

# PROTOCOL FOR TESTS ON DISTINCTNESS, UNIFORMITY AND STABILITY

# Anigozanthos Labill.; Macropidia fuliginosa (Hook.) Druce

# **KANGAROO PAW**

UPOV Code: ANIGO; MACPI\_FUL

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# TABLE OF CONTENTS

CPVO-TP/175/1

1.	SUBJECT OF THE PROTOCOL AND REPORTING				
	1.1	Scope of the technical protocol			
1.2		Entry into Force			
	1.3	Reporting between Examination Office and CPVO and Liaison with Applicant			
2.	MATI	ERIAL REQUIRED			
	21	Plant material requirements			
	2.1	Informing the applicant of plant material requirements			
	2.2 2 3	Informing the applicant of plant material requirements.			
z	2.J METI				
5.	1.1511				
	3.1	Number of growing cycles4			
	3.2	Testing Place4			
	3.3	Conditions for Conducting the Examination			
	3.4	Test design4			
	3.5	Special tests for additional characteristics4			
	3.6	Constitution and maintenance of a variety collection			
4.	ASSE	SSMENT OF DISTINCTNESS, UNIFORMITY AND STABILITY5			
	4.1	Distinctness			
	4 2	Uniformity 6			
	1.2				
	4.3	Stability			
5.	4.3 GRO	Stability			
5. 6.	4.3 GROI	Stability			
5. 6.	4.3 GRO INTR 6.1	Stability			
5. 6.	4.3 GRO INTR 6.1 6.2.	Stability			
5. 6.	4.3 GRO INTR 6.1 6.2. 6.3	Stability			
5.	4.3 GROI INTR 6.1 6.2. 6.3 6.4	Stability			
5. 6. 7.	4.3 GROI INTR 6.1 6.2. 6.3 6.4 TABL	Stability			
<ol> <li>5.</li> <li>6.</li> <li>7.</li> <li>8.</li> </ol>	4.3 GROI INTR 6.1 6.2. 6.3 6.4 TABL EXPL	Stability			
5. 6. 7. 8.	4.3 GROI INTR 6.1 6.2. 6.3 6.4 TABL EXPL 8.1	Stability			
5. 6. 7. 8.	4.3 GROI INTR 6.1 6.2. 6.3 6.4 TABL EXPL 8.1 8.2	Stability			
5. 6. 7. 8. 9.	4.3 GROI INTR 6.1 6.2. 6.3 6.4 TABL 8.1 8.1 8.2 LITE	Stability			

# 1. SUBJECT OF THE PROTOCOL AND REPORTING

# 1.1 Scope of the technical protocol

This Technical Protocol applies to all varieties of Anigozanthos Labill. and Macropidia fuliginosa (Hook.) Druce.

The protocol describes the technical procedures to be followed in order to meet the requirements of Council Regulation 2100/94 on Community Plant Variety Rights. The technical procedures have been agreed by the Administrative Council and are based on documents agreed by the International Union for the Protection of New Varieties of Plants (UPOV), the General Introduction DUS (UPOV Document such as to TG/1/3 http://www.upov.int/export/sites/upov/resource/en/tg 1 3.pdf), its associated TGP documents (http://www.upov.int/tqp/en/) and the relevant UPOV Test Guideline TG/175/4 dated 29/10/2019 (https://www.upov.int/edocs/tgdocs/en/tg175.pdf ) for the conduct of tests for Distinctness, Uniformity and Stability.

# 1.2 Entry into Force

The present protocol enters into force on **28.11.2023**. Any ongoing DUS examination of candidate varieties started before the aforesaid date will not be affected by the approval of the Technical Protocol. Technical examinations of candidate varieties are carried out according to the TP in force when the DUS test starts. The starting date of a DUS examination is considered to be the due date for submitting of plant material for the first growing cycle.

