



TWA/39/3

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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**TECHNICAL WORKING PARTY FOR AGRICULTURAL CROPS**

**Thirty-Ninth Session**  
**Osijek, Croatia, May 24 to 28, 2010**

TGP DOCUMENTS

*Document prepared by the Office of the Union*

1. The purpose of this document is: to report on developments concerning TGP documents since the Technical Working Party (TWP) sessions held in 2009; to provide background information to assist the TWPs in their consideration of the drafts of individual TGP documents; and to present the program for the development of TGP documents agreed by the Technical Committee (TC) at its forty-sixth session, held in Geneva from March 22 to 24, 2010.

2. The following abbreviations are used in this document:

CAJ:	Administrative and Legal Committee
TC:	Technical Committee
TC-EDC:	Enlarged Editorial Committee
TWA:	Technical Working Party for Agricultural Crops
TWC:	Technical Working Party on Automation and Computer Programs
TWF:	Technical Working Party for Fruit Crops
TWO:	Technical Working Party for Ornamental Plants and Forest Trees
TWV:	Technical Working Party for Vegetables
TWPs:	Technical Working Parties

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## I. BACKGROUND

3. The purpose of document TG/1/3 “General Introduction to the Examination of Distinctness, Uniformity and Stability and the Development of Harmonized Descriptions of New Varieties of Plants” (General Introduction), and the associated series of documents specifying Test Guidelines’ Procedures (TGP documents), is to set out the principles which are used in the examination of DUS. The only binding obligations for members of the Union are those contained in the UPOV Convention itself. However, on the basis of practical experience, the General Introduction and the TGP documents seek to provide general guidance for the examination of all species in accordance with the UPOV Convention. In addition, UPOV has developed “Guidelines for the Conduct of Tests for Distinctness, Uniformity and Stability” (Test Guidelines), for many individual species or other variety groupings. The purpose of those Test Guidelines is to elaborate certain of the principles contained in the General Introduction and the associated TGP documents, into detailed practical guidance for the harmonized examination of DUS and, in particular, to identify appropriate characteristics for the examination of DUS and production of harmonized variety descriptions.

4. As noted by the Chair at the fifty-fourth session of the Administrative and Legal Committee (CAJ), held in Geneva on October 16 and 17, 2006, the development of TGP documents in relation to the DUS examination may be seen as another element in the preparation of information materials concerning the UPOV Convention<sup>1</sup> and, in addition to being published in their own right, the TGP documents can be used in support of various UPOV activities. In particular, the General Introduction and the TGP documents will form the basis of an advanced module on “Examination of Applications for Plant Breeders’ Rights” for inclusion in the Distance Learning program, which the Consultative Committee has entrusted the Office of the Union to develop.

5. The situation with regard to the development of TGP documents can be summarized as follows:

Document reference	Title	Stage of development
TGP/0	List of TGP Documents and Latest Issue Dates	TGP/0/1 approved (2005) TGP/0/2 adopted by Council (2009) <i>TGP/0/3 proposed for adoption by Council in October 2010</i>
TGP/1	General Introduction with Explanations	-

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<sup>1</sup> The CAJ, at its fifty-second session, held in Geneva on October 24, 2005, agreed an approach for the preparation of information materials concerning the UPOV Convention, as explained in paragraphs 8 to 10 of document CAJ/52/4. It also agreed the establishment of an advisory group to the CAJ (“CAJ-AG”) to assist in the preparation of documents concerning such materials, as proposed in paragraphs 11 to 14 of document CAJ/52/4 (see paragraph 67 of document CAJ/52/5, Report).

