

Working Group on Essentially Derived Varieties (WG-EDV)

UPOV/WG-EDV/4/3

**Fourth Meeting
Geneva, October 19, 2021****Original:** English
Date: December 25, 2021

REPORT*adopted by the Working Group on Essentially Derived Varieties**Disclaimer: this document does not represent UPOV policies or guidance***OPENING OF THE MEETING**

1. The Working Group on Essentially Derived Varieties (WG-EDV) held its fourth meeting via electronic means on October 19, 2021, chaired by Mr. Peter Button, Vice Secretary-General of UPOV.
2. The meeting was opened by the Chair, who welcomed the participants.
3. The list of participants is reproduced in the Annex to this report.

ADOPTION OF THE AGENDA

4. The WG-EDV adopted the draft agenda as proposed in document UPOV/WG-EDV/4/1, after the deletion of the reference to "Document UPOV/WG-EDV/4/3" under item 4.

DRAFT TEXT FOR THE REVISION OF THE EXPLANATORY NOTES ON ESSENTIALLY DERIVED VARIETIES UNDER THE 1991 ACT OF THE UPOV CONVENTION

5. The WG-EDV considered documents UPOV/WG-EDV/4/2 and UPOV/EXN/EDV/3 Draft 2.
6. The WG-EDV noted that the Office of the Union had requested comments to be provided in advance of the meeting by October 1, 2021, on document UPOV/EXN/EDV/3 Draft 2 "Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention".
7. The WG-EDV noted that comments from Morocco and joint comments from the International Seed Federation (ISF), International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), CropLife International, Euroseeds, Asia and Pacific Seed Association (APSA), African Seed Trade Association (AFSTA) and Seed Association of the Americas (SAA) had been received prior to the meeting and had been published on the WG-EDV/4 webpage (see https://www.upov.int/edocs/mdocs/upov/en/wg_edv_4/wg_edv_4_comments_3.pdf). To facilitate discussions, a version of document UPOV/EXN/EDV/3 Draft 2, which presented the comments received prior to the fourth meeting, was considered by the WG-EDV (document UPOV/EXN/EDV/3 Draft 2 – with comments prior to WG-EDV/4).

8. The WG-EDV agreed the following changes to the text of document UPOV/EXN/EDV/3 Draft 2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)”:

Document UPOV/EXN/EDV/3 Draft 2	Changes agreed by the WG-EDV at its fourth meeting
Paragraph 7	“An essential characteristic is a characteristic that results from the expression of one or more genes or other heritable determinants <u>the genotype</u> and includes, but is not limited to, morphological, physiological, agronomic, industrial (e.g. oil characteristics) and/or biochemical characteristics.”
Paragraph 8	“An ‘essential characteristic’ is a characteristic that is essential <u>fundamental</u> for the variety as a whole. It should contribute to the principal features, performance or value for use of the variety and be relevant for one the following: the producer, seller, supplier, buyer, recipient, user of the propagating material and/or of the harvested material and/or of the directly obtained products and/or the value chain.”
Paragraph 11	“ A predominantly <u>An essentially</u> derived variety typically retains the expression of essential characteristics of the variety from which it is derived, except for those differences resulting from act(s) of derivation, which may also include differences in essential characteristics.”
Figures 2, 3, 4, 5, box 3:	“- predominantly derived from A <u>‘or B’</u> ”
Figures 2, 3, 4, 5, box 6:	“- predominantly derived from A <u>‘or Z-1’</u> ”

RECOMMENDATION

9. The WG-EDV recommended that the CAJ, at its seventy-eighth session to be held on October 27, 2021, consider document UPOV/EXN/EDV/3 Draft 2 “Explanatory Notes on Essentially Derived Varieties under the 1991 Act of the UPOV Convention (Revision)”, in conjunction with the changes agreed by the WG-EDV, as presented in paragraph 8 (above) and the following comments:

- (a) the WG-EDV noted the comments made by the Delegation of Spain in relation to document UPOV/EXN/EDV/3 Draft 2 and agreed it would be important for members of the WG-EDV to take the opportunity to discuss those comments with the Delegation of Spain prior to the CAJ; and
- (b) the representative of the Association for Plant Breeding for the Benefit of Society (APBREBES) did not agree with the text of Section II and the inclusion of Section III in document UPOV/EXN/EDV/3 Draft 2, as explained in the comments of APBREBES, in document UPOV/WG-EDV/4/2, Annex, Appendix IV (see at https://www.upov.int/edocs/mdocs/upov/en/wg_edv_4/upov_wg_edv_4_2.pdf).

DATE AND PROGRAM OF THE FIFTH MEETING, IF APPLICABLE

10. Subject to the agreement by the CAJ, at its seventy-eighth session to be held on October 27, 2021, the WG-EDV agreed that it had concluded its work and did not need to convene a further meeting.

11. *This report was adopted by correspondence.*

[Annex follows]

LISTE DES PARTICIPANTS / LIST OF PARTICIPANTS / LISTA DE PARTICIPANTES

(dans l'ordre alphabétique des noms français des membres /
in the alphabetical order of the French names of the members /
por orden alfabético de los nombres en francés de los miembros)

I. MEMBRES / MEMBERS / MIEMBROS

ARGENTINE / ARGENTINA / ARGENTINA

María Laura VILLAMAYOR (Sra.), Coordinadora de Relaciones Institucionales e Interjurisdiccionales, Instituto Nacional de Semillas (INASE), Ministerio de Agricultura, Ganadería y Pesca, Buenos Aires (e-mail: mlvillamayor@inase.gob.ar)

AUSTRALIE / AUSTRALIA / AUSTRALIA

Paul GARDNER (Mr.), Director, Domestic Policy & Legislation, IP Australia, Woden (e-mail: paul.gardner@ipaaustralia.gov.au)

