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Geneva

TECHNICAL WORKING PARTY FOR ORNAMENTAL PLANTS AND FOREST TREES

Forty-Ninth Session

Gimcheon City, Republic of Korea, June 13 to 17, 2016

ADDENDUM TO

MATTERS CONCERNING VARIETY DESCRIPTIONS

Document prepared by the Office of the Union

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This document contains presentations to be made at the forty-ninth session of the Technical Working Party for Ornamental Plants and Forest Trees (TWO), as follows:


- Annex I: “Updating Variety Descriptions - Outcome of the Survey”, by an expert of the Community Plant Variety Office of the European Union (CPVO);
- Annex II: “The Role of Plant Material Used as Basis for the DUS Examination”, by an expert from Germany.

[Annexes follows]

UPDATING VARIETY DESCRIPTIONS - OUTCOME OF THE SURVEY

Presentation by Mr. Jean Maison, CPVO

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Updating Variety Descriptions


- Outcome of the Survey -

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History

- Discussion with EU examiners revealed wide-ranging understanding of the term "variety description"
- CPVO seeks to develop a common understanding
- Survey amongst examination office
- Presentation in 2015's UPOV-TWPs



Variety Descriptions

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Legal basis to update variety descriptions

- Article 87(4) 2100/94:

"The Office may of its own motion and upon consultation with the holder adapt the official variety description in respect of the number and type of characteristics or of the specified expressions of those characteristics, when necessary, in the light of the current principles governing the description of varieties of the taxon concerned, in order to render the description of the variety comparable with the descriptions of other varieties of the taxon concerned."



Variety Descriptions

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Understanding of the Office

- Concerns only variety descriptions of the registers of the CPVO
- Updates are exceptional cases
- Adapted description replaces the former description
- Update variety description may also be requested by the holder of the right



Variety Descriptions

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To facilitate discussions:

- CPVO provisionally defined 3 types of Variety Descriptions (VD):
 1. "Original VD": approved upon granting or listing (possibly several original VDs if variety underwent several procedures)
 2. "Official VD": either original or adapted version of an original VD
 3. "Working VD": any other VD



Variety Descriptions

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Survey amongst our examination offices

1. Do you prepare a (full) Working VD of each variety grown for reference purpose?

All EOs prepare (full) Working VD of each variety grown for reference purpose for the first time at least for seed-propagated varieties if they are listed or protected



Variety Descriptions

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Survey amongst our examination offices

- 1.1. If yes, do you (fully) describe the reference variety each time the variety is grown as reference?

2/3 of EOs systematically re-describe varieties and compare the new data to previous data.

- observe annual fluctuations in the expression of characteristics.
- statistical analysis (COYU and COYD)
- to exclude varieties from future growing trials.
- (full) re-description for working purpose upon the adoption of a new TP is a matter of course



Variety Descriptions

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Survey amongst our examination offices

- 1.2. If you do not (fully) describe reference varieties each time do you re-describe them (primarily for working purpose) when a new Technical Protocol becomes applicable?

- Countries that do not (fully) re-describe reference varieties regularly do so when a new TP becomes applicable.
- (limited to) varieties of certain crop groups
- (limited to) certain characteristics (grouping or MS char.)



Variety Descriptions

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Survey amongst our examination offices

1. Preparation of working VD for reference varieties

Conclusion of the CPVO:

- various approaches may be justified and may be well adapted to the crops
- no need for a harmonization covering all crops and all EOs.



Variety Descriptions

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Survey amongst our examination offices

- ### 2. When mentioning a reference variety as similar variety under point 16 or 17 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)?
- EOs follow one or the other philosophy



Variety Descriptions

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Survey amongst our examination offices

2. Similar varieties point 16 or 17 VD

Conclusion of the CPVO:

- Origin of the notes to be indicated
- Proposal: notes should come from the same growing trial as for the candidate



Variety Descriptions

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Survey amongst our examination offices

3. Do above-mentioned (question 1 and 2) descriptions replace Official Variety Descriptions? If so, are there particular conditions to be fulfilled?

- No EO replaces the official VD
- Exception:
 - One EO may amend the official VD if, usually after many years, the reference collection has significantly changed even if the TP remained unchanged.
 - amended official VD replaces then the original VD



Variety Descriptions

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Survey amongst our examination offices

4. Are there other circumstances when an Official Variety Description is amended? (*not to be confused with correcting errors in the Official Variety Description*)

- No amendments for other reason than new TPs or correction of errors



Variety Descriptions

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Survey amongst our 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?

- theoretical question
- occasional updated *ex officio* upon renewal of listing
- no publication
- majority would inform the title holder
- EOs would inform other authorities if DUS was made on their behalf



Variety Descriptions

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Survey amongst our examination offices

5. Procedure to amend Official VD

Conclusion of the CPVO:

- to inform title holder, other EOs and CPVO
- publication as for the previous version



Variety Descriptions

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Survey amongst our examination offices

6. In case you contribute to shared databases, which VD(s) do you provide for shared databases? (Working VD or Official VD?)

- theoretical question for some EOs
- large majority: official VD

Conclusion of the CPVO:

- to be decided on species level
- approach chosen should be discussed and agreed for all contributors



Variety Descriptions

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Survey amongst our examination offices

7. When a report is provided for a take-over, which variety description is provided?

- the Official Variety Description as attached to the national plant variety right/registration certificate ?
- the latest Working Variety Description?
 - All EOs the Official VD in its latest officially amended version where such amendments are practiced (in analogy to Article 87 (4) of Council Regulation (EC) 2100/94)



Variety Descriptions

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Survey amongst our examination offices

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

- All but one EO would add this information to the technical data → updated working VD
- Three EOs would foresee updating the Official VD



Variety Descriptions

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Summary of the Conclusions and Follow-up:

- notes of similar varieties shall come from the same growing trial as for the candidate variety
- to inform parties concerned on amendments of the Official VD
- agreement on data supplied to shared databases



Variety Descriptions

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Thank you for your attention!



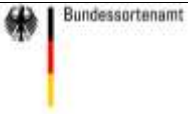
Variety Descriptions

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[Annex II follows]

THE ROLE OF PLANT MATERIAL USED AS BASIS FOR THE DUS EXAMINATION

Presentation by Ms. Andrea Menne, Germany.



TWO/49/14

MATTERS CONCERNING VARIETY DESCRIPTIONS

The Role Of Plant Material Used As Basis For The DUS Examination



Presentation by Andrea Menne, Germany

1. Use of material provided by the breeder for verifying the maintenance of the variety

Example: Ornamental varieties without living reference collection

- Every year material of similar varieties which are of common knowledge is requested for the DUS test.
- The characteristics of all varieties in the test are assessed, additionally photos are taken.
- In the trial all data of the protected varieties are checked against the variety description to verify the identity of the submitted material and the maintenance of the variety. Variations which can be explained by different environmental conditions or the changes in a TG are taken into account.
- If the material is not conforming to the variety the breeder is informed accordingly and new material will be requested to check the maintenance of the variety.

2. Verifying the maintenance of the variety where the official variety description was developed according to a Test Guideline which is not used for the examination of DUS anymore.

- The conformity of the plant material is checked against the variety description taking into account the variations which can be explained by the different years or the changes in the TG.
- When Test Guidelines are revised usually many of the old characteristics are kept which could be used for the verification of the maintenance of the variety.
- New characteristics which are added are necessary for describing new states of expression in new varieties only. They become relevant for old varieties if their official variety description is updated.
- If the number of states of expressions is changed (e.g. from a 1 - 9 to a 1 - 5 scale) in some cases, the old notes are transformed into new notes. In other cases, comparison with historical data might not be easily possible any more. The unchanged expression can then be checked in relation to other varieties.

Example: TG 176 Osteospermum

No	TG/176/4 2008-04-09 (Osteospermum)	No	TG/176/5 2013-03-20
1	Plant: attitude of shoots	1	Plant: growth habit
2	Shoot: length	2	Plant: height
3	Leaf: length (including petiole)	3	Leaf: length
4	Leaf: width	4	Leaf: width
5	Leaf: indentation of margin	5	Leaf: indentation of margin
6	Leaf: variegation	6	Leaf: variegation
7	Leaf: intensity of green colour of upper side	7	Leaf: intensity of green colour
8	Young flower head: main colour of ray floret	8	Young flower head: main colour of ray floret
9	Flower head: paracorolla	9	Flower head: paracorolla
10	Flower head: number of ray florets	10	Flower head: number of ray florets
11	Flower head: diameter	11	Flower head: diameter
		12	Disc: type
		13	<u>Only varieties with disc: type: daisy:</u> Disc: diameter
		14	<u>Only varieties with disc: type: anemone:</u> Disc: diameter
		
12	Ray floret: length	19	Ray floret: length
13	Ray floret: width (notes 1-9)	20	Ray floret: width (notes 1-5)
14	Ray floret: length/width ratio (notes 1-9)	21	Ray floret: length/width ratio (notes 1-5)

3. The status and use of a modified variety description

- In every growing trial **all varieties are assessed for all characteristics** and observations are stored in our database.
- The **most recent data** are used to check the maintenance of protected varieties and to identify varieties in the variety collection to be included in the next growing trial. Any data must be used under consideration of possible environmental effects.
- If there were major changes in the TG or in the range of variation in the species and it is of relevance for the title holder to have an updated version of the variety description, a **new official description** is produced and is send to him.

[End of document]

[End of Annex II and of document]