Document reference	Title	Stage of development
TGP/2	List of Test Guidelines Adopted by UPOV	Approved (2005)
TGP/3 <sup>2</sup>	Varieties of Common Knowledge	-
TGP/4	Constitution and Maintenance of Variety Collections	Adopted by Council (2008)
TGP/5	Experience and Cooperation in DUS Testing	
	Introduction	Adopted (2005)
<i>Section 1</i>	Model Administrative Agreement for International Cooperation in the Testing of Varieties	Section 1/2 Adopted (2005)
<i>Section 2</i>	UPOV Model Form for the Application for Plant Breeders' Rights	Section 2/2 Adopted (2008) <i>Section 2/3 proposed for adoption by Council in October 2010</i>
<i>Section 3</i>	Technical Questionnaire to be Completed in Connection with an Application for Plant Breeders' Rights	Section 3/1 Adopted (2005)
<i>Section 4</i>	UPOV Model Form for the Designation of the Sample of the Variety	Section 4/2 Adopted (2008)
<i>Section 5</i>	UPOV Request for Examination Results and UPOV Answer to the Request for Examination Results	Section 5/2 Adopted (2008)
<i>Section 6</i>	UPOV Report on Technical Examination and UPOV Variety Description	Section 6/2 Adopted (2008)
<i>Section 7</i>	UPOV Interim Report on Technical Examination	Section 7/2 Adopted (2008)
<i>Section 8</i>	Cooperation in Examination	Section 8/1 Adopted (2005)
<i>Section 9</i>	List of Species in Which Practical Knowledge has Been Acquired or For Which National Test Guidelines Have Been Established	Section 9/1 Adopted (2005)
<i>Section 10</i>	Notification of Additional Characteristics	Section 10/1 Adopted (2005) <i>(Section 10/2 under development)</i>
<i>Section 11</i>	Examples of Policies and Contracts for Material Submitted by the Breeder	Section 11/1 Adopted (2005)
TGP/6	Arrangements for DUS Testing	Approved (2005)
TGP/7	Development of Test Guidelines	TGP/7/1 Approved (2004) <i>TGP/7/2 proposed for adoption by Council in October 2010</i> <i>(TGP/7/3 under development)</i>

<sup>2</sup> At its fifty-fifth session, held in Geneva on March 29, 2007, “[t]he CAJ endorsed the conclusion of the CAJ-AG that the General Introduction already provided guidance with respect to the term ‘common knowledge’ and that it would not be appropriate, for the time being, to pursue the development of document TGP/3 ‘Varieties of Common Knowledge’.” (see document CAJ/55/7, paragraph 47).

Document reference	Title	Stage of development
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability	<i>TGP/8/1 proposed for adoption by Council in October 2010 (TGP/8/2 under development)</i>
TGP/9	Examining Distinctness	Adopted by Council (2008)
TGP/10	Examining Uniformity	Adopted by Council (2008)
TGP/11	Examining Stability	<i>Under development</i>
TGP/12	Guidance on Certain Physiological Characteristics	Adopted by Council (2009)
TGP/13	Guidance for New Types and Species	Adopted by Council (2009)
TGP/14	Glossary of Terms Used in UPOV Documents	<i>TGP/14/1 proposed for adoption by Council in October 2010</i>
<i>TGP/15</i>	<i>New Types of Characteristics</i>	-

6. The General Introduction, approved TGP documents and adopted Test Guidelines are published on the UPOV website at [http://www.upov.int/en/publications/list\\_publications.htm](http://www.upov.int/en/publications/list_publications.htm).

## II. DOCUMENTS TO BE CONSIDERED BY THE TECHNICAL WORKING PARTIES

### (a) New TGP documents under development

#### *TGP/11 “Examination of Stability”*

7. At its forty-fifth session, held in Geneva from March 30 to April 1, 2009, the Technical Committee (TC) considered document TGP/11/1 Draft 5 and agreed that the following aspects should be addressed in the subsequent draft:

- (i) as agreed by the CAJ [see document CAJ/58/6 “Report on the Conclusions”, paragraph 11], to consider only the examination of stability in the context of the DUS examination;
- (ii) to explain the nature of stability and why it is connected to uniformity in such a way that the General Introduction states that “for many types of variety, when a variety has been shown to be uniform, it can also be considered to be stable” (General Introduction, Chapter 7.3.1.1);
- (iii) to avoid text stating that “stability is not examined” (see Sections 2.1.2, 2.1.3, 2.1.5(a));
- (iv) to avoid explanations of uniformity (e.g. Section 2.1.4 (a) and (b)) – if necessary to explain aspects of uniformity, to make a reference to TGP/10/1 “Examining Uniformity” or to quote text of TGP/10/1;

