



TWF/39/8

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

**TECHNICAL WORKING PARTY FOR FRUIT CROPS**

**Thirty-Ninth Session**  
**Lisbon, June 2 to 6, 2008**

**MATTERS RAISED BY CIOPORA**

*Document prepared by the Office of the Union*

1. The Office of the Union has been approached by the International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA) with regard to certain matters which it would like to raise under agenda item 3 “Short reports on developments in plant variety protection: (a) Reports from members and observers”. In order to facilitate a discussion on those matters at the thirty-ninth session of the Technical Working Party for Fruit Crops (TWF), the Chairman of the TWF has agreed that it would be helpful to present those matters in a document, to enable consideration by experts in advance of the session.

2. In a letter of May 8, 2008, CIOPORA explained the matters which it would like to discuss as follows:

(a) assessment of color evolution in the apple mutants

“Mutations of apple varieties very often appear on the over color, with differences in the intensity of the original color, or in the proportion of fruit surface covered, or in the early appearance of the coloration. This is a characteristic that can have a significant impact on the commercial development of a variety and that is of importance for the applicants. To date, the fruit color as a criteria of distinction and as defined in UPOV document TG/14/9 (Test-guideline for apples) is only assessed at full maturity, while full maturity is not a commercial stage as apples are harvested by the fruit growers earlier than full maturity for a proper commercialization. Consequently, the breeders / applicants consider that the evolution of the

coloration should be assessed at an earlier stage during the DUS and be considered as a full characteristic.”

(b) sanitary status of material

“CIOPORA supports the requirement that the plants supplied for DUS examination be visibly healthy, of good vigor and not affected by any important pest or diseases. In general this should be interpreted in the way that the plants should be free from the ‘quarantine diseases’ and from others that would be likely to affect the expression of the plant characteristics. In some UPOV members [...] much more than the ‘important pests and diseases’ are mentioned. This seems not to be in line with the UPOV Test Guidelines and imposes a huge burden on breeders who have to submit plant material.”

(c) duration of DUS examination for fruit varieties

“The DUS Test Guidelines provide for a minimum duration of the examination, i.e. generally two independent growing cycles. However, especially in fruit tree species the DUS examination often takes much longer, mainly because of the slow growing plants. This leads to high costs for the DUS examination and to the granting of the PBR titles only a long time after the variety has been successfully introduced into the market. As a result the breeder is not able to control the exploitation of his variety in this important period of the life-time of his variety. CIOPORA would like to discuss possible ways to limit the total cost of DUS tests and to speed up the granting of the PBR title. One way to save time could be to conduct the DUS examination at the premises of the breeders, examining trees that have been planted by the breeders prior to the application for Plant Breeders’ Rights. Such possibility is already mentioned in UPOV document TG 1/3, chapter 3.2 and further explained in UPOV document TGP/6.”

(d) cost of reference collections

“A significant part of the costs for DUS examination for fruit tree varieties results of the maintenance of the large living reference collections. While CIOPORA is not questioning the relevance of such reference collections, we are wondering if they could be managed in a more rational way in order to generate lower costs.”

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