



## *Canada's Plant Breeders' Rights (PBR) Framework: DUS Cooperation*

UPOV Train the Trainer Course  
Santa Cruz, Bolivia  
November 19<sup>th</sup>, 2015

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## **UPOV Guidance on DUS Testing**

- The UPOV Convention (Article 7(1) of the 1961/1972 and 1978 Acts and Article 12 of the 1991 Act) requires that a variety be examined for compliance with DUS
- The 1991 Act of the UPOV Convention clarifies the various arrangements for DUS testing (TGP/6):
  - a) *the authority conducts growing trials, or other tests, itself*
  - b) *the authority arranges for another party / other parties to conduct the growing trials or other tests*
  - c) *the authority takes into account the results of growing tests or other trials which have already been carried out*

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## Canadian Legislation



- PBR Act first passed in 1990, Regulations in 1991
- Over 8100 applications accepted since 1992
- PBR Act was amended to conform to UPOV'91 on February 27<sup>th</sup>, 2015 and the Convention was ratified on June 19<sup>th</sup>, 2015
- All plant species eligible since December 1998, except bacteria, algae and fungi
- Canada has "breeder testing" system for DUS trials
- Decision on DUS is made by the national authority (PBR Office) based on trials conducted by the breeder and results of PBR Examiner's site examination report

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## DUS Testing in Canada



- Breeder is required to conduct the DUS testing or can arrange for a trial coordinator to conduct the testing on his/her behalf (usual foreign applications)
- Agricultural crops - majority of DUS testing conducted by the breeder
- Fruit crops - some breeders conduct DUS trials but many are done by trial coordinators
- Ornamentals - mainly conducted by two private DUS testing companies
- Also, there is a private DUS testing company that specializes in potato trials

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## Training for Trial Coordinators

- Canada has no formal accreditation program for people who are conducting DUS trials
- However, the PBR Office provides detailed procedural information and is actively involved in advising and assisting individuals that are new to the process
- Many trial coordinators have taken the UPOV Distance Learning courses and some have visited DUS testing centres in Europe
- For the majority, trials are conducted by experienced people who have been involved in DUS testing for many years

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## Test Guidelines (TG)

- Breeder or trial coordinator is provided TG for crop before initiating trials
- UPOV TG changed to national format for ease of recording observations – separate versions for English and French
- All illustrations & explanations from UPOV TG are included
- Other information includes:
  - Detailed instructions for applicant on conduct of trials
  - Instructions on analysis and summary of data
  - Instructions for taking comparative photographs

The image shows the cover page of a document titled "TEST GUIDELINE" for "ALSTROEMERIA". The document is published by the "PBRO Plant Breeders' Rights Office". The version date is "2008/04". The document is published under the "Creative Commons Attribution-NonCommercial-ShareAlike license". The document is published by the "Plant Breeders' Rights Office" in "Ottawa, Ontario, Canada" and is "UPOV". The document is published by "Canada".

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## Examination of DUS Trials

- Examiner from PBR Office visits all trials to confirm they are conducted properly and that the new variety is distinct & uniform (~250-300/year)
- Examiner takes observations, measurements and notes on the distinguishing characteristics and confirms that the reference varieties were appropriate
- Breeder/trial coordinator submits complete variety description and comparative photos to PBR Office



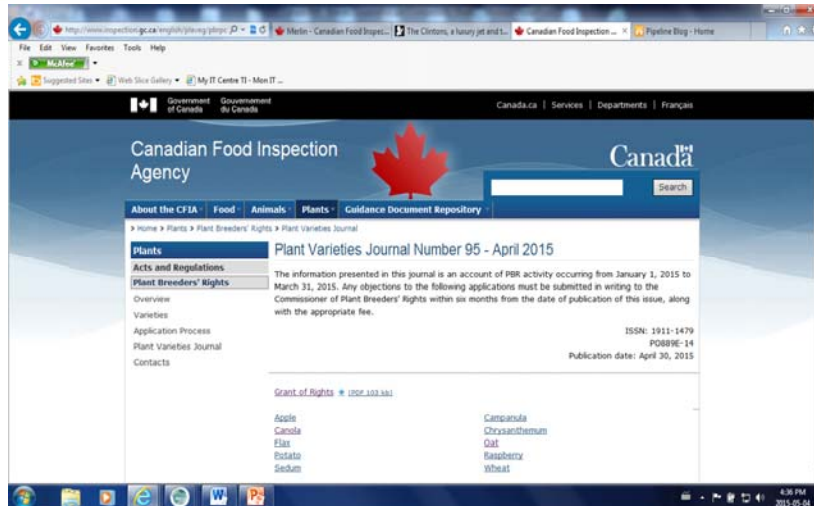
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## Plant Varieties Journal (*PVJ*)

