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## INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

## TECHNICAL COMMITTEE

Twenty-fifth Session

Geneva, October 5 and 6, 1989

COOPERATION WITH APPLICANTS/BREEDERS IN GROWING TESTS  
AND IN THE DESCRIPTION OF VARIETIESDocument prepared by the Office of UPOV

1. During its last session in October 1988, the Technical Committee noted the report from Denmark on the preliminary results of a pilot project involving in the procedure of application for breeders' rights, growing tests of varieties and the preparation of variety descriptions by applicants/breeders themselves (see Annex II of document TWO/XXI/16).
2. The Technical Committee noted at the same time that other member States, which so far relied completely on official growing tests, are also considering the matter. In order to be able to cope with the increasing number of applications, they are studying or planning to study the possibility to let the applicant/breeder do the growing test and the description of the varieties himself, according to officially established Test Guidelines.
3. The Technical Committee decided to ask the member States to inform the Office of UPOV of their plans or studies in this respect. The collected information should then be presented to the Technical Working Parties during their coming sessions for their views, which should form the basis for further discussions by the Technical Committee during its next session.
4. At present, three groups can be distinguished with respect to the growing tests and the preparation of variety descriptions:
  - (i) Growing tests and variety descriptions are done exclusively by the applicants/breeders (e.g. USA),
  - (ii) For some species, growing tests and variety descriptions are done by the applicant/breeder, while for others they are done by the competent authorities (e.g. New Zealand), and

(iii) Growing tests and variety descriptions are done exclusively by the competent authorities.

5. At present, most of the member States belong to the third group and require exclusively official growing tests and official variety descriptions. In this group the following subgroups can be distinguished:

(a) member States who study the above subject and have already pilot projects going on (e.g. Denmark).

(b) member States who plan to study the possibility of the applicant/breeder doing the growing tests and the variety description for some selected species.

(c) member States who study the possibility to speed up official growing tests and official description of varieties by asking the applicant/breeder to supply a predetermined detailed description of the variety. Distinction will still be based on official growing tests but one vegetation may be sufficient if the official, recorded observations agree with the description supplied by the applicant/breeder.

(d) member States who have no plans in this direction and even have reservations as to whether growing tests and variety descriptions prepared by the applicant/breeder could be regarded as official. Such member States would put more emphasis on greater cooperation in the testing with competent authorities of other member States on the basis of extended bilateral agreements.

(e) member States who, for certain species, use the facilities, space and/or reference collections of the applicant/breeder for the growing of the candidate variety together with other reference varieties, but have the observations made by officials of the competent authorities (e.g. in The Netherlands for some ornamental species).

6. A summary of the answers received to Circular U 1381 of December 15, 1988, is reproduced in the Annex to this document. Unfortunately only a few member States replied to the circular. Similar information as contained in this document, which reaches the Office of UPOV before the sessions of the Technical Working Parties will be included in a revised summary or addendum to this document.

[Annex follows]

## ANNEX

COOPERATION WITH APPLICANTS/BREEDERS  
IN GROWING TESTS AND IN THE ESTABLISHMENT OF VARIETY DESCRIPTIONS  
(Information received in answer to Circular U 1381)

Growing tests and descriptions done:	AU	BE	CH	DE	DK	ES	FR	GB	HU	IE	IL	IT	JP	NL	NZ	SE	US	ZA
Exclusively by applicant/breeder	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
For some species by applicant/breeder*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	X	-	-	-
Exclusively by authorities	-	-	-	X	-	-	-	X	-	-	-	-	-	X	-	X	-	-
Applicant/breeder's pilot tests in progress*	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-	-	-	-
Applicant/breeder's pilot tests planned* (yes/no)	-	-	-	NO	-	-	-	NO	-	-	-	-	-	NO	-	NO	-	-
Applicant/breeder's growing tests + detailed descriptions may reduce official growing tests to one vegetation*	-	-	-	-	-	-	X	-	-	-	-	-	-	-	-	-	-	-
Applicant/breeder supplies facilities + growing space*, authorities do observations	-	-	-	X	-	-	-	-	-	-	-	-	-	X	X	-	-	-

\* species indicated on following pages

Abbreviations of the names of States  
Abréviations des noms des Etats  
Abkürzungen der Namen der Staaten