- (v) to focus the document on providing practical guidance on situations concerning specifically stability (not uniformity), e.g. Section 2.1.4 (c);
- (vi) in addition to guidance on the examination of stability through the examination of uniformity, to provide guidance on the direct examination of stability, with the assistance of experts from Australia; and
- (vii) in relation to Section 2.2.3, to note that the TC-EDC has proposed that the standard wording for stability in Test Guidelines be amended as follows (see document TGP/7/2 Draft 2 ASW 9 (TG Template Chapter 4.3.2) – Stability assessment general)

“Where appropriate, or in cases of doubt, stability may be further examined ~~tested, either by growing a further generation, or~~ by testing a new [seed or plant] stock to ensure that it exhibits the same characteristics as those shown by the ~~previous~~ initial material supplied.”

8. The TC noted that the forty-third session of the Technical Working Party for Vegetables (TWV), to be held in Beijing from April 20 to 24, 2009, was less than three weeks after the forty-fifth session of the TC. On that basis, the TC noted that it would not be feasible to prepare a new draft of document TGP/11/1 for consideration by the TWPs in 2009. Therefore, it agreed that, at their sessions in 2009, the TWPs should be invited to consider the comments made on document TGP/11/1 Draft 5 by the CAJ and the TC. On the basis of those comments and any further comments by the TWPs, a new draft of document TGP/11/1 (document TGP/11/1 Draft 6) would be prepared for consideration by the TC-EDC at its meeting in January 2010.

9. In accordance with the procedure set out above, an expert from the European Union prepared document TGP/11/1 Draft 6, which was considered by the Enlarged Editorial Committee (TC-EDC) at its meeting held in Geneva on January 7, 2010. The TC-EDC concluded that, given the extent of the changes to document TGP/11/1 Draft 5 resulting from the comments of the TC at its forty-fifth session and the extent of the comments by the TC-EDC at its meeting on January 7, 2010, it would not be appropriate to seek to produce a draft of document TGP/11 for consideration by the TC at its forty-sixth session, to be held in Geneva from March 22 to 24, 2010. In particular, it noted that, because of the need for translation, there would be only three weeks for the expert from the European Union to produce such a draft. In order to develop document TGP/11 without delay, the TC-EDC proposed that the TC-EDC should be invited to consider a new draft of document TGP/11 (document TGP/11/1 Draft 7 (English only)) at its meeting in March 2010. On the basis of the comments of the TC-EDC in March 2010, a further draft (document TGP/11/1 Draft 8) would be developed for consideration by the TWPs at their sessions in 2010 and by the CAJ at its sixty-second session, to be held in Geneva on October 18 and 19, 2010. On the basis of the comments of the TWPs and the CAJ, a draft of document TGP/11 (document TGP/11/1 Draft 9) would be prepared for consideration by the TC and the CAJ in April 2011. At its forty-sixth session, the TC agreed with that procedure (see document TC/46/15 “Report on the conclusions”, paragraph 24).

(b) Revision of TGP documents

10. The explanations and matters for consideration in relation to the revision of the following TGP documents are presented in separate documents, as indicated:

*TGP/5 “Experience and Cooperation in DUS Testing”: Section 10 “Notification of Additional Characteristics”*

- see document TWA/39/10 “Revision of document TGP/5 ‘Experience and Cooperation in DUS Testing’: Section 10 ‘Notification of additional characteristics’”

*TGP/7 “Development of Test Guidelines”*

11. The program for the development of TGP documents, as agreed by the TC (see documents TC/45/5, Annex and TC/45/16 “Report”, paragraph 136) and the CAJ in 2009 (see documents CAJ/60/2, Annex II and CAJ/60/10 “Report on the Conclusions”, paragraph 13), scheduled the adoption of the revision of document TGP/7/1 “Development of Test Guidelines” (document TGP/7/2) by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010.