Edwina VANDINE (Ms.), Senior Examiner, IP Australia, Woden (e-mail: Edwina.Vandine@ipaaustralia.gov.au)

CANADA / CANADA / CANADA

Anthony PARKER (Mr.), Commissioner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa (e-mail: anthony.parker@canada.ca)

Ashley BALCHIN (Ms.), Examiner, Plant Breeders' Rights Office, Canadian Food Inspection Agency (CFIA), Ottawa (e-mail: ashley.balchin@canada.ca)

CHILI / CHILE / CHILE

Manuel Antonio TORO UGALDE (Sr.), Jefe Departamento, Registro de Variedades Protegidas, División Semillas, Servicio Agrícola y Ganadero (SAG), Santiago de Chile (e-mail: manuel.toro@sag.gob.cl)

Alejandro Ignacio SAAVEDRA PÉREZ (Sr.), Profesional Registro de Variedades, Servicio Agrícola y Ganadero (SAG), Santiago de Chile (e-mail: alejandro.saavedra@sag.gob.cl)

CHINE / CHINA / CHINA

Yehan CUI (Mr.), Division Director, Division of Plant Variety Protection, Development Center of Science and Technology (DCST), Ministry of Agriculture and Rural Affairs (MARA), Beijing (e-mail: cuiyehan@agri.gov.cn)

Yuxia LIU (Ms.), Principal Staff Member, Division of Plant Variety Protection, Office for Protection of New Varieties of Plant, National Forestry and Grassland Administration of China (NFGA), Beijing (e-mail: liuyuxia@cnpvp.net)

Yongqi ZHENG (Mr.), Research Professor, Laboratory of Molecular Identification of Plant Varieties, Office for Protection of New Varieties of Plant, National Forestry and Grassland Administration of China (NFGA), Beijing (e-mail: zyzq8565@126.com)

Yilei HOU (Ms.), Lecturer, Beijing Forestry University, Beijing (e-mail: houyilei427@163.com)

ÉGYPTE / EGYPT / EGIPTO

Shymaa ABOSHOSHA (Ms.), Agronomic Engineer, Plant Variety Protection Office (PVPO), Central Administration for Seed Certification (CASC), Giza (e-mail: Sh_z9@hotmail.com)

ÉQUATEUR / ECUADOR / ECUADOR

Yadira YACELGA (Sra.), Delegada, Dirección Nacional de Obtenciones Vegetales, Servicio Nacional de Derechos Intelectuales, Quito
(e-mail: yadiyacelga@gmail.com)

ESPAGNE / SPAIN / ESPAÑA

Nuria URQUÍA FERNÁNDEZ (Sra.), Jefe de Área de registro de variedades, Subdirección General de Medios de Producción Agrícola y Oficina Española de Variedades Vegetales (OEVV), Ministerio de Agricultura, Pesca y Alimentación (MAPA), Madrid
(e-mail: nurquia@mapa.es)

ÉTATS-UNIS D'AMÉRIQUE / UNITED STATES OF AMERICA / ESTADOS UNIDOS DE AMÉRICA

Christian HANNON (Mr.), Patent Attorney, Office of Policy and International Affairs (OPIA), U.S. Patent and Trademark Office (USPTO), Department of Commerce, Alexandria
(e-mail: christian.hannon@uspto.gov)

Jeffery HAYNES (Mr.), Commissioner, Plant Variety Protection Office, USDA, AMS, S&T, Washington D.C.
(e-mail: Jeffery.Haynes@usda.gov)

FRANCE / FRANCE / FRANCIA

Yvane MERESSE (Mme), Responsable INOV, Groupe d'Étude et de Contrôle des Variétés et des Semences (GEVES), Beaucouzé cedex
(e-mail: yvane.meresse@geves.fr)

Catherine MALATIER (Mme), Assistante INOV, Groupe d'étude et de contrôle des variétés et des semences (GEVES), Beaucouzé cedex
(e-mail: catherine.malatier@geves.fr)

JAPON / JAPAN / JAPÓN

Teruhisa MIYAMOTO (Mr.), Deputy Director of Plant Variety Office, Intellectual Property Division, Food Industry Affairs Bureau, Ministry of Agriculture, Forestry and Fisheries (MAFF), Tokyo
(e-mail: teruhisa_miyamoto170@maff.go.jp)

KENYA / KENYA / KENYA

Simon Mucheru MAINA (Mr.), Head, Seed Certification and Plant Variety Protection Office, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi
(e-mail: smaina@kephis.org)

Gentrix Nasimiyu JUMA (Ms.), Chief Plant Examiner, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi
(e-mail: gjuma@kephis.org)

Luca's SUVA (Mr.), Senior Plant Inspector, Kenya Plant Health Inspectorate Service (KEPHIS), Nairobi
(e-mail: lsuva@kephis.org)

MEXIQUE / MEXICO / MÉXICO

Víctor Manuel VÁSQUEZ NAVARRETE (Sr.), Director de Variedades Vegetales, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura y Desarrollo Rural (SADER), México
(e-mail: victor.vasquez@agricultura.gob.mx)

Ana Lilia ROJAS SALINAS (Sra.), Jefa, Departamento de Armonización Técnica, Servicio Nacional de Inspección y Certificación de Semillas (SNICS), Secretaría de Agricultura y Desarrollo Rural (SADER), México
(e-mail: ana.rojas@snics.gob.mx)

NOUVELLE-ZÉLANDE / NEW ZEALAND / NUEVA ZELANDIA

Christopher James BARNABY (Mr.), PVR Manager / Assistant Commissioner, Plant Variety Rights Office, Intellectual Property Office of New Zealand, Ministry of Business, Innovation and Employment, Christchurch
(e-mail: