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INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

GENEVA

ADMINISTRATIVE AND LEGAL COMMITTEE

Twenty-seventh Session

Geneva, June 25 to 29, 1990

REVISION OF THE CONVENTION:

POSITION OF ASSINSEL ON THE PROTECTION OF HYBRIDS

Document prepared by the Office of the Union

The Annex to this document contains a position paper on the protection of hybrids adopted by the International Association of Plant Breeders for the Protection of New Varieties of Plants (ASSINSEL) at its General Assembly held in Seville (Spain) on June 15, 1990.

[Annex follows]

ASSINSEL POSITION FOR THE PROTECTION OF HYBRIDS

(Adopted by the ASSINSEL General Assembly
in Seville on June 15, 1990)

DEFINITION OF HYBRIDS

A hybrid is the result of a cross between two or more components. For varietal registration, depending on the species, the hybrid can either be represented by itself, or it can be represented by its components and the formula which associates them.

Remark: This definition should be reinforced by special guidelines for hybrid examination under option two, in view of e.g. the relative amounts of components used in the production of the hybrid which leads to the specific degree of crossing.

ACCESS TO COMPONENTS

Exploitation of components is effected through the hybrids and therefore legislation should not impose an obligation to sell components which have been protected.

Using components for seed production purposes or giving them to third parties under licensing agreements does not constitute an offer for sale or commercialization.

As a consequence the breeders' exemption should not apply to components.