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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

PROPOSALS FOR CHANGES IN THE UPOV MODEL FORMS

FOR A REPORT ON TECHNICAL EXAMINATION,
FOR AN INTERIM REPORT ON THE EXAMINATION OF A VARIETY,
AND FOR A REQUEST FOR EXAMINATION RESULTS

Document prepared by the Office of the Union

1. During its last session the Technical Committee had preliminary discussions on the revision of the above models as reproduced in document TC/XXIV/4.
2. The Technical Committee noted the preliminary remarks made and reproduced in document TC/XXIV/6, paragraphs 72 to 74. It agreed at the same time, that the experts should send their comments on document TC/XXIV/4 to the Office of UPOV. The collected comments should then be presented to the Technical Working Parties during their coming sessions for further discussion, which should form the basis of further discussions by the Technical Committee during its next session. In answer to circular U 1382, the Office of UPOV received comments from the following member States: DE = Federal Republic of Germany, DK = Denmark, FR = France, GB = United Kingdom, SE = Sweden. For completeness sake the Office of UPOV has included also the comments made by some experts during the last session of the Technical Committee; they are identified as "[last TC]".
3. The following general comments were made:
 - i) The present Model for a Report on Technical Examination does not need to be revised. [SE]

ii) For identification and reference the essential elements to appear are: species, denomination and/or breeder's reference, application or other reference number in requesting country for "reply" forms (reports and answer to requests), name of applicant in requesting country. [SE]

iii) The content of the different forms should be as uniform as possible from one form to the other, even if this would lead to one form containing a line which in that form would be less important or even left blank in the column for the answers. [last TC]

iv) The title of the form should be placed at the top of the sheet for self-explanatory reasons. [SE]

v) If possible, the form should be only one side of A4 paper to help with computer usage and facing. [GB]

vi) Whenever possible, each form should be on one page only. [SE]

vii) The lay-out should not only be adapted to computerized offices, but also allow traditional handling. [SE]

viii) There should be clearer numbering of the various sections to facilitate reference. [GB]

4. The individual comments to the different forms are reproduced in Annexes I, II and III to this document. Each uneven page contains the proposal as reproduced in document TC/XXIV/4 and each even page lists the comments with respect to those items made either during the last session of the Technical Committee or in reply to circular U 1381. For ease of reference, the items to which comments have been made are marked with continuous numbers. To facilitate reading, the Annexes always start on the back of their first page. Annexes IV, V and VI contain the three above-mentioned Model Forms in their current versions for the convenience of the reader.

ANNEX I

Reference of testing authority 1)
 Breeder's reference 2)
 Requesting Authority 3)
 Reference of Requesting Authority 4)
 Application number 5)
 Date of application in Requesting State
 Applicant (name and address)
 Agent (name and address) 6)

UPOV REPORT ON TECHNICAL EXAMINATION

Botanical name of taxon
 Common name of taxon
 Variety denomination
 Breeder (name and address) 7)
 Testing authority
 Testing place 8)
 Period of testing 19.. to 19.....
 Date and place of issue of document

RESULTS OF THE TECHNICAL EXAMINATION 9)

- (a) Report on Distinctness:
- (b) Report on Homogeneity:
- (c) Report on Stability:

CONCLUSION 10)

Conclusion of the reporting authority on the basis of the results of the technical examination:

- (a) The variety
 - is clearly distinguishable from any other variety []
 - is not clearly distinguishable from all varieties []
 whose existence is known to us.
- (b) The variety
 - is sufficiently homogeneous, []
 - is not sufficiently homogeneous, []

having regard to the particular features of its
 sexual reproduction or vegetative propagation
- (c) The variety
 - is stable, []
 - is not stable, []

in its essential characteristics.

In the case of a positive conclusion, a description of the variety is given as annex to this report.

Signature

Comments to page 1

- 1 amend to read "Reference of reporting authority" [last TC, DK, FR, GB]
- 1, 2, 3, 4 amend order of items to 3, 2, 4, 1 [FR]
- 5 i) delete [last TC, DE, FR, GB]
- ii) keep [DK]
- 6 delete [DE]
- 7 amend to read "Original breeder (name and address)" [DE]
- 8 i) amend to read "Testing station(s) and place(s)" [last TC, DK, FR, GB]
- ii) keep present wording (DE)
- 9 i) leave more space for each subitem [last TC, DK, FR]
- ii) keep the subitems only if they should contain factual data [GB]
- 9, 10 i) combine in one item with the heading "RESULTS OF THE TECHNICAL EXAMINATION AND CONCLUSION [DE]
- ii) delete the whole item 9 [DE]
- iii) delete the subheading of item 10 [DE]
- iv) after this combined item, insert a new item "REMARKS TO (a), (b), (c)" [DE]