In cases where the Office requests to take-over a DUS report for which the technical examination has either been finalized or which is in the process to be carried out at the moment of this request, such report can only be accepted if the technical examination has been carried out according to the CPVO TP which was in force at the moment when the technical examination started.

# 1.3 Reporting between Examination Office and CPVO and Liaison with Applicant

#### 1.3.1 <u>Reporting between Examination Office and CPVO</u>

The Examination Office shall deliver to the CPVO a preliminary report ("the preliminary report") no later than four weeks after the date of the request for technical examination by the CPVO and in any case preferably before the submission period of the plant material.

The Examination Office shall also deliver to the CPVO a report relating to each growing period ("the interim report") and, when the Examination Office considers the results of the technical examination to be adequate to evaluate the variety or the CPVO so requests, a report relating to the examination ("the final report").

The final report shall state the opinion of the Examination Office on the distinctness, uniformity and stability of the variety. Where it considers those criteria to be satisfied, or where the CPVO so requests, a description of the variety shall be added to the report.

If a report is negative the Examination Office shall set out the detailed reasons for its findings.

The interim and the final reports shall be delivered to the CPVO as soon as possible and no later than on the deadlines as laid down in the designation agreement.

# 1.3.2 Informing on problems in the DUS test

In cases where the Examination Office identifies issues during the course of the technical examination that may lead to a negative report, the Examination Office shall inform the CPVO and in urgent cases the applicant/holder as soon as such issues become obvious.

# 1.3.3 Sample keeping in case of problems

As far as feasible the Examination Office shall keep a representative sample of any relevant testing material of the candidate variety and reference variety(ies) if the technical examination has resulted in a negative report. As soon as possible, the CPVO shall inform the Examination Office when the material can be destroyed.

# 2. MATERIAL REQUIRED

# 2.1 Plant material requirements

Information with respect to the agreed closing dates and submission requirements of plant material for the technical examination of varieties can be found on <a href="https://public.plantvarieties.eu/publication">https://public.plantvarieties.eu/publication</a> in the special issue S2/S3 of the Official Gazette of the Office. General requirements on submission of samples are also to be found following the same link.

# 2.2 Informing the applicant of plant material requirements

The CPVO informs the applicant that

- he is responsible for ensuring compliance with any customs and plant health requirements;
- the plant material supplied should be visibly healthy, not lacking in vigour, nor affected by any important pest or disease;
- the plant material should not have undergone any treatment which would affect the expression of the characteristics
  of the variety, unless the competent authorities allow or request such treatment. If it has been treated, full details
  of the treatment must be given.

#### 2.3 Informing about problems on the submission of material

The Examination Office shall report to the CPVO immediately in cases where the test material of the candidate variety has not arrived in time or in cases where the material submitted does not fulfil the conditions laid down in the request for submission of plant material issued by the CPVO.

In cases where the examination office encounters difficulties to obtain plant material of reference varieties the CPVO should be informed in writing.

# 3. METHOD OF EXAMINATION

#### 3.1 Number of growing cycles

The minimum duration of tests should normally be a single growing cycle.

The testing of a variety may be concluded when the entrusted examination office can determine with certainty the outcome of the test.

# 3.2 Testing Place

Tests are normally conducted at one place. In the case of tests conducted at more than one place, guidance is provided in TGP/9 "Examining Distinctness" <u>http://www.upov.int/edocs/tgpdocs/en/tgp\_9.pdf.</u>

#### 3.3 Conditions for Conducting the Examination

The tests should be carried out under conditions ensuring satisfactory growth for the expression of the relevant characteristics of the variety and for the conduct of the examination.

Because daylight varies, colour determinations made against a colour chart should be made either in a suitable cabinet providing artificial daylight or in the middle of the day in a room without direct sunlight. The spectral distribution of the illuminant for artificial daylight should conform with the CIE Standard of Preferred Daylight D 6500 and should fall within the tolerances set out in the British Standard 950, Part I. These determinations should be made with the plant part placed against a white background. The colour chart and version used should be specified in the variety description.

