

**Technical Working Party on Testing Methods and Techniques****TWM/4/7****Fourth Session****Cambridge, United Kingdom, June 2 to 5, 2026****Original:** English**Date:** May 12, 2026

---

**NEW DEVELOPMENTS IN THE USE OF DNA TECHNIQUES FOR PBR ENFORCEMENT IN PERU***Document prepared by an expert from Peru**Disclaimer: this document does not represent UPOV policies or guidance*

The annex to this document contains a presentation “New developments in the use of DNA techniques for PBR enforcement in Peru”, to be made by an expert from Peru, at the fourth session of the TWM.

[Annex follows]





# New developments in the use of DNA techniques for PBR enforcement in Peru


Diego Ortega-Sanabria

 **PERÚ** Presidencia del Consejo de Ministros  **Indecopi** 32 años

1

## How PBR enforcement is carried out in Peru?



**Commission of Inventions and New Technologies**  
-1

**Commission of Inventions and New Technologies (CIN)**  
1

**Board of Appeal**  
2

Evidence gathering      Filing a lawsuit      Second instance

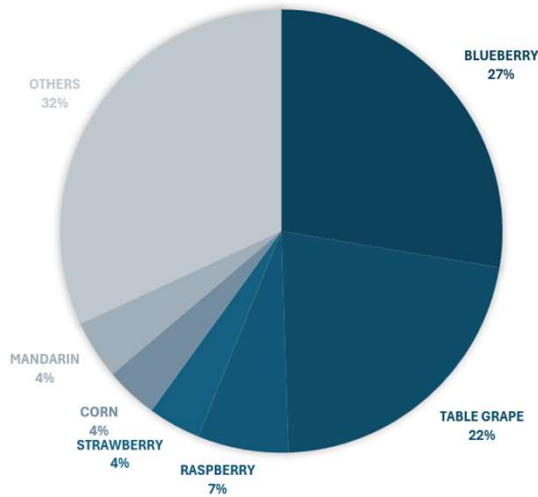
a) Preliminary Injunctions  
b) Inspections (collecting of samples and information)

a) Preliminary Injunctions  
b) Inspections (collecting of samples and information)

a) Preliminary Injunctions  
b) Inspections (collecting of samples and information)

2

## Share of PBR by species of plants in Peru (2015- May 2025)



During this period, **465** PBR were granted and the share of two species stands out: **blueberries** and **table grapes**, which account for **almost 50%**.

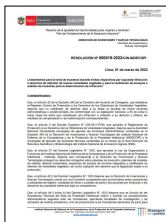
3

## Peruvian guidelines for PBR enforcement

**2022**

Res. 19-2022/CIN-  
INDECOPI

Issuance of Peruvian  
guidelines for PBR  
enforcement:  
inspections and DNA  
analysis



<https://n9.cl/gt2i4>

**2024**

Res. 138-2024/CIN-  
INDECOPI

First decision in a PBR  
infringement case based  
on genetic marker  
testing



**2025**

Res. 61-2025/CIN-  
INDECOPI

Guidelines update



<https://n9.cl/c9qfu>

4

## How can an infringement be proven?

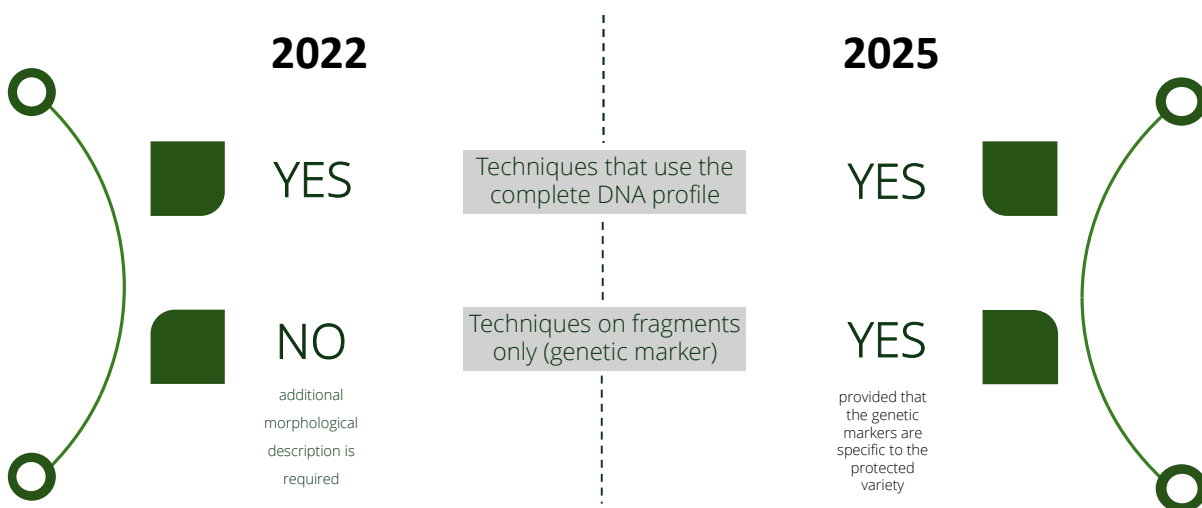
Analysis by morphological description

Analysis based on cultivation trials under DHE guidelines

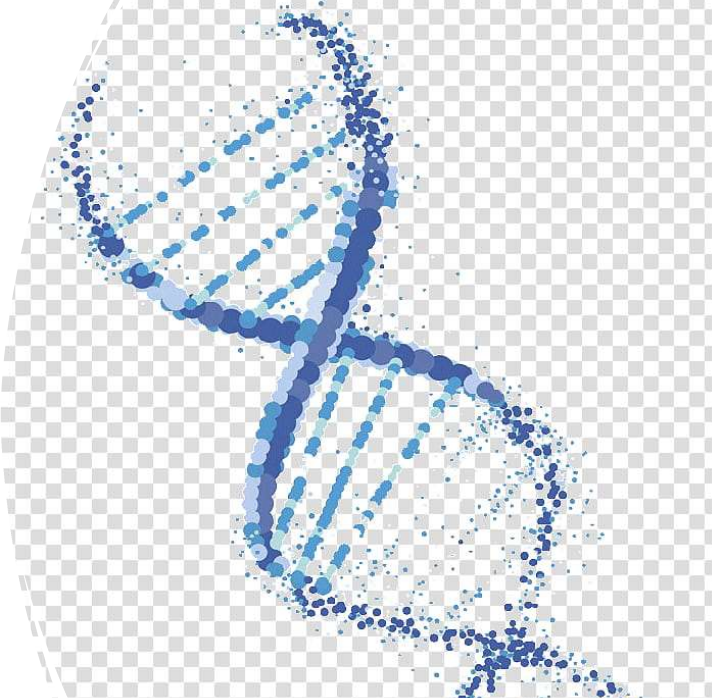
Analysis based on DNA techniques

5

## Do analyses based on DNA techniques constitute by themselves proof of PBR infringement



6

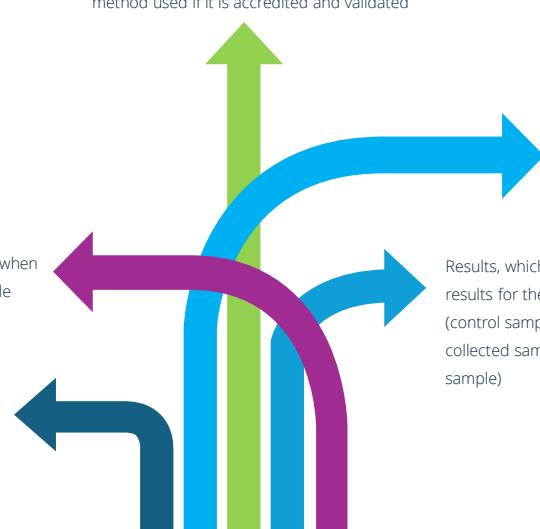


A genetic marker is specific to the protected plant variety when it is able to **unambiguously distinguish the protected variety from other varieties** of the same or related species, **based on the difference in the DNA sequence at that marker.**

It implies that the protected variety must have a **unique genetic variant in the DNA sequence that is not found in other varieties.**

7

## What should a DNA analysis report include?



- Description of the assay method used or identification of the method used if it is accredited and validated
- Identification of the primers used and their nucleotide sequence, provided they are in the public domain or a publicly accessible database
- Results, which must include the results for the protected variety (control sample) and the collected sample (analyzed sample)
- Reference of the sampling method when the laboratory participated in sample collection
- Identification of the analyzed sample, which must be traceable from the sampling stage, and a description of the plant material received by the laboratory (fruit, leaves, etc.).

8

