

UPOV

Seminar on
cooperation with plant
breeders
in DUS examination



International Union
for the Protection
of New Varieties of Plants

SESSION I

Overview of Cooperation with Breeders in DUS Examination from different UPOV Members (Roles and Responsibilities of Breeders/PVP Offices)

Collaborative framework for plant variety protection testing

PANEL

Moderator: Ms. Beate Rücker, Chair, Technical Committee (TC)

- Mr. Andrew Hallinan, Senior Examiner of PBR, Plant Breeder's Rights, IP Australia
- Ms. Gentrix Juma, Principal Plant Examiner, Kenya Plant Health Inspectorate Service (KEPHIS), Kenya
- Mr. John Oates, Qualified Person, Australia

Breeders

PVP Offices

Breeder

During the presentations, “Breeder” will be used to describe applicants that cooperate with PVP Offices in DUS examinations

PVP Office

“PVP Office” will be used for the administrative body responsible for processing applications, including assessing DUS and taking decisions to grant/reject applications.

Procedural steps in DUS Testing – Roles and responsibilities of PVP Offices and Breeders

Identification of varieties of common knowledge to be included in the growing trial for assessing distinctness

Sourcing of Plant Material of varieties of common knowledge.

Selection and Provision of trial sites for conducting DUS tests.

Trial Establishment and Maintenance following official guidelines ensuring adequate plant growth conditions.

Data Collection and Record Keeping on plant characteristics according to test guidelines.

Data evaluation for establishing the DUS report and the variety description

Examples of Roles and Responsibilities of PVP Offices in DUS Testing

Decision-Making Authority

PVP Offices review applications and decide on granting breeders' rights or rejecting the applications ensuring decision integrity.

Trial Oversight and Supervision

PVP Offices supervise DUS trials onsite or remotely to ensure adherence to national and international standards.

Accreditation and Training

The PVP Offices train, and in some cases accredit, experts, providing support to maintain high standards in DUS testing.

Transparency and Public Notification

Publishing trial results for public comment ensures transparency and allows peer review before granting rights.

QUESTIONS

- *on-site participants* – raise your hand physically to ask for the floor
- *remote participants* – raise your hand in zoom to ask for the floor

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SESSION II

Sustainability of Cooperation with Breeders in DUS Examination

(Aspects on Independence, Selection of Similar
Varieties, On-site visits, Publication and Costs)

Ensuring transparency and cost-effective collaboration benefits

PANEL

Moderator: Ms. Minori Hagiwara, Vice-Chair, Administrative and Legal Committee (CAJ)

- Mr. Yoshiyuki Ohno, Examiner, Intellectual Property Division, Export and International Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Japan
- Ms. Renée Cloutier, Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Canada
- Mr. Rob Graf, retired Agriculture and Agri-Food Canada (AAFC), Wheat breeder, Applicant with experience with Canada

Independence and Accountability

UPOV members shown various levels of cooperation with breeders, while matters concerning similar varieties, trial design and the decision on compliance with the conditions of protection fall under the responsibility of the PVP Office.

Clear Instructions and effective communication by the PVP Offices to applicants, accreditation of Qualified Persons to oversee the trial.

Ensuring adherence to the International Standards and national procedures to maintain fairness and consistency in DUS testing across locations.

Public disclosure of variety description and examination results enhances transparency and accountability in the system.

Cost Factors to consider for further
collaboration

Reasons behind the use of cooperation system

Diverse Geography and Requirements for high expertise & facility

Suitable locations of examination spreads across the nation, special expertise and requirements for facilities may be high for special crops.

Differences in capability

Research institutes, with living reference collections, and experience with DUS conduct, vs small and medium sized breeders

Drive for an effective and sustainable PVP system

Achieving effective results, while addressing resource constraints

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SESSION III

Benefits, Challenges and Opportunities (PVP Offices and the Breeder's Perspectives)

Analyzing challenges and opportunities for plant breeders and PVP Offices

PANEL

Moderator: Ms. Laura Villamayor, Chair, Administrative and Legal Committee (CAJ)

- Mr. Christopher Barnaby, PVR Assistant Commissioner, Plant Variety Rights Office, Intellectual Property Office of New Zealand
- Mr. Manuel Toro Ugalde, Head of Section, Registry of Protected Varieties, Seeds and Plants Department, Agricultural and Livestock Service (SAG), Chile

Breeders' Perspectives

- Mr. Emerson Limberger, Coordination Group for Intellectual Property (CG IP), International Seed Federation (ISF)
- Ms. Ingrid Slangen, Board Member and Treasurer, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA)

Challenges in Involving Breeders in DUS Testing

**Maintaining
Qualified
Personnel**

**Training
Limitations**

**Access to
comparing
varieties**

Qualified Personnel Challenges

Some PVP Offices experience a challenge in maintaining a sufficient pool of qualified personnel, especially for niche plant varieties.

Training Limitations

Some PVP Offices face challenges in consistently providing adequate training for breeders/Qualified Persons.

Access to comparing varieties

Breeders sometimes face challenges in acquiring plant material, for instance from competitors, of similar varieties to be included in the trial

Opportunities in Involving Breeders in DUS Testing

**Flexibility,
Efficiency**

**Access to
Specialized
Knowledge**

Cost Aspects

Locations - Flexibility and Efficiency

Breeders participating in trials enable testing at suitable locations, enhancing flexibility and reducing logistical challenges.

Specialized Knowledge Access

Collaboration strengthens skills and expertise among breeders and authorities through shared knowledge and experience.

Cost aspects

By cooperating and pooling resources, the costs associated with examinations may be reduced, ultimately making breeding programs more sustainable and accessible.

Fostering Collaboration between Breeder and PVP Offices

Building Strong Partnerships

Regular cooperation fosters information sharing and mutual understanding between breeders and authorities.

Collaboration leads to fit-for purpose testing systems adapting to the individual circumstances of each Member.

Sustainability in Plant Variety Protection

Sustainable plant variety protection optimizes resources while maintaining high quality decisions by PVP Offices and protection standards.

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