



TGP/6: Section 3/1

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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS
GENEVA

Associated Document
to the
General Introduction to the Examination
of Distinctness, Uniformity and Stability and the
Development of Harmonized Descriptions of New Varieties of Plants (document TG/1/3)

DOCUMENT TGP/6

“ARRANGEMENTS FOR DUS TESTING”

Section 3:

Declaration on the Conditions for the Examination

of a Variety Based Upon Trials Carried out

by or on Behalf of the Breeder

adopted by the Council on October 29, 1993
reproduced from document C/27/15, Annex II

C/27/15

ANNEX II

DECLARATION ON THE CONDITIONS FOR THE EXAMINATION
OF A VARIETY BASED UPON TRIALS CARRIED
OUT BY OR ON BEHALF OF THE BREEDER

The Council of the International Union for the Protection of New Varieties of Plants,

Pursuant to Article 21(h) of the 1978 Act of the International Convention for the Protection of New Varieties of Plants;

Considering Article 7(1) of the 1978 Act of the Convention, under which: “Protection shall be granted after examination of the variety in the light of the criteria defined in Article 6. Such examination shall be appropriate to each botanical genus or species”;

Considering Article 12 of the 1991 Act of the Convention, under which: “Any decision to grant a breeder’s right shall require an examination for compliance with the conditions under Articles 5 to 9. In the course of the examination, the authority may grow the variety or carry out other necessary tests, cause the growing of the variety or the carrying out of other necessary tests, or take into account the results of growing tests or other trials which have already been carried out. For the purposes of examination, the authority may require the breeder to furnish all the necessary information, documents or material”;

Recognizing that Article 7(1) of the 1978 Act and Article 12 of the 1991 Act permit but do not require the authority to base its examination upon growing and other necessary tests carried out by or on behalf of the breeder;

Declares that a system for the examination of applications based upon such tests carried out by or on behalf of the breeder and on the information submitted by him on the basis of those tests will be considered in keeping with the provisions of the Convention if:

1. The growing tests and other necessary tests are conducted according to guidelines established or accepted by the authority;
2. The testing arrangement is maintained--in order to permit the checking of data or the collecting of further data--until a decision has been made on the application or until the authority has informed the breeder that the arrangement is no longer necessary;
3. Access to the tests by persons properly authorized by the authority is provided;
4. The breeder, when requested to do so, deposits in a designated place, and within a time limit set by the authority, a sample of propagating material representing the variety.

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