- Published quarterly on the PBR website:  
<http://www.inspection.gc.ca/plants/plant-breeders-rights/plant-varieties-journal/eng/1299170381112/1299170471284>
- Lists all recent grants of rights, accepted, rejected, withdrawn applications and detailed description with photos for all varieties in DUS trials
- Six month objection period (novelty, DUS, reference varieties, etc) following publication date in the *PVJ*
- Objection period provides opportunity for input from other experts
- If no objections variety is eligible for grant of rights

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# Plant Varieties Journal (PVJ)



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# PVJ – Variety Description

**(Pelargonium)**

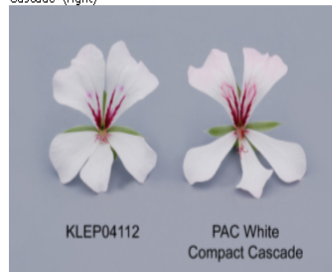
**Denomination:** 'KLEP04112'  
**Trade name:** Glacier White  
**Botanical Name:** *Pelargonium peltatum*  
**Applicant/Holder:** Klemm, Nils  
 Hanfacker 10  
 70378  
 Stuttgart  
 Germany  
 Tel: 0711/95325-0  
 Fax: 0711/95325-50  
**Breeder:** Nils Klemm, Stuttgart, Germany  
**Agent in Canada:** Brenda Cole  
 BioFlora Inc.  
 R.R. #1, 38723 Fingal Line  
 St. Thomas, Ontario  
 N5P 3S5  
 Canada  
 Tel: 519-631-6241  
 Fax: 519-631-0056  
**Application Date:** 2004-03-24  
**Application Number:** 04-4133  
**Grant of Rights Date:** 2007-11-28  
**Certificate Number:** 3080  
**Grant of Rights Termination Date:** 2025-11-28

**KLEP04112**

**Comparison table for 'KLEP04112'**

'KLEP04112'	'PAC White Compact Cascade'*
<b>Colour of upper flower petal marking (RHS)</b>	
N79C, N78A	59A, 58C
*reference variety	

Pelargonium: 'KLEP04112' (left) with reference variety 'PAC White Compact Cascade' (right)



**Variety Description**

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## DUS Takeovers

- Canada will accept high quality foreign DUS reports:
  - Replace 1 year of DUS testing in Canada
  - Will accept 2 years for crops grown under controlled conditions (e.g. greenhouse)
- PBR Office is considering expanding the policy on DUS “takeovers”, in consultation with the PBR Advisory Committee
- Canada is pleased to sell our DUS test reports to any requesting country (\$300 CDN)

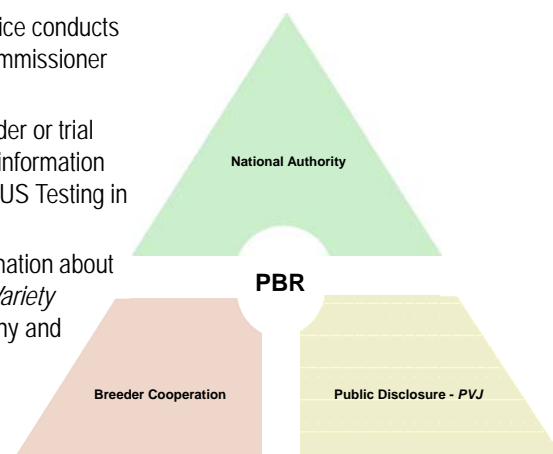
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## Canadian PBR Framework

**National Authority** - PBR Office conducts site examination and PBR Commissioner decides on Grant of Rights

**Breeder Cooperation** – breeder or trial coordinator provides detailed information on the variety and conducts DUS Testing in accordance with TG's.

**Public Disclosure** – all information about a variety is available – *Plant Variety Journal (PVJ)* for public scrutiny and input



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