# 3.4 Test design

- 3.4.1 Each test should be designed to result in a total of at least 10 plants.
- 3.4.2 The design of the tests should be such that plants or parts of plants may be removed for measurement or counting without prejudice to the observations which must be made up to the end of the growing cycle.

#### 3.5 Special tests for additional characteristics

In accordance with Article 23 of Implementing Rules N° 874/2009 an applicant may claim either in the Technical Questionnaire or during the test that a candidate has a characteristic which would be helpful in establishing distinctness. If such a claim is made and is supported by reliable technical data, a special test may be undertaken providing that a technically acceptable test procedure can be devised.

Special tests will be undertaken, with the agreement of the President of CPVO, where distinctness is unlikely to be shown using the characteristics listed in the protocol.

### 3.6 Constitution and maintenance of a variety collection

The process for the constitution and the maintenance of a variety collection can be summarized as follows:

Step 1: Making an inventory of the varieties of common knowledge;

Step 2: Establishing a collection ("variety collection") of varieties of common knowledge which are relevant for the examination of distinctness of candidate varieties;

Step 3: Selecting the varieties from the variety collection which need to be included in the growing trial or other tests for the examination of distinctness of a particular candidate variety.

#### 3.6.1 Forms of variety collection

The variety collection shall comprise variety descriptions and may comprise living plant material. The variety description shall be produced by the EO unless special cooperation exists between EOs and the CPVO. The variety collection shall comprise images (e.g. photographs, illustrations or digitalized images) of representative parts of the plants of each variety, produced by the respective EO. The descriptive and pictorial information produced by the EO shall be held and maintained in a form of a database.

# 3.6.2 Living Plant Material

The EO may only obtain living plant material of reference varieties as and when those varieties need to be included in growing trials or other tests.

Living plant material of reference varieties identified to be included in the growing trial may be taken from the EO's collection in case there is one or shall be obtained specifically for the growing trial or other tests.

#### 3.6.3 Making an inventory of varieties of common knowledge for inclusion in the variety collection

The inventory shall include varieties protected under National and Community PBR, varieties in trade or in commercial registers.

The inventory shall take into account the list of varieties which are the subject of an on-going application for protection or official registration (candidate varieties).

In addition to the above, the inventory shall be extended to the appropriate to

- relevant example varieties referred to in the technical protocols;
- any commercial document in which varieties are marketed as propagating or harvested material, especially when there is no official registration system;
- any list including varieties which are publicly available within plant collections (varieties included in genetic resource collections, collection of old varieties, etc.);
- information provided by relevant plant experts;

# 4. ASSESSMENT OF DISTINCTNESS, UNIFORMITY AND STABILITY

The prescribed procedure is to assess distinctness, uniformity and stability in a growing trial.

#### 4.1 Distinctness

4.1.1 General recommendations

It is of particular importance for users of this Technical Protocol to consult the UPOV-General Introduction to DUS (link in chapter 1 of this document) and TGP 9 'Examining Distinctness' (<u>http://www.upov.int/edocs/tgpdocs/en/tgp 9.pdf</u>) prior to making decisions regarding distinctness. However, the following points are provided for elaboration or emphasis in this Technical Protocol.

Further guidance is provided in documents TGP/9 "Examining Distinctness" and TGP/8 "Trial Design and Techniques Used in the Examination of Distinctness, Uniformity and Stability".

#### 4.1.2 Consistent differences

The differences observed between varieties may be so clear that more than one growing cycle is not necessary. In addition, in some circumstances, the influence of the environment is not such that more than a single growing cycle is required to provide assurance that the differences observed between varieties are sufficiently consistent. One means of ensuring that a difference in a characteristic, observed in a growing trial, is sufficiently consistent is to examine the characteristic in at least two independent growing cycles.

# 4.1.3 Clear differences

Determining whether a difference between two varieties is clear depends on many factors, and should consider, in particular, the type of expression of the characteristic being examined, i.e. whether it is expressed in a qualitative, quantitative, or pseudo-qualitative manner. Therefore, it is important that users of these Technical Protocols are familiar with the recommendations contained in the UPOV-General Introduction to DUS prior to making decisions regarding distinctness.

#### 4.1.4 Number of plants/parts of plants to be examined

Unless otherwise indicated, for the purposes of distinctness, all observations on single plants should be made on 9 plants or parts taken from each of 9 plants and any other observations made on all plants in the test, disregarding any off-type plants.

4.1.5 <u>Method of observation</u>

The recommended method of observing the characteristic for the purposes of distinctness is indicated by the following key in the third column of the Table of Characteristics (see document TGP/9 "Examining Distinctness", Section 4 "Observation of characteristics"):

- MG: single measurement of a group of plants or parts of plants
- MS: measurement of a number of individual plants or parts of plants
- VG: visual assessment by a single observation of a group of plants or parts of plants
- VS: visual assessment by observation of individual plants or parts of plants

#### Type of observation: visual (V) or measurement (M)

"Visual" observation (V) is an observation made on the basis of the expert's judgment. For the purposes of this document, "visual" observation refers to the sensory observations of the experts and, therefore, also includes smell, taste and touch. Visual observation includes observations where the expert uses reference points (e.g. diagrams, example varieties, sideby-side comparison) or non-linear charts (e.g. colour charts). Measurement (M) is an objective observation against a calibrated, linear scale e.g. using a ruler, weighing scales, colorimeter, dates, counts, etc.

Type of record: for a group of plants (G) or for single, individual plants (S)

For the purposes of distinctness, observations may be recorded as a single record for a group of plants or parts of plants (G) or may be recorded as records for a number of single, individual plants or parts of plants (S). In most cases, "G" provides a single record per variety and it is not possible or necessary to apply statistical methods in a plant-by-plant analysis for the assessment of distinctness.

In cases where more than one method of observing the characteristic is indicated in the Table of Characteristics (e.g. VG/MG), guidance on selecting an appropriate method is provided in document TGP/9, Section 4.2.

# 4.2 Uniformity

- 4.2.1 It is of particular importance for users of this Technical Protocol to consult the UPOV-General Introduction to DUS (link in chapter 1 of this document) and TGP 10 'Examining Uniformity' (<u>http://www.upov.int/edocs/tgpdocs/en/tgp\_10.pdf</u>) prior to making decisions regarding uniformity. However, the following points are provided for elaboration or emphasis in this Technical Protocol:
- 4.2.2 This Technical Protocol has been developed for the examination of vegetatively propagated varieties. For varieties with other types of propagation the recommendations in the UPOV-General Introduction to DUS and document TGP/13 "Guidance for new types and species", Section 4.5 "Testing Uniformity" should be followed.

For the assessment of uniformity of vegetatively propagated varieties, a population standard of 1% and an acceptance probability of at least 95 % should be applied. In the case of a sample size of 10 plants, 1 off-type is allowed.

# 4.3 Stability

4.3.1 It is of particular importance for users of this Technical Protocol to consult the UPOV-General Introduction to DUS (link in chapter 1 of this document) and TGP 11 'Examining Stability' (<u>http://www.upov.int/edocs/tgpdocs/en/tgp 11.pd</u>)

In practice, it is not usual to perform tests of stability that produce results as certain as those of the testing of distinctness and uniformity. However, experience has demonstrated that, for many types of variety, when a variety has been shown to be uniform, it can also be considered to be stable.

Where appropriate, or in cases of doubt, stability may be further examined by testing a new plant stock to ensure that it exhibits the same characteristics as those shown by the initial material supplied.

# 5. GROUPING OF VARIETIES AND ORGANISATION OF THE GROWING TRIAL

- **5.1** The selection of varieties of common knowledge to be grown in the trial with the candidate varieties and the way in which these varieties are divided into groups to facilitate the assessment of distinctness are aided by the use of grouping characteristics.
- **5.2** Grouping characteristics are those in which the documented states of expression, even where produced at different locations, can be used, either individually or in combination with other such characteristics: (a) to select varieties of common knowledge that can be excluded from the growing trial used for examination of distinctness; and (b) to organise the growing trial so that similar varieties are grouped together.
- **5.3** The following have been agreed as useful grouping characteristics:
  - a) Plant: height (characteristic 1)
  - b) Inflorescence: ramification (characteristic 8)
  - c) Perianth tube: colour (characteristic 15)
  - d) Perianth lobes: reflexing (characteristic 20)
- **5.4** If characteristics other than those mentioned in the list of grouping characteristics and/or from the table of characteristics and/or from the Technical Questionnaire sections 5 and 7. are used for the selection of varieties to be included into the growing trial, the EO shall inform the CPVO and seek the prior consent of the CPVO before using these characteristics.
- **5.5** Guidance for the use of grouping characteristics, in the process of examining distinctness, is provided through the UPOV-General Introduction to DUS and document TGP/9 "Examining Distinctness".

# 6. INTRODUCTION TO THE TABLE OF CHARACTERISTICS

#### 6.1 Characteristics to be used

The characteristics to be used in DUS tests and preparation of descriptions shall be those referred to in the table of characteristics. All the characteristics shall be used, providing that observation of a characteristic is not rendered impossible by the expression of any other characteristic, or the expression of a characteristic is prevented by the environmental conditions under which the test is conducted or by specific legislation on plant health. In the latter case, the CPVO should be informed.

The Administrative Council empowers the President, in accordance with Article 23 of Commission Regulation N°874/2009, to insert additional characteristics and their expressions in respect of a variety.

#### 6.2. States of expression and corresponding notes

States of expression are given for each characteristic to define the characteristic and to harmonize descriptions. Each state of expression is allocated a corresponding numerical note for ease of recording of data and for the production and exchange of the description. All relevant states of expression are presented in the characteristic.

Further explanation of the presentation of states of expression and notes is provided in UPOV document TGP/7 "Development of Test Guidelines".

# 6.3 Example Varieties

Where appropriate, example varieties are provided to clarify the states of expression of each characteristic.

#### 6.4 Legend

For colur	nn <u>`CPVO N°</u> ':	
G	Grouping characteristic	-see Chapter 5
QL	Qualitative characteristic	
QN	Quantitative characteristic	
PQ	Pseudo-qualitative characteristic	
(+)	Explanations for individual characteristics	-see Chapter 8.2

<u>For column 'UPOV N°</u>: The numbering of the characteristics is provided as a reference to the UPOV guideline.

(*)	UPOV Asterisked characteristic	- Characteristics that are important for
		the international harmonization of variety
		descriptions.

For column `Stage, method':							
MG, MS, VG, \	/S	-see Chapter 4.1.5					
(a)-(c)	Explanations covering several Characteristics	-see Chapter 8.1					

# 7. TABLE OF CHARACTERISTICS

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
1. (+)	1. (*)	MG/VG	Plant: height		
QN			very short		1
			very short to short		2
			short	Firefly, Rambueleg	3
			short to medium		4
			medium	Bush Spark, Dwarf Delight	5
			medium to tall		6
			tall	Kings Park Federation Flame	7
			tall to very tall		8
G			very tall		9
2.	2. (*)	VG	Plant: number of inflorescences		
QN			very few		1
			very few to few		2
			few	Rambocity, Regal Claw	3
			few to medium		4
			medium	Rambueleg, Regal Red	5
			medium to many		6
			many	Lilac Queen, Red Cross	7
			many to very many		8
			very many		9

