



# United States EDV Comments

The United States Plant Variety Protection Office and our industry partners respectfully thank UPOV for the opportunity to provide this presentation

The PVPO and the US industry appreciate the additional information provided in the explanatory notes of 2017, which further clarify the definition of an Essentially Derived Variety, or EDV, in relation to an initial variety



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We further agree with and appreciate the wording in the explanatory notes of 2009 and 2017, which remain the same concerning the definition of an EDV

The additional explanatory notes provided in 2017 are helpful and confirm the interpretation we have understood since the inception of UPOV 1991



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We have a question concerning a paragraph that was removed from the EDV Explanatory Notes for 2009. The paragraph reads as follows:

*“With regard to establishing whether a variety is an essentially derived variety, a common view expressed by members of the UPOV is that the existence of a relationship of essential derivation between protected varieties is a matter for the holders of plant breeders’ rights in the varieties concerned”*



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We are interested in additional discussions regarding this statement and whether it is possible to have the statement, or a similar statement, added back to the explanatory notes



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In addition, we desire additional clarification for a recent confusion with EDV characteristics. We are not sure how this came about, but there appears to be an idea floating around concerning a distinction between essential and non-essential characteristics or important and non-important characteristics. Does UPOV make such distinctions? Based on section (b)6 (i)-(vi) of the Explanatory Notes, we do not see such a distinction



Thank you for giving us the  
opportunity to address our concerns