

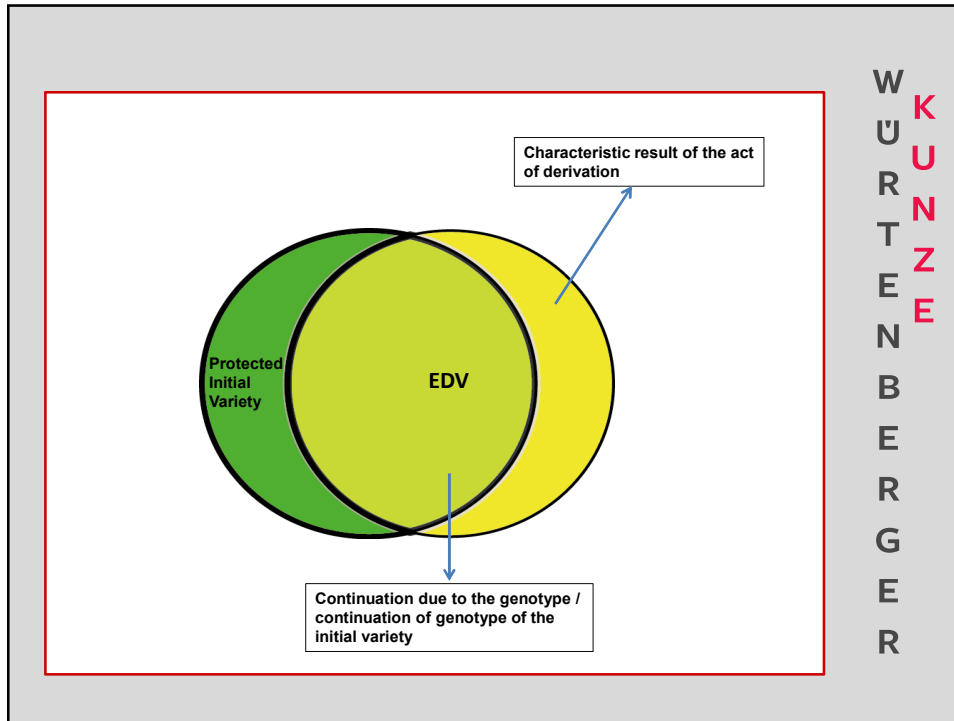
**A Legal Perspective on  
Essentially Derived Varieties**

*Dr. jur. Gert Würtenberger*

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PLANT VARIETY RIGHT    EDV    BREEDER'S EXEMPTION

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### **Background for the Introduction to the EDV Concept to the 1991 Agreement**

- Necessary strengthening of the scope of protection granted by PVRs, in particular granting protection against plagiarism
- Establishment of a protection level for PVRs comparable to that for patents in the area of overlaps of patents and PVRs

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**Legal Requirement:**

- **Predominantly derived**

- from the initial variety with regard to which **a right has been granted;**

or

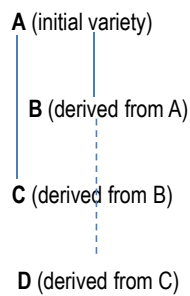
- from a variety which itself is a derivation of a protected variety

**Technical Requirements:**

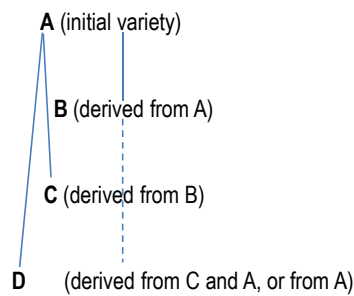
- **Distinctness** from the initial variety whereas the distinctness is the **result of the act of derivation**
- **Conformity**, essentially with the initial variety, in the expression of characteristics **that results from** the genotype or a combination of genotypes of the initial variety

