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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

**TECHNICAL WORKING PARTY
FOR
ORNAMENTAL PLANTS AND FOREST TREES**

**Thirty-Third Session
Budapest, June 26 to 30, 2000**

TESTING OF SEED RAISED ORNAMENTALS: MEETING WITH ASSINSEL,
JANUARY 2000

Document prepared by the Chairperson of the TWO

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1. Up until recently there were very few applications for Plant Breeders' Rights in Seed Raised Ornamentals, so breeders of such varieties were less familiar with the workings of the trials system. This apparently led to some misconceptions about how such varieties might be assessed for DUS, particularly the uniformity standards that would be applied.
2. Because more applications are now anticipated for Seed Raised Ornamentals, and also because UPOV is revising the General Introduction to DUS testing, ASSINSEL requested a meeting with a small group of TWO delegates for an exchange of information prior to the April UPOV Technical Committee.
3. The aim was to find out more about the breeders' concerns and explain the actual approach to the testing of Seed Raised Ornamentals; also to learn more about the breeding systems in use to ensure that principles laid down in the General Introduction are appropriate to ornamentals as well as to agricultural crops.
4. With the agreement of UPOV, the meeting was held at the premises of Fleuroselect in January 2000; the list of delegates is attached.
5. After M. Le Buanec opened the meeting, Mr. Christian Börries of Benary, Vice President of the ASSINSEL Vegetable and Ornamental Section, presented the concerns of the breeders:
 1. Breeders of Seed Raised Ornamentals are now wishing to protect their investment by applying for Plant Breeders' Rights on their new varieties. However, they feel they are faced with a practice in DUS testing which is more appropriate to vegetatively propagated plants, and where the requirements are too strong.
 2. Common practice in Seed Raised Ornamentals is to continue to reselect and improve the variety after launch, and this is not allowed for.
 3. The costs of protection are out of line with the possible profits: breeders need to protect an entire series of varieties and the system is too expensive.
6. It was agreed that item 3 was outside the remit of a technical meeting and could not be discussed.
7. For item 1 it was immediately clarified by the technical experts that all varieties have to be tested according to their method of breeding and propagation, so – provided that this information has been supplied by the applicant – Seed Raised Ornamentals would be tested appropriately and not according to the system for vegetatively propagated material.
8. No examiner had a great deal of experience in this area so far but that was because to date there had been very few applications (about 40 in Germany, 5 in the Netherlands, 2 in the UK and 50 to CPVO, all out of a total of thousands); as the number of applications increased, methods would be developed. The situation for self-pollinated varieties was quite clear but examiners had less experience of working with open pollinated varieties and complex hybrids. Methods would be developed as applications were actually received.

9. It will be very important for the applicants to supply full details of the breeding system and propagation method for their varieties, and for UPOV technical working parties to ensure that consistent methods and standards are developed and applied for different types.

10. For item 2, it was pointed out that clonal material is also subject to constant reselection but that there is a difference between selection for maintenance and selection to improve and change the variety. If the variety is moved too far from its original description it becomes a new variety and separate protection must be applied for – this is also the situation with clonally propagated material.

11. M. Le Buanec summarised that the meeting had been very useful in clarifying a number of issues and establishing channels of communication for the discussion of technical matters.

Miss Elizabeth M. Scott, Chairperson of the TWO

Attending:

Mr. C J Barendrecht, CPRO-DLO, NL
Mr. François Boulineau, GEVES, FR
Ms Andrea Menne, Bundessortenamt, DE
Miss Elizabeth Scott, NIAB, UK
Mr. Ton Kwakkenbos, CPVO

Mr. B. Le Buanec, ASSINSEL
Mr. Marcel Bartels, Fleuroselect
Ms Scynthia Brugman, Fleuroselect
Mr. Cees van Diepen, Kieft
Mr. Michael Summers, Floranova
Mr. Keith Sangster, Thompson and Morgan
Mr. Christian Börries, Benary
Mr. Ernst Benary, Benary

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