



TWO/48/10 Add. ORIGINAL: English DATE: November 5, 2015

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

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

### Forty-Eighth Session Cambridge, United Kingdom, September 14 to 18, 2015

### ADDENDUM TO

### MATTERS CONCERNING VARIETY DESCRIPTIONS

### Document prepared by the Office of the Union

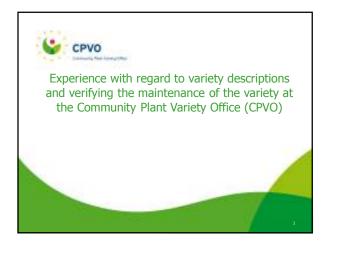
Disclaimer: this document does not represent UPOV policies or guidance

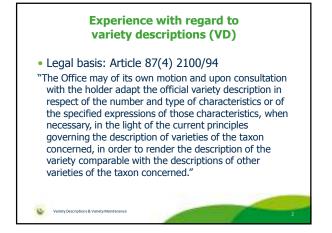
The Annex to this document contains a presentation on experience with regard to variety descriptions and verifying the maintenance of the variety at the Community Plant Variety Office of the European Union (CPVO) made at the forty-eighth session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO).

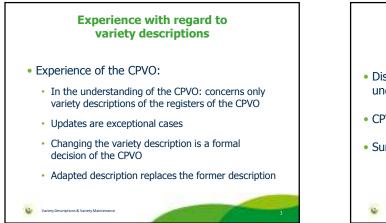
[Annex follows]

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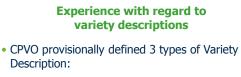
ANNEX





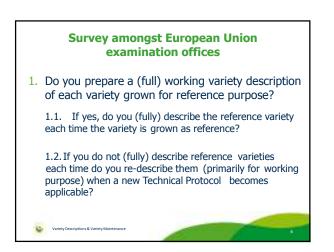






- "Original VD": approved upon granting or listing (possibly several original variety descriptions if variety underwent several procedures)
- 2. "Official VD": either original or adapted version of an original variety description
- 3. "Working VD": any other variety description

Variety Descriptions & Variety Ma



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### Survey amongst European Union examination offices

2. When mentioning a reference variety as similar variety under point 16 of the Official Variety Description, do the notes there reflect the state of expression of the year the candidate variety is assessed, or are the notes taken from the Official Variety Description that was part of the title of protection (or the basis for registration in the National/Common Catalogue)?

## Survey amongst European Union examination offices 3. Do above-mentioned (question 1 and 2) descriptions replace Official Variety Descriptions? If so, are there particular conditions to be fulfilled? 4. Are there other circumstances when an Official Variety Description is amended? (not to be confused with correcting errors in the Official Variety Description)

Variety Descriptions & Variety N

### Survey amongst European Union examination offices 5. What would be the procedure to change Official Variety Descriptions? Is the CPVO/other Examination Offices/holder of the right informed on such adaptations? Do you publish adapted variety description?

 In case you contribute to shared databases, which variety description(s) do you provide for shared databases? (Working Variety Description or Official Variety Descriptions?)

### Variety Descriptions & Variety Maintenance

Variety Descriptions & Variety Maintenance

Variety Descriptions & Variety Maintenance



### Survey amongst European Union examination offices

8. If a characteristic was not observed at the time the Official Variety Description was prepared but becomes observable later, will these additional observations be added and thus be considered as an updated Working Variety Description?

Position of the CPVO to be developed based upon responses....

# <section-header><list-item><list-item><list-item><list-item><list-item><list-item> **Verifying the maintenance of protected varieties •** Legal basis: Article 64 2100/94: Technical verification **•** Not done systematically **•** Not done systematically **•** When reference samples show problems or anomalies spotted in traded varieties or are not submitted by the title holder when ordered as reference **•** Conducted along lines of a DUS trial with plant material to be submitted by the holder of the rights **•** Only U (and S) checked + conformity with the VD **•** Wetweetweet

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- Technical Verifications:
  - CPVO Technical Protocol in force at the time of the initial technical examination is applied
  - If variety passes technical verification:
     Report certifies variety still U and S and conforms to its original variety description
  - If variety fails the technical verification:
     > CPVO cancels title of protection
  - Examination office's remuneration 50% of the regular exam (no D test)
  - No fee from the holder of the rights
- Variety Descriptions & Variety Maintenance