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**Example 1**



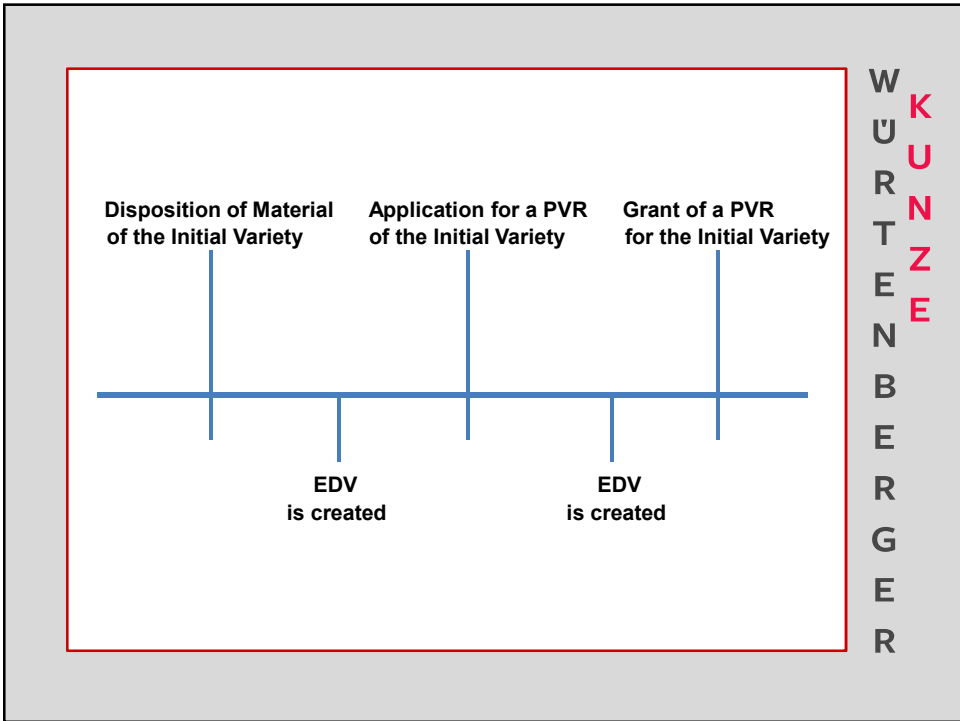
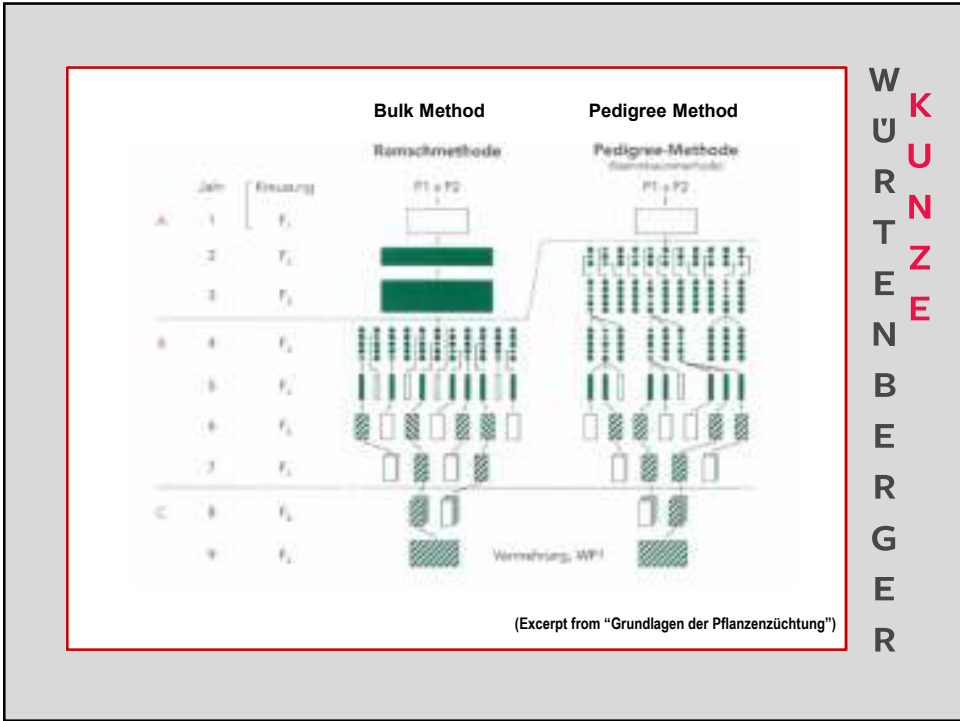
**Example 2**



(An extended line means that the rules with regard to essentially derived varieties are applicable and, a dotted line means that those rules are not applicable)

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