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
3.	3.	MG/VG	Leaf: length		
QN		(a)	very short		1
			very short to short		2
			short	Bush Ranger, Firefly	3
			short to medium		4
			medium	Kings Park Federation Flame, Velvet Harmony	5
			medium to long		6
			long	Amber Velvet, Red Cross	7
			long to very long		8
			very long		9
4. (+)	4.	MG/VG	Leaf: width		
QN		(a)	very narrow		1
			very narrow to narrow		2
			narrow	Bush Pearl, Pink Joey	3
			narrow to medium		4
			medium	Bush Ranger, Ruby Jools	5
			medium to broad		6
			broad	Rambueleg, Red Cross	7
			broad to very broad		8
			very broad		9
5. (+)	5. (*)	VG	Leaf: attitude		
QN		(a)	erect	Kings Park Federation Flame, Joey Rouge	1
			semi erect	Bush Spark, Twilight	2
			semi erect to horizontal	Pixie Paw	3

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
6.	6.	VG	Leaf: glaucosity		
QN		(a)	weak	Gold Velvet	1
			medium	Bush Games	2
			strong	Bush Emerald, Rambudan	3
7.	7. (*)	VG	Leaf: hairiness of margin		
QN		(a)	absent or weak	Gold Velvet	1
			medium	Bush Illusion	2
			strong	Rambubona	3
8. (+)	8. (*)	VG	Inflorescence: ramification		
QL			absent	Bush Emerald, Bush Games	1
			primary	Bush Nugget, Bush Ranger	2
			secondary	Bush Glow, Gold Velvet	3
G			tertiary	Bush Ember, Bush Spark	4
9. (+)	9. (*)	MG/VG	Inflorescence: length of lowest lateral branch		
QN			very short		1
			very short to short		2
			short	Yellow Gem	3
			short to medium		4
			medium	Gold Velvet	5
			medium to long		6
			long		7
			long to very long		8
			very long	Black Velvet	9

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
10. (+)	10. (*)	VG	Inflorescence: number of flowers		
QN			very few		1
			very few to few		2
			few	Bush Emerald, Bush Games	3
			few to medium		4
			medium	Dwarf Delight, Rambocano	5
			medium to many		6
			many	Bush Spark, Red Cross	7
			many to very many		8
			very many		9
11.	11.	VG	Pedicel: colour of hairs		
PQ			RHS Colour Chart (indicate reference number)		
12. (+)	12.	MG/VG	Perianth tube: length		
QN		(b)	very short		1
			very short to short		2
			short	Pixie Paw, Rambueleg	3
			short to medium		4
			medium	Joey Rouge, Rambudan	5
			medium to long		6
			long	Bush Emerald, Bush Games	7
			long to very long		8
			very long		9

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
13. (+)	13.	MG/VG	Perianth tube: width		
QN		(b)	very narrow		1
			very narrow to narrow		2
			narrow	Amber Velvet, Velvet Harmony	3
			narrow to medium		4
			medium	Dwarf Delight, Rambudan	5
			medium to broad		6
			broad	Bush Games, Space Age	7
			broad to very broad		8
			very broad		9
14. (+)	14. (*)	VG	Perianth tube: profile		
PQ			flared distally	Early Spring, Gold Velvet	1
			broadening evenly	Bush Ranger	2
			constricted medially	Bush Emerald, Mini Red	3
			parallel	Ramboball	4
			expanded medially	Rambudan	5
15. (+)	15. (*)	VG	Perianth tube: colour		
PQ			green	Joey Fireworks	1
			yellow	Gold Velvet	2
			orange	Amber Velvet	3
			pink	Bush Pearl	4
			red	Bush Inferno	5
			purple	Rambodiam	6
G			black		7

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
16.	16.	VG	Perianth tube hair: number of colours		
QN		(c)	one	Bush Ochre	1
			two	Bush Nugget	2
			three	Bush Ember	3
17.	17.	VG	Perianth tube hair: colour of upper third		
PQ		(c)	RHS Colour Chart (indicate reference number)		
18.	18.	VG	Perianth tube hair: colour of middle third		
PQ		(c)	yellowish white	Rambodiam	1
			green	Rambudan	2
			yellow	Rambubona	3
			orange	Kings Park Federation Flame	4
			red	Ramboball	5
			reddish purple	Rambueleg	6
			greyed purple	Regal Velvet	7
			black	Black Velvet	8
19. (+)	19.	VG	Perianth lobe: length		
QN			short	Rambueleg	1
			medium	Gold Velvet	2
			long	Ramboblitz	3