Reference of testing authority
 Breeder's reference
 Application number
 Applicant (name and address)

UPOV VARIETY DESCRIPTION FORM

Botanical name of taxon
 Common name of taxon
 Variety denomination
 Date and document number of UPOV
 Test Guidelines
 Date and/or document number of
 national test guidelines
 Testing authority
 Testing place
 Period of testing 19.. to 19.....
 Date and place of issue of document

UPOV No.	National No.	Characteristics	States of Expression	Note	Remarks
-------------	-----------------	-----------------	----------------------	------	---------

A. Group: (if characteristics of Chapter B are used for grouping, they are marked with a G in that chapter)

0278

Reference of testing authority

UPOV No.	National No.	CHARACTERISTICS	STATES OF EXPRESSION	NOTE	REMARKS
-------------	-----------------	-----------------	----------------------	------	---------

B. Characteristics Included in the UPOV Test Guidelines or National Test Guidelines:

C. Similar Varieties and Differences in Relation to Those Varieties:

Denomination of Varieties: Differences:

D. Additional Information: 1)

Additional Data:

Remarks:

Comments to page 5

1 allow the inclusion of distinguishing characteristics resulting from new technology [SE]

Explanatory Notes to the UPOV Variety Description Form:

- General: The reference number of the testing authority should be repeated on each page of the report.
- Ad Chapter A: Only information on the group to which the variety belonged should be given or information on groupings other than by characteristics listed in Chapter B. Grouping by characteristics mentioned in Chapter B should be indicated simply by marking the respective characteristic in Chapter B with the letter "G" before the number of the characteristic.
- Ad Chapter B:
- (i) All characteristics of the UPOV Test Guidelines should be reproduced, including those which are not applicable and those which have not been recorded. Those not applicable should be marked "not applicable," those not recorded, "not recorded".
 - (ii) The asterisks from the UPOV Test Guidelines should be repeated on the form.
 - (iii) Additional national characteristics should not be placed after the UPOV characteristics, but in their natural sequence, as the main purpose of the form is still for national use. They do not need to be specially marked as they are sufficiently identified by the national number.
 - (iv) The list contains only a small column for brief remarks or for a reference to lengthier remarks which should be reproduced in a footnote.
- Ad Chapter C: Only those characteristics that show sufficient differences to establish distinctness should be given. Information on differences between two varieties should always contain the states of expression with their notes for both varieties; if possible, in columns if more varieties are mentioned.

0282

TC/XXV/6

ANNEX II

Reference of testing authority 1)

Breeder's reference

Requesting Authority

Reference of Requesting Authority

Application number 2)

Date of application in requesting State 3)

Applicant (name and address) 4)

Agent (Name and address) 5)

UPOV INTERIM REPORT ON TECHNICAL EXAMINATION

Botanical name of taxon

Common name of taxon

Variety denomination 6)

Breeder (name and address) 7)

Testing authority

Testing place 8)

Period of testing 9) 19.. to 19.....

Date and place of issue of document

GENERAL INFORMATION

- No plant material received []
- Requirements for plant material not met []
- Test failed,
Observations: []

RESULTS OF THE EXAMINATION

- No remarks []
- Remarks: []

The final examination report will be forwarded
by (approximate date)

Note: The above interim report does not prejudice
the final report.

Signature:

Comments to page 1

- 1 amend to read "Reference of reporting authority" [DE]
- 2 delete [DE]
- 3, 4 i) delete [last TC, FR]
ii) keep [DE, DK, GB]
- 5 i) delete [last TC, DE, FR]
ii) keep [DK, GB]
- 6 i) delete [last TC, FR]
ii) keep [DK, GB]
- 7 amend to read "Original breeder (name and address)" [DE]
- 8 i) amend to read "Testing station(s) and place(s)" [last TC, DK, FR, GB]
ii) keep present wording [DE]
- 9 i) delete the words "19.. to 19.." [last TC, DK, FR]
ii) delete only the words "to 19.." [DE, GB]

ANNEX III

Reference of testing authority 1)

Breeder's reference

Requesting Authority

Reference of Requesting Authority

Application number 2)

Date of application in requesting State

Applicant (name and address)

Agent (Name and address) 3)

UPOV REQUEST FOR EXAMINATION RESULTS

Botanical name of taxon

Common name of taxon

Variety denomination

Breeder (name and address) 4)

Testing authority 5)

Testing place 6)

Period of testing 7) 19.. to 19.....

