As Requested by Breeder Organizations, UPOV CAJ Initiates Revision of UPOV EXN on Essentially Derived Varieties

Geneva/Hamburg, October 30 – at its 76th meeting, the UPOV Administrative and Legal Committee (CAJ) agreed to start the review process of the UPOV Explanatory Note (EXN) on Essentially Derived Varieties (EDV). The move, highly anticipated by the breeding sector, comes months after an alliance of breeder organizations raised concerns about the narrow EDV concept interpretation in the UPOV EXN.

UPOV CAJ first agreed to consider the revision at its 75th meeting in 2018, after CIOPORA, ISF and the U.S. delegation at UPOV stressed the shortcomings of the current EDV interpretation. On August 12, CIOPORA, CropLife, ISF, Euroseeds, APSA, AFSTA, and SAA submitted a joint letter to UPOV pointing out that the narrow approach to EDV concept may “…greatly endanger the breeding incentive and could possibly lead to a diminution of (…) breeding effort…”

The October 30 CAJ decision was made after breeders, including CIOPORA members, presented their views on the issue at the Seminar on the impact of policy on Essentially Derived Varieties (EDVs) on breeding strategy in the 76th CAJ meeting Geneva. The Seminar Chairman concluded that:

- There is evidence that the current UPOV guidance does not reflect the breeders' common practice in understanding EDV;
- The evolution of breeding techniques has created new opportunities/incentives for predominantly deriving varieties from initial varieties, more rapidly and at a lower cost.
- The Seminar presentations and discussions indicated that the understanding and implementation of the EDV concept has a direct impact on the breeding strategy and, therefore, the UPOV guidance must be tuned to maximize the progress in breeding to benefit the society.

CIOPORA and the breeder organizations-signatories to the joint letter will closely monitor and participate in the revision process of the UPOV EXN on EDV to ensure that the EDV concept is sufficiently broadly defined and that clear and unambiguous rules are provided for the
establishment of dependency between an EDV and its initial variety. In the breeders’ joint opinion, a new UPOV EXN on EDV version should clearly affirm that predominant derivation from an initial variety, as confirmed by a high genotypic conformity, is a key requirement for a variety to be considered an EDV, and that even important modifications in the characteristics of an initial variety do not automatically lead to a new variety escaping from being qualified as EDV.

END

CIOPORA: Uniting Breeders, Protecting Innovation. www.ciopora.org

CIOPORA is the International Association of Breeders of Asexually Reproduced Horticultural Varieties. Breeders of such varieties account for two-thirds of all Plant Variety Rights (PVR) titles in the world. For more than 50 years, CIOPORA has represented these breeders in all matters of Intellectual Property (IP) protection and aims to foster an environment in which the innovation of these breeders can flourish. CIOPORA is a member-based, non-profit organization.

The CIOPORA Academy is a specialized international education program on IP for plants tailored to the needs of the green sector. The formats include small-group workshops and live webinars. Our learner community consists of plant breeders and other participants of the green value chain, as well as IP lawyers and patent attorneys. The CIOPORA Academy on-site events are held several times a year at different locations around the world. Each event tackles topics surrounding IP for plant innovations and is led by world’s leading IP experts. With 10 workshops and over 160 unique learners from 20 countries so far, the CIOPORA Academy aspires to be a global reference program on IP for the green business.

www.ciopora-academy.org

Press contact:
Ms. Anna Kaehne
Director PR and Communications
anna.kaehne@ciopora.org
Tel: +49 40 555 63 702