12. At its forty-sixth session, held in Geneva from March 22 to 24, 2010, the TC agreed that document TGP/7/2 Draft 5 should be amended as indicated in the document, with the following further modifications:

Annex I, TQ 4.1	to delete new text and reinstate ASW 15 as contained in document TGP/7/1
Annex I, TQ 4 & TQ 7	to add text for footnote #

13. The TC noted that the changes to the text of document TGP/7/2 Draft 5, as proposed above, would be reported to the CAJ at its sixty-first session, which was to be held in Geneva on March 25, 2010. The TC agreed that, subject to agreement by the CAJ, document TGP/7/2 Draft 5, as amended above, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/7/2 to the Council (see document TC/46/15 “Report on the conclusions”, paragraph 29).

14. The CAJ, at its sixty-first session, held in Geneva on March 25, 2010, agreed that document TGP/7/2 Draft 5, as amended above, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010. It noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/7/2 to the Council (see document CAJ/61/11 “Report on the Conclusions”, paragraph 11).

15. Discussions in the sessions of the TWPs, the TC-EDC and the CAJ indicated a number of aspects which should be considered in relation to document TGP/7, but which could not be addressed within the timetable agreed for the adoption of document TGP/7/2. With regard to a future revision of TGP/7 (document TGP/7/3), the TC agreed that consideration be given to the following items (see document TC/46/15 “Report on the conclusions”, paragraphs 31

(items (ii) to (ix) below), 82 (item (x)) and 101 (item (i)), proposals for which are set out in the indicated documents:

- (i) Coverage of ornamental varieties in Test Guidelines  
(see document TWA/39/11)
- (ii) Quantity of plant material required (see document TWA/39/12)
- (iii) Applications for varieties with low germination (see document TWA/39/13)
- (iv) Number of plants to be considered for distinctness  
(see document TWA/39/14)
- (v) Selection of asterisked characteristics (see document TWA/39/15)
- (vi) Indication of grouping characteristics (see document TWA/39/16)
- (vii) Guidance for type of observation (see document TWA/39/17)
- (viii) Example varieties (see document TWA/39/18)
- (ix) Providing photographs with the Technical Questionnaire  
(see document TWA/39/19)
- (x) Standard references in the Technical Questionnaire  
(see document TWA/39/8)

16. The TC, at its forty-fifth session, noted that the Office of the Union planned to develop an improved TG Template and to integrate the Collection of Approved Characteristics into that template in a user-friendly package for drafters of Test Guidelines. However, on the basis of feedback at the TWP sessions in 2009 and the experience with draft Test Guidelines, the Office of the Union concluded that the Collection of Approved Characteristics was not, in general, used by Leading Experts in the drafting of Test Guidelines on a regular basis. Therefore, the Office of the Union has concluded that it would not be a good use of resources to invest a substantial effort in integrating the Collection of Approved Characteristics into the TG Template for the time-being. At its forty-sixth session, the TC noted that, on the basis of feedback at the TWP sessions in 2009 and the experience with draft Test Guidelines, the Office of the Union had concluded that the Collection of Approved Characteristics was not, in general, used by Leading Experts in the drafting of Test Guidelines on a regular basis. The TC agreed that it would not be a good use of resources to invest a substantial effort in integrating the Collection of Approved Characteristics into the TG Template for the time-being.

*TGP/8 “Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability”*

- see document TWA/39/20

*TGP/12 “Guidance on Certain Physiological Characteristics”*

- see document TWA/39/21 “Revision of document TGP/12 ‘Guidance on Certain Physiological Characteristics’: Disease nomenclature and disease resistance characteristics”