Date and place of issue of document 8)

We should be grateful to receive the report on the examination of the above-mentioned variety. It will be needed for an application

- for protection []
- for registration in the list of varieties []

A copy of the technical questionnaire filled in by the breeder is attached. According to our information prior application(s) for the same variety has (have) been made in 9)

Date: Signature:

ANSWER TO THE ABOVE REQUEST

The examination of the above-mentioned variety

- has already been completed
- has been in progress since/for (date/approximate time) []
- will be undertaken as from (approximate date) []
on the basis of an application or a request already submitted
- will be undertaken as from (approximate date) []
on the basis of your request

The examination report

- is enclosed. Please make a remittance of 10) []
- will be forwarded by (approximate date) []

The costs are expected to amount to

Special requirements: 11)

Remarks:

Date: Signature:

Comments to page 1

- 1 i) amend to read "Reference of reporting authority" [DE]
 ii) move this item to the beginning of the part with the answer [last TC, DE, FR, DK, GB]
- 2 delete [DE]
- 3 delete [DE]
- 4 amend to read "Original breeder (name and address)" [DE]
- 5 move this item from the present part to the beginning of the part with the answer [DE]
- 6, 7 i) delete [last TC, DE, FR, GB]
 ii) keep [DK]
- 8 delete [DE]
- 9 i) before this item, insert the following new item [GB]
 "Validation of DUS and VCU stocks (where applicable)
 a) Validation to be done by requesting authority.
 Please supply ... grammes of the variety by ... (date)to: []...
 b) Validation to be done by reporting authority.
 Please advise quantity of seed required, closing date
 and address for receipt of seed." []
- ii) after this item, give more space [last TC]
- iii) move whole answer part on a separate page--as at present--on the back of the request sheet [GB]
- 10 amend to read "- is enclosed. An official invoice will be submitted in due course." [GB]
- 11 before this item, insert the following new item [GB]:
 "Validation of DUS and VCU stocks (where applicable)
 a) Validation to be done by requesting authority.
 As requested ... grammes of seed will be sent by the due date. []
 b) Validation to be done by the reporting authority.
 Please supply ... grammes of seed by ... (date) to: []...

[Annex IV follows]

UPOV MODEL FOR A REPORT ON TECHNICAL EXAMINATION

Requesting authority	Application No.
Reporting authority	Reference No.

GENERAL INFORMATION

1. <u>species</u> (common and Latin name):	2. <u>date of application</u> (in requesting State):
3. <u>applicant</u> (name and address):	
4. <u>proposed denomination</u> :	<u>breeders reference</u> :
5. <u>testing station</u> :	6. <u>site(s) and year(s) of tests</u> :

RESULTS OF THE TECHNICAL EXAMINATION

(add further sheets if necessary)

7. <u>report on distinctness</u> :
8. <u>report on homogeneity</u> :
9. <u>report on stability</u> :

CONCLUSION

10. <u>Conclusion of the reporting authority on the basis of the results of the technical examination:</u>
(a) The variety
<input type="checkbox"/> is distinguishable from any other variety,
<input type="checkbox"/> is not distinguishable from all varieties, whose existence is known to us.
(b) The variety
<input type="checkbox"/> is sufficiently homogeneous,
<input type="checkbox"/> is not sufficiently homogeneous,
having regard to the particular features of its sexual reproduction or vegetative propagation.
(c) The variety
<input type="checkbox"/> is stable
<input type="checkbox"/> is not stable
in its essential characteristics.
In the case of a positive conclusion, a description of the variety is given in an annex to this report.

.....
Reference of testing authority

.....
Breeder's reference

.....
Application number

.....
Applicant (name and address)

UPOV VARIETY DESCRIPTION FORM

.....
Botanical name of taxon

.....
Testing authority

.....
Common name of taxon

.....
Testing place

.....
Variety denomination

19.. to 19..
.....
Period of testing

.....
Date and document number of UPOV
Test Guidelines

.....
Date of issue of document

.....
Date and/or document number of
national test guidelines

UPOV No.	National No.	CHARACTERISTICS	STATES OF EXPRESSION	NOTE	REMARKS
-------------	-----------------	-----------------	----------------------	------	---------

A. Group: (if characteristics of Chapter B are used for grouping, they are marked with a G in that chapter)

B. Characteristics Included in the UPOV Test Guidelines or National Test Guidelines:

.....
Reference of testing authority

C. Similar Varieties and Differences in Relation to Those Varieties:

<u>Denomination of Varieties:</u>	<u>Differences</u>
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D. Additional Information:

Additional Data:

Remarks:

Explanatory Notes to the UPOV Variety Description Form:

General:

(i) The reference number of the testing authority should be repeated on each page of the report.

(ii) For further information a specimen completed form is reproduced in the Appendix to this Annex.

