

**Technical Working Party for Fruit Crops**

TWF/48/11

**Forty-Eighth Session****Kelowna, British Columbia, Canada, September 18 to 22, 2017****Original:** English**Date:** September 7, 2017

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**MINIMUM DISTANCE BETWEEN VARIETIES***Document prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***BACKGROUND**

1. The Technical Working Party for Fruit crops (TWF), at its forty-sixth session in 2015, held in Mpumalanga, South Africa, from August 24 to 28, 2015, agreed to discuss the item “Minimum distance between varieties” at its next session (see document TWF/46/29 Rev. “Revised Report”, paragraph 139).
2. The TWF, at its forty-seventh session in Angers, France, from November 14 to 18, 2016, noted the report by an expert from the European Union that it was too early to provide any results on the trial organized in relation to minimum distance between varieties (see document TWF/47/25 “Report”, paragraph 70).
3. The TWF requested the expert from the European Union to report on developments at its next session (see document TWF/47/25 “Report”, paragraph 70).
4. The Annex to this document contains a copy of a presentation “Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties” to be made by the European Union at the forty-eighth session of the Technical Working Party for Fruit Crops.

[Annex follows]



## Case study on minimum distances between vegetatively reproduced ornamental and fruit varieties

Presentation on behalf of CPVO by Kees van Ettehoven (Naktuinbouw)

### Foreword

- Objective of the project

Statement from CIOPORA

*the 'distance' between varieties is becoming too small and thus the Plant Breeders' Right is becoming weaker. The threshold for the distance between varieties should be raised. It is more urgent for some species compared to other.*

- Proposal for a project assessing the D of varieties only on important characteristics and less states of expression in certain characteristics
- The full set of current characteristics are used for description and U
- For apple, rose and pelargonium the last 50 granted rights at CPVO were re-examined by the examination offices



## Project partners

- Partners



## Foreword

- 'Mock protocols' designed and implemented
  - For the selection of reference varieties
  - For the re-assessment of distinctness between the candidate and the varieties grown in the (original) trial
  - For the re-assessment of distinctness between the candidate and the closest varieties identified in the (original) trial



## Conclusions

- The 'mock' protocols as drafted for this case study did not actually have the effect on the establishment of distinctness that CIOPORA anticipated.
- Some varieties visually obviously D not longer D on paper
- The application of the 'mock' protocols that were drafted only for this project makes it more difficult to exclude varieties of common knowledge from the growing trial on the basis of the data from the TQ and the supplied photograph. This would result in more varieties in the trials and thus make the test system more expensive.



## Reports by the participating Examination Offices on apple

	No of varieties checked	No longer distinct	No of char. in TG	No of char. deleted	No of char. with less notes	No of char. unchanged
DE	22	3				
CZ	8	0				
FR	26	3				
total	56	6	56	25	7	24



## Reports on Rose by the participating Examination Offices

Rose (DE and UK Garden Roses, NL Cut Roses)

	No of varieties checked	No longer distinct	Number of char. in TG	No of char. Unimportant for Distinctness	No of char. with fewer notes	No of char. unchanged
DE	16	2				
UK	7	3*				
<b>total</b>	23	5	51	20	13	18
NL	29	26*				

\* no longer distinct after first year of test, further study would be needed



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## Report on Pelargonium by the participating Examination Office

	No of varieties checked	No longer distinct	No of char. in TG	No of char. deleted	No of char. with fewer notes	No of char. unchanged
DE	50	2	60	16	3	41



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## Possible follow-up

- 1. The results of this case study will be presented in the UPOV Technical Working Party for Ornamental plants and Forest Trees (TWO) and for Fruit Crops (TWF).
- 2. Further discussion between CIOPORA, the relevant Examination offices and CPVO on the basis of living plants in order to improve mutual understanding. CIOPORA is invited to supply actual cases of varieties they consider not clearly distinct in order to clarify their position.
- 3. CIOPORA is invited to ensure stronger involvement by breeders in the discussions on the revision and drafting of Test Protocols and Guidelines.
- 4. Attention is needed for the (legal) model that characteristics used for the establishment of Uniformity (and Stability) can differ from those used for the establishment of Distinctness.



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Thank you for your attention



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