AU	Australia	Australie	Australien
BE	Belgium	Belgique	Belgien
CH	Switzerland	Suisse	Schweiz
DE	Germany (Federal Republic of)	Allemagne (République fédérale d')	Deutschland (Bundesrepublik)
DK	Denmark	Danemark	Dänemark
ES	Spain	Espagne	Spanien
FR	France	France	Frankreich
GB	United Kingdom	Royaume-Uni	Vereinigtes Königreich
HU	Hungary	Hongrie	Ungarn
IE	Ireland	Irlande	Irland
IL	Israel	Israël	Israel
IT	Italy	Italie	Italien
JP	Japan	Japon	Japan
NL	Netherlands	Pays-Bas	Niederlande
NZ	New Zealand	Nouvelle-Zélande	Neuseeland
SE	Sweden	Suède	Schweden
US	United States of America	Etats-Unis d'Amérique	Vereinigte Staaten von Amerika
ZA	South Africa	Afrique du Sud	Südafrika

SPECIES FOR WHICH GROWING TESTS AND/OR VARIETY DESCRIPTIONS  
ARE DONE OR PLANNED TO BE DONE BY THE APPLICANT/BREEDER

1. Species for which applicant/breeder's tests and variety descriptions are required or accepted:

NZ: arable crops, pasture plants, vegetables

2. Species for which pilot projects are underway:

DK: Schlumbergera

3. Species for which pilot projects are planned:

-

4. Species for which breeders' growing tests and detailed descriptions may reduce official growing tests to one vegetation

FR: maize inbred lines

5. Species for which the applicant/breeder's facilities and growing space are used, but the observations done by the competent authorities

DE: certain species with few applications

NL: Bouvardia, Schefflera, Euonymus, Mahonia (growing of reference varieties only)

NZ: ornamentals (except roses + carnations), fruit species

6. Species for which collections available in other institutes are used for observations

DE: certain species with few applications

REASONS AND CONDITIONS FOR ACCEPTANCE OR NON-ACCEPTANCE  
OF GROWING TESTS AND VARIETY DESCRIPTIONS DONE BY THE APPLICANT/BREEDER

1. Reasons for acceptance of applicant/breeder's growing tests

NZ - Rather slow growth of the Plant Variety Rights scheme and slow increase of species for which protection is eligible, while breeders wish a quick expansion of the scheme;

- Central official testing facilities rather costly;

- The purchase of overseas variety descriptions is often technically unacceptable, because of

. climatic differences which make that overseas variety descriptions differ greatly from home-grown variety descriptions, and

. the fact that local varieties of many species (e.g. wheat, roses), which are in commercial use in New Zealand only, have not been taken into account by Plant Variety Rights authorities in other member States when assessing distinctness.

2. Reasons for non-acceptance of applicant/breeder's growing tests

SE - Study visits by the breeder to trials of the authority, and vice versa, are considered sufficient informal cooperation.

GB - Reservations as to whether such testing could be regarded as "official";

- The solution is seen in a greater cooperation between member States and the extension of bilateral agreements.

NZ: For ornamental + fruit species:

- the breeder is normally self-employed (small business) and without suitable scientific training to fulfil the conditions for acceptance (see below);

- for roses the British system could be copied;

- for carnations, alstroemeria and some glasshouse plants reports could be bought from The Netherlands;

- other ornamentals are normally observed by the authorities in the applicant's premises (especially useful for trees and shrubs as it avoids waiting time for a suitable stage of maturity).

3. Conditions for acceptance of applicant/breeder's growing testsa) on the side of the applicant/breeder:

- NZ - availability of persons with a suitable scientific training, appropriate resources of land and equipment;
- the number of applications per annum and of applicants per species should not be too large;
  - no great difficulties in testing of the species should be anticipated.

b) on the side of the competent authorities

- NZ - detailed "Directions" to be supplied with each application form;
- detailed explanations to be supplied with each description form;
  - close contacts to be kept with applicant/breeder and applicant/breeder to be encouraged to contact the authorities before starting tests;
  - periodic training courses to be conducted for applicants/breeders.

4. Problems encountered in growing tests and variety descriptions done by the applicant/breeder

- NZ - difficulties in describing characteristic or state of expression;
- omission of important comparison varieties;
  - difficulties in meeting deadlines for the supplying of information and material.

[End of Annex and of document]