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Euroseeds Position on EDV

UPOV Administrative and Legal Committee, 22 October 2025

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Goal: aligning the position paper to the UPOV revised Explanatory Note on Essentially Derived Varieties



Euroseeds Committee on IP Rights updated the position paper on EDV in September 2024



Examples were added as Annexes to the position paper

Euroseeds Updated Position

Concept of EDV (1)

- “Euroseeds supports the EDV concept as an important tool for ensuring not only a balanced, but also an efficient protection of plant variety rights”;
- “The selection methods named in Article 14 (5) (c) UPOV 1991 do indeed very often result in an essentially derived variety. This list of methods is an open list which does not exclude that also other methods may likely result in essentially derived varieties provided that such methods include in any case the physical use of the initial variety”;
- “Euroseeds considers that varieties resulting from mutagenesis of, or repeated backcrossing with, an initial variety, typically being EDV’s”;
- “The term ‘monoparental’ as used in latest UPOV Explanatory Note on Essentially Derived Varieties means that a variety is derived from only one parent as is the case with mutations, genetic modification or genome editing. However, the creation of a new variety by inbreeding from a hybrid should not be considered as monoparental” -> Examples included

Euroseeds Updated Position

Concept of EDV (2)

- "Euroseeds supports the reversal of the burden of proof in favour of the holder of the plant breeders' right of the initial variety once a certain degree of genotypic similarity between the initial variety and a suspected essentially derived variety is reached";
- "A scientific threshold of genotypic similarity triggering such reversal of the burden of proof needs to be determined for each species or group of species":
 - Not too low
 - The validity of the scientific thresholds for individual species or groups of species should be regularly reviewed in the light of the most recent technical developments and if necessary be revised. Breeders should be involved in this discussion.
- "The term "essential characteristics" in Art 14 (5) b) i) and iii) must not be limited to characteristics relevant for the marketing of the variety, no matter how essential characteristics may appear commercially. Any such limitation would give rise to a very subjective evaluation of such essentiality, and thus legal uncertainty".



Thank you for the attention!



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