*TGP/14 “Glossary of Terms Used in UPOV Documents”*

17. At its meeting on January 8, 2009, the TC-EDC noted the conclusions of the workshop on document TGP/14 Section 2, Subsection 3 “Color” (“TGP/14 Workshop”), held on May 30 and 31, 2008, and the related discussions by the TWPs at their sessions in 2008 (see document TWO/42/11 “Document TGP/14 Sections for separate development”, Annex II). It concluded that TGP/14 Section 2, Subsection 3 “Color” (Color Subsection) would require substantial further development before it could be considered for adoption. At the same time, the TC-EDC noted that the other sections within TGP/14 were well-established and could already provide useful guidance. Therefore, the TC-EDC proposed that the TC should be invited to consider adoption of a first version of document TGP/14 (document TGP/14/1) without the Color Subsection. With regard to the Color Subsection, which would not be included in the first version of document TGP/14 (document TGP/14/1), the TC-EDC proposed that it should continue to be developed without delay and should be incorporated into document TGP/14 by means of a revision of document TGP/14 (document TGP/14/2) at the earliest opportunity.

18. The TC, at its forty-fifth session, agreed that document TGP/14/1 should be scheduled for adoption in 2010 on the basis of the content included in document TGP/14/1 Draft 8. At the same time, the TC agreed that, separately from consideration of the draft of document TGP/14/1, the Color Subsection should continue to be developed without delay and should be incorporated into document TGP/14 by means of a revision of document TGP/14/1 (i.e. document TGP/14/2) at the earliest opportunity.

19. The TC, at its forty-sixth session, agreed that document TGP/14/1 Draft 11 should be amended as indicated in the document, but agreed that no further modifications were required. In particular, the TC agreed not to combine synonymous terms within a single entry (e.g. Breeder’s Right, Plant Breeder’s Right and PBR).

20. The TC agreed that, subject to agreement by the CAJ, document TGP/14/1 Draft 11, should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010, as document TGP/14/1. The TC noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/14/1 to the Council (see document TC/46/15 “Report on the conclusions”, paragraph 22).

21. The CAJ, at its sixty-first session, approved document TGP/14/1 Draft 11 and agreed that a draft of document TGP/14/1 should be put forward for adoption by the Council at its forty-fourth ordinary session, to be held in Geneva on October 21, 2010, on the basis of document TGP/14/1 Draft 11. It noted that the French, German and Spanish translations of the original English text would be checked by the relevant members of the Editorial Committee prior to submission of the draft of document TGP/14/1 to the Council (see document CAJ/61/11 “Report on the Conclusions”, paragraph 17).

22. The TC approved the consideration of the following items in the future revision of document TGP/14/1 (document TGP/14/2) (see document TC/46/15 “Report on the conclusions”, paragraph 23):

- (i) Revision of existing sections (see document TWA/39/22):

- Section 2: Botanical Terms: Subsection 2: Shapes and Structures:  
I. SHAPE: 1. “Components of Shape”  
(wording for states of expression for ratio characteristics with a 1-9  
note scale covering, for example, only elongated ratios)
- Section 2: Botanical Terms: Subsection 2: Shapes and Structures:  
I. SHAPE: 2 .“Developing Shape-Related Characteristics”  
(perspective from which to observe plant shapes)
- Section 2: Botanical Terms: Subsection 2: Shapes and Structures:  
I. SHAPE: 2 .“Developing Shape-Related Characteristics”  
(further guidance concerning the avoidance of duplication of  
characteristics)
- Section 2: Botanical Terms: Subsection 2: Shapes and Structures:  
II. STRUCTURE: Section 3.4  
(term to cover spike / branch)
- Section 3 “Statistical Terms”  
(addition of any further terms that are added to TGP/8 and deletion of  
terms not used in UPOV documents)

(ii) New section for color characteristics (see document TWA/39/23)

### III. PROGRAM FOR THE DEVELOPMENT OF TGP DOCUMENTS

23. The Annex to this document contains the program for the development of TGP documents agreed by the TC at its forty-sixth session and the CAJ at its sixty-first session.

