



TWO/42/16

ORIGINAL: English

DATE: August 20, 2009

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

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

Forty-Second Session
Angers, France, September 14 to 18, 2009

**GUIDANCE FOR APPLICANTS ON PROVIDING SUITABLE PHOTOGRAPHS
OF THE CANDIDATE VARIETY AS AN ACCOMPANIMENT
TO THE TECHNICAL QUESTIONNAIRE**

Document prepared by an expert of the European Community

Introduction

1. At its thirty-ninth session, held in Lisbon, Portugal, from June 2 to 6, 2008, the Technical Working Party for Fruit Crops (TWF) considered proposals for amendments to document TGP/7/1 “Development of Test Guidelines”, as set out in document TWF/39/3, Annex II. With regard to document TGP/7/1, Annex 2 “Additional Standard Wording (ASW) for the TG Template”, the TWF made the following proposal concerning ASW 16 (TG Template: Chapter 10: TQ 7.3) – “Where a photograph of the variety is to be provided”: the TWF proposed to add text indicating that guidance would be provided by the authority to enhance the usefulness of the photograph (e.g. to include a metric scale in the picture, to define what parts of the plant should be included; light conditions, background color, etc). The TWF agreed that the European Community, in collaboration with Australia, would prepare a draft text. At its forty-first session, held in Wageningen, Netherlands, from June 9 to 13, 2008 the Technical Working Party for Ornamental Plants and Forest Trees (TWO) agreed that the European Community, in collaboration with Australia and Canada, should prepare such a draft text.

2. The submission of photographs of a candidate variety together with the technical questionnaire is an obligation by many plant breeders’ rights (PBR) authorities in order to have a complete PBR application. The primary purpose of the photograph is to provide useful and discriminatory information of the candidate variety for the organization of the

DUS examination. Furthermore, the photograph might be published in the PBR authority's Official Journal to inform third parties of the details of new applications. The information provided by photographs, submitted by the breeder, may in particular be useful for ornamental and fruit species, but certain other agricultural and vegetable species might also benefit from having photographs in order to have an optimal DUS trial design. In essence, the photographs complement the information furnished in the technical questionnaire and provide visual information on how a variety may be distinct from similar varieties of common knowledge, thereby assisting in the determination of varieties of common knowledge to be included or excluded in the DUS trial.

3. The taking of photographs of candidate varieties is influenced by various factors, including light conditions, the background, the quality and resolution of the camera or the screen on which the photos are viewed. It is certainly not possible to standardize all conditions when photos are taken in the premises of breeders, but this paper aims to provide guidance in order to provide meaningful and coherent information on the candidate variety while reducing the influence of the origin of the photograph (location, equipment, etc.), thereby acting as a true and useful reflection of the candidate variety at the time of application and during the DUS trial. By reducing the influence of these external factors on the taking of photographs, it will help to ensure that "color", the most significant trait liable to be affected by an imprecise picture, will be reliably represented in photographs provided by applicants. It should be noted that, whilst a photograph may broadly depict color, reference to the relevant RHS Colour Chart in the text provides greater precision.

Criteria for taking photographs

- (a) Photographs must be in color and submitted either in print form of at least 10 cm x 15 cm., or as an electronic photo in jpeg format (minimum 960x1280 pixels, to allow a subsequent high quality print); however, it should be noted that different makes/models of computer screens can influence the expression of the color and the advantage of a printout is that the breeder can make a comment, e.g. actual color darker, and the examination office would see exactly the same printout. The photograph must be well focused and aim to have the plants or plant parts occupy as much of the frame of the photograph as possible.
- (b) Photographs must illustrate plants of the candidate variety at the stage when features of the variety are most apparent. Often this is when the plants are fully developed and at the stage when they are of commercial value (e.g. flowering for many ornamentals, fruiting for many fruit species), which usually corresponds to the main set of characteristics in the corresponding UPOV Test Guidelines for the species in question. The plants of the candidate variety appearing in the photographs should have been grown under standard growing conditions for the crop in question as may have been indicated in the Technical Questionnaire (e.g. indoor, outdoor, season of the year); if this is not the case, then any possible alteration in the expression of the characteristic(s) appearing in the photographs must be specified (e.g. seasonal conditions may influence the color and pattern of flowers in certain ornamental species).
- (c) Ideally, the photographs should be of those plant parts which are a distinguishing feature of the candidate variety, as well as those of the whole plant, the most important commercial organs (flower, fruit, etc.). If the distinguishing features of the candidate variety are very specific (e.g. seed size,

shape of leaf, length of awns, etc.), it is recommended to remove these parts from the plant and take a well-focused close-up photograph of them.

- (d) If the applicant wishes to illustrate differences between the candidate variety and the variety thought to be the most similar by the applicant as nominated by them under Section 6 of the Technical Questionnaire, it may be useful to provide photographs of the candidate variety alongside the aforesaid similar variety. In such photographs, the distinguishing plant parts of the candidate variety should be photographed alongside the same plant parts of the nominated similar variety. In order to have consistency in the display of such photographs for the use of the examination office, the candidate variety must always be on the left side of the photograph taken alongside the similar variety; special care must also be taken that both the candidate variety and the similar variety are correctly labeled. Where there is more than one similar variety named by the applicant, a separate photograph of the relevant plant parts of the candidate variety and each of those of the similar varieties should be provided.
- (e) To avoid any possible mix-up of photographs with other candidate varieties in the DUS trial, the candidate variety (and where pertinent the similar variety) appearing in a photograph must be clearly labeled with the breeder's reference and/or (proposed) variety denomination; trade names must not be used. A metric scale in centimeters – also millimeters where a close-up photograph has been taken – should appear along the horizontal and vertical margins of the photograph. If in ornamental species the photograph illustrates the color of the flower of the candidate variety, it is useful to display the relevant sheet of the RHS colour chart with the corresponding color alongside.
- (f) Photographs should be taken under adequate light conditions and with an appropriate background. It is preferable to have photographs taken indoors, since one can ensure homogenous photographic conditions irrespective of the type of photographs and number of candidate varieties supplied by the same applicant. The background of the photograph should be neutral (e.g. off-white in case of dark colors or grey in case of light colors) and not reflect light. If the photograph is taken indoors, then this should preferably be done in the same room and under artificial light conditions which will ensure identical and ample luminosity on repeated occasions over time. If a photograph has to be taken outdoors, then this should not be in direct sunlight but in a shaded area with as much indirect natural light as possible or on a cloudy day.

[End of document]