

Challenges of DUS System in Korea

Eunsun CHUNG

Korea Seed & Variety Service (KSVS)

1 Inconsistency of DUS result (variety description)

◆ DUS result could be different between growing test for infringement and PVP grant

1) seed material

- KSVS keeps the seed material of protected variety
- variety is not a product, and even though standardization, DUS result could be changed by growing condition, DUS tester, etc.

2) vegetatively propagated material

- title holder keeps the material of protected variety and submit it upon authority's request
- offender doubts the trueness of protected variety when variety description does not coincide with that of when it was granted
- we keep DNA sample(leaf) for identification of protected variety, but how about the crops which don't have DNA markers?

2 Difficulty in preparing the similar variety.....

◆ foreign variety which is not circulated in seed market



Applied variety (Fig)



similar variety (google search)

However it is suspicious that those two are same variety, there is no way to reject it when applicant insist on DUS test

◆ In on-site examination, similar variety exists in another field

- When we request to change the similar variety, it's not easy for applicant to prepare the best similar variety before
- It takes so long time to change the similar variety in on-site examination

3 Reduce the number of growing cycle.....

◆ Applications increase compared with man power(DUS tester)

- the rejection rate by lack of stability is low, so, variety have problems in stability could be rejected by lack of uniformity
 - * percentage of rejection among DUS : Distinctness 37.5%, Uniformity 60%, Stability 2.5%
- DUS test for 1 growing cycle, examine the stability by documents submitted by applicant only when it satisfies our criteria
- it needs post control whether they are maintaining its own characteristics or not, if not, it would be cancelled