



International Seed Federation

Chemin du Reposoir 7
1260 Nyon, Switzerland
Phone: +41 22 365 44 20
Fax: +41 22 365 44 21
E-mail: isf@worldseed.org
<http://www.worldseed.org>

UPOV
Mr. Peter Button
Vice Secretary-General
34, chemin des Colombettes
CH - 1211 Genève 20

Nyon, 2 October 2014
MK/mp

ISF position on EDV and use of hybrids

Dear Mr. Button,

The International Seed Federation represents the interests of the mainstream of the seed industry at a global level through interaction and dialogue with public and private institutions that have an impact on international seed trade.

Since its foundation, ISF has issued and maintains the "ISF Rules and Usages for International Trade in Seed for Sowing Purposes" (ISF Trade Rules) which are approved and adopted by the entire membership; the aim is to clarify and standardize contractual relations between seed companies.

These rules are reviewed at regular intervals with the purpose of taking into account important changes that have occurred in international trade as a result of evolution in technology, international regulations and global economy.

The Trade Rules are complemented by the "ISF Procedure Rules for Dispute Settlement for the Trade in Seeds for Sowing Purposes and for the Management of Intellectual Property" (ISF Arbitration Rules) to reach resolution of disputes on trade and intellectual property issues. These procedure rules are also reviewed at regular intervals.

In these procedure rules there is a section devoted to the technical and legal aspects of essential derivation (EDV) in plant breeding; this section is the Regulation for the Arbitration of Disputes concerning Essential Derivations (ISF RED). Explanatory notes clarify and provide guidance on numerous provisions of these rules.

RED is based on thresholds that have been agreed by experts of academia and of the seed industry; they are measured as the genetic distance between varieties; crop-specific thresholds have been agreed.

Several studies have been conducted to decide if genetic markers systems can be used as a tool to help determine the possibility that one variety may have been derived from an initial variety. The conclusion of these studies is that molecular marker systems can be used to differentiate between lines of maize. Additionally it has been determined that a threshold can be set from where to initiate the discussion as to the derivation of a putative derived variety from an initial variety.

To assist parties handling a dispute on essential derivation ISF provides a list of international arbitrators who have the necessary knowledge and experience. The professionals currently in this special list or arbitrators are experts in plant breeding, intellectual property protection and molecular markers technologies.

Following specific projects aimed at identification of methods and materials for assessment of genetic differences, the Crop Sections of ISF have adopted guidelines to support breeders and arbitrators when dealing with disputes on essentially derived varieties for these crops: perennial ryegrass, maize, oilseed rape, cotton and lettuce.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Mi. Keller.", is written over a horizontal line. The signature is stylized and cursive.

Michael Keller
Secretary General