Ad Chapter A:

Only information on the group to which the variety belonged should be indicated or information on groupings done according to means other than by characteristics listed in Chapter B. Grouping done according to characteristics mentioned in Chapter B should be indicated only by marking the respective characteristic in Chapter B with the letter "G" before the number of the characteristic.

Ad Chapter B:

(i) All characteristics of the UPOV Test Guidelines should be reproduced including those which were not applicable and those which had not been recorded. Those not applicable should receive the mention "not applicable," those not recorded the mention "not recorded."

(ii) The asterisks from the UPOV Test Guidelines should be repeated on the form.

(iii) Additional national characteristics should not be placed after the UPOV characteristics, but in the natural sequence, as the main purpose of the form would still be for national use. They do not need to be given a special mark as they are sufficiently identified by the national number.

(iv) The list contains only a small column for brief remarks or for a reference to lengthier remarks which should be reproduced in a footnote.

Ad Chapter C:

Only those characteristics should be indicated that show sufficient differences to establish distinctness. Information on differences between two varieties should always contain the states of expression with their notes for both varieties, if possible indicated in columns if more varieties are mentioned.

UPOV MODEL FORM FOR THE INTERIM REPORT ON THE EXAMINATION OF A VARIETY
 FORMULAIRE TYPE DE L'UPOV POUR LE RAPPORT INTERIMAIRE SUR L'EXAMEN D'UNE VARIETE
 UPOV-MUSTERFORMBLATT FÜR ZWISCHENBERICHTE ÜBER DIE PRÜFUNG EINER SORTE

Requesting authority Autorité qui a demandé l'examen Beauftragende Behörde	Application number Numéro de la demande Anmeldenummer
Reporting authority Autorité qui a effectué l'examen Berichtende Behörde	Reference number Numéro de référence Bezugsnummer

1. Species (common and Latin name)
 Espèce (nom commun et nom latin)
 Art (landesübliche und botanische Bezeichnung)

2. Proposed denomination/Breeder's reference
 Dénomination proposée/Référence de l'obtenteur
 Vorgeschlagene Sortenbezeichnung/Anmeldebezeichnung

3. Testing station Station d'examen Prüfungsstation	4. Site(s) and year of tests Lieu(x) et année d'examen Prüfungsort(e) und -jahr
---	---

5. No plant material received/Pas de matériel végétal reçu/
 Kein Pflanzenmaterial eingegangen

6. Requirements for plant material not met/Conditions requises pour
 le matériel végétal non respectées/Pflanzenmaterial entsprach
 nicht den Voraussetzungen

7. Tests failed/Les essais ont échoué/Prüfungen fehlgeschlagen

Observations/Bemerkungen:

8. Results of the examination/Résultats de l'examen/Ergebnisse der Prüfung

No remarks/Pas de remarques/Keine Bemerkungen

Remarks/Remarques/Bemerkungen

The final examination report will be forwarded on/in (approximate date)
Le rapport d'examen final vous sera envoyé le/dans (date approximative)
Der endgültige Prüfungsbericht wird übermittelt werden am/im (ungefährer Zeitpunkt)

Note: The above interim report does not prejudice the final report.

Note: Le rapport intérimaire ci-dessus ne préjuge pas du rapport final.

Bemerkung: Der vorstehende Zwischenbericht greift dem abschliessenden Bericht nicht vor.

Place and date/Lieu et date/Ort und Datum

Signature/Unterschrift:

[Annex VI follows]

UPOV Model Form for the Request of Examination Results

Subject: International Cooperation in the Testing of Varieties

Species: common name :
 Latin name :
 Breeder's reference :
 Proposed denomination :
 Applicant :
 Breeder (if different from applicant) :
 Filing date (requesting country) :
 Application number (requesting country) :

We would be grateful to receive the report on the examination of the above-mentioned variety.

Information in our possession:

Prior applications	Filing (State-date)	Application number	Stage	Denomination or breeder's reference
Plant breeders' rights				
Official variety list				

An application for protection

for registration in the list of varieties

has been made in our country for this variety.

The description submitted at the time of the application is included.

Please fill in the reverse side of this form and return two copies. The third copy is intended for your files.

Date

Signature

To the requesting authority

Subject: Information on the variety mentioned on the front of this form

The examination of the variety

- has already been completed
- has been in progress since/for (date/approximate time)
- will be undertaken as from (approximate date)
on the basis of an application or a request already submitted
- will be undertaken as from (approximate date)
on the basis of your request

The examination report

- is enclosed. Please make a remittance of
- will be forwarded on/in (approximate date).
The costs are expected to amount to

Special requirements

Remarks

Date

Signature