[Annex follows]

## ANNEX

Ref.	Title of document	Current approved* documents	Drafter (TWP)	Drafter (Name)	2009						2010						2011					
					TC-EDC	TC/45	CAJ/59	TWPs	CAJ/60	C/43	TC-EDC	TC/46	CAJ/61	TWPs	CAJ/62	C/44	TC-EDC	TC/47	CAJ/63	TWPs	CAJ/64	C/45
TGP/0	List of TGP Documents and Latest Issue Dates	TGP/0/2ADOPTED								TGP/0/2 Adopt						TGP/0/3 Adopt						
TGP/1	General Introduction with Explanations	-	Office		---	---	---	---		---	---	---	---	---	---	---	---	---	---	---	---	---
TGP/2	List of Test Guidelines Adopted by UPOV	TGP/2/1 ADOPTED																				
TGP/3	Varieties of Common Knowledge	C(Extr.)/19/2 Rev.	CAJ																			
TGP/4	Constitution and Maintenance of Variety Collections	TGP/4/1 ADOPTED																				
TGP/5	Experience and Cooperation in DUS Testing	ADOPTED																				
	Section 2: UPOV Model Form for the Application for Plant Breeders' Rights	Section 2/2 Adopted										TC/46/5 & TC/46/13	CAJ/61/2 & CAJ/61/5			Section 2/3 Adopt						
	Section 10: Notification of Additional Characteristics	Section 10/1 Adopted										TC/46/5	CAJ/61/2	Section 10/2 Draft 1			Section 10/2 Draft 2	Section 10/2 Draft 3	Section 10/2 Draft 3			Section 10/2 Draft 4 Adopt
TGP/6	Arrangements for DUS Testing	TGP/6/1 ADOPTED																				
TGP/7	Development of Test Guidelines	TGP/7/1 ADOPTED			TGP/7/2 draft 1	TGP/7/2 draft 2	---	TGP/7/2 draft 3	TGP/7/2 draft 3	---	TGP/7/2 Draft 4	TGP/7/2 Draft 5 / approve	TGP/7/2 Draft 5 / approve	(revisions)	---	TGP/7/2 Draft 6 / Adopt	(revisions)	(revisions)	---	(revisions)	(revisions)	---
TGP/8	Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability (Coordinator: Office / TWC Chairperson)				draft 11	draft 12	---	TGP/8/1 draft 13 (& future sections)	TGP/8/1 draft 13	---	TGP/8/1 Draft 14	TGP/8/1 Draft 15 / approve	TGP/8/1 Draft 15 / approve	(new sections & revisions)	---	TGP/8/1 Draft 16 / Adopt	(new sections & revisions)	(new sections & revisions)	---	(new sections & revisions)	(new sections & revisions)	---
TGP/9	Examining Distinctness	TGP/9/1 ADOPTED																				
TGP/10	Examining Uniformity	TGP/10/1 ADOPTED																				
TGP/11	Examining Stability (Coordinator: Office)		TWV	Mr. Semon (QZ)	draft 5	draft 5	---	draft 5	draft 5	---	TGP/11/1 Draft 6	TGP/11/1 Draft 7 (TC-EDC only)	---	TGP/11 /1 Draft 8	TGP/11 /1 Draft 8	---	TGP/11 /1 Draft 9	TGP/11 /1 Draft 10	TGP/11 /1 Draft 10	---	---	TGP/11 /1 Draft 11 Adopt
TGP/12	[Special Characteristics] / [Guidance on Certain Physiological Characteristics]	TGP/12/1 ADOPTED			draft 6	draft 7 / approve	draft 7 / approve	---		draft 8 / Adopt										TWV (disease nomenclature and use)		
TGP/13	Guidance for New Types and Species	TGP/13/1 ADOPTED			draft 13	draft 14 / approve	draft 14 / approve	---		draft 15 / Adopt												
TGP/14	Glossary of [Technical, Botanical and Statistical] Terms Used in UPOV Documents (Coordinator: Office)				draft 7	draft 8	---	TGP/14/1 draft 9 (& Color Subsection)	TGP/14/1 draft 9	---	TGP/14/1 Draft 10	TGP/14/1 Draft 11 / approve	TGP/14/1 Draft 11 / approve	(Color Subsection & revisions)	---	TGP/14/1 Draft 12 / Adopt	(Color Subsection & revisions)	(Color Subsection & revisions)	---	(Color Subsection & revisions)	(Color Subsection & revisions)	---
TGP/15	New Types of Characteristics (Coordinator: Office)																					

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