented in the Annexes to document TWP/5/11.

25. The TWO and TWA noted the report from the United Kingdom made at the TWV, at its fifty-third session, that DUS Centers in that country would evaluate the COYU Splines software on a range of crops in 2021 and that the COYU Splines method was likely to be implemented from 2022.

26. The TWV agreed to invite the United Kingdom to make a presentation at its fifty-sixth session to report on the evaluation of COYU Splines for any vegetable crops. The TWA agreed to invite the expert from the United Kingdom at the TWA to make a presentation and report developments at its fifty-first session.

27. The TWV, TWO, TWA and TWF noted that evaluation versions of software for COYU Splines in both “R” and “DUSTNT” software would be released in 2021. The TWV, TWO, TWA and TWF noted the expression of interest by experts from China, Finland, France and the United Kingdom to review the COYU Splines software. The TWV, TWO, TWA and TWF noted the invitation for members to participate in a test campaign of the COYU Splines software in 2021.

28. The TWV, TWO, TWA and TWF noted the request by the TC for the TWC to prepare a report of the results of the test campaign of the COYU Splines software for consideration by the TC, at its fifty-seventh session, in conjunction with the revision of document TGP/8.

29. The TWA noted the report from an expert from France that the COYU Splines software was under evaluation in that country. The TWA agreed to invite the expert from France to make a presentation and report developments at its fifty-first session.

30. The TWO recalled that COYU was not commonly used for ornamental plants.

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<sup>15</sup> at its fifty-fifth session, hosted by Turkey and held via electronic means, from May 3 to 7, 2021

<sup>16</sup> at its fifty-third session, hosted by the Netherlands and held via electronic means, from June 7 to 11, 2021

<sup>17</sup> at its fiftieth session, hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021

<sup>18</sup> at its fifty-second session, hosted by China and held via electronic means, from July 12 to 16, 2021

NEW PROPOSALS

Document UPOV/INF/12 “Explanatory Notes on Variety Denominations under the UPOV Convention”

*Proposal to revise the denomination Class 201*

31. The Office of the Union was informed of the need to create UPOV codes for the genus *×Trititrigia* (TRITT) and certain *×Trititrigia* species. The genus *×Trititrigia* is the binomial hybrid for *Triticum × Elytrigia* in accordance with GRIN.

32. The TWA, at its fiftieth session, agreed to propose the revision of document UPOV/INF/12/5, Annex I (Part II: Classes encompassing more than one genus) to add the genus *×Trititrigia* in the variety denomination Class 201, as follows (see document TWA/50/9 “Report”, paragraph 36):

LIST OF CLASSES (Part II)

*Classes encompassing more than one genus*

|           | Botanical names                                  | UPOV codes                        |
|-----------|--|-----------------------------------|
| Class 201 | <i>Secale, Triticale, Triticum, ×Trititrigia</i> | SECAL; TRITL; TRITI; <u>TRITT</u> |

Document UPOV/INF/23 “UPOV Code System”

33. The TWA, at its fiftieth session<sup>19</sup>, agreed with the proposal for amending the UPOV code system to provide information on variety types, groups and denomination class, as set out in document UPOV/INF/23/1 Draft 2 (see TWA/50/9 “Report”, paragraphs 48 and 49).

34. The TWA proposed to consider a limit to the number of characters used in the appended element, to avoid unnecessarily long extensions.

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<sup>19</sup> hosted by the United Republic of Tanzania and held via electronic means, from June 21 to 25, 2021