CPVO N°	UPOV N°	Stage, Method	Characteristics	Examples	Note
20. (+)	20. (*)	VG	Perianth lobes: reflexing		
QN			absent or very weak	Bush Pearl, Bush Surprise	1
			very weak to weak		2
			weak	Bush Glow, Bush Ranger	3
			weak to medium		4
			medium	Rambubona	5
			medium to strong		6
			strong	Amber Velvet	7
			strong to very strong		8
G			very strong	Rambudan, Red Cross	9
21. (+)	21. (*)	VG	Flower: number of anthers at top of perianth		
QL			two	Firefly, Bush Spark	1
			four	Pixie Paw, Rambubona	2
			six	Amber Velvet, Ruby Jools	3
22.	22.	VG	Ovary: colour of hairs		
PQ			RHS Colour Chart (indicate reference number)		
23. (+)	23.	VG	Flower: position of stigma in relation to anthers		
QN			below	Firefly, Rambubona	1
			same level	Pixie Paw	2
			above		3

# 8. EXPLANATIONS ON THE TABLE OF CHARACTERISTICS

# 8.1 Explanations covering several characteristics

Unless otherwise indicated observations should be made at the time of fruit flowering.

Characteristics containing the following key in the third column of the Table of Characteristics should be examined as indicated below:

- a) Observations should be made on a fully expanded leaf from the middle third of the rosette.
- b) a = Perianth tube: length



c) The individual hairs on the perianth tube may have up to three colours.

# 8.2 Explanations for individual characteristics

Ad. 1: Plant: height

Observed including inflorescences.

# Ad. 4: Leaf: width

Observed at widest point.

# Ad. 5: Leaf: attitude

Observed on the basal third of the leaf.



Ad. 8: Inflorescence: ramification







# Ad. 9: Inflorescence: length of lowest lateral branch



#### Ad. 10: Inflorescence: number of flowers

The number of flowers on the inflorescence should be determined only on flowers longer than 3 mm. The number of flowers should be observed at the beginning of flowering, defined as when 4 out of 10 plants show at least one open flower.

#### Ad. 12: Perianth tube: length

The distance from the base of the perianth tube to the base of the uppermost perianth lobe should be observed.

#### Ad. 13: Perianth tube: width

Cross sectional width of the perianth tube should be observed at the base of the perianth lobes.

# Ad. 14: Perianth tube: profile





broadening evenly



constricted medially



parallel



expanded medially

#### Ad. 15: Perianth tube: colour

The overall impression of colour should be observed.

#### Ad. 19: Perianth tube: length

The longest lobe should be observed.

Ad. 20: Perianth lobes: reflexing



# Ad. 21: Flower: number of anthers at top of perianth





# Ad. 23: Flower: position of stigma in relation to anthers





same level



above

# 9. LITERATURE

Records of the Australian Cultivar Registration Authority, Australian National Botanical Gardens, Canberra, AU. https://www.anbg.gov.au/acra/

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Wrigley J, 1988: Australian Native Plants: A Manual for their Propagation, Cultivation and Use in Landscaping, AU.

# 10. TECHNICAL QUESTIONNAIRE

The Technical Questionnaire is available on the <u>CPVO website</u> under the following reference: CPVO/TQ-175/1 – *Anigozanthos* Labill.; *Macropidia fuliginosa* (Hook.) Druce

Link to e-TQ:

https://online.plantvarieties.eu/backOfficeFormQuestions?viewFormId=15153&viewFormType=TQ&viewFormLang=E N&speciesIds=ANIG1&status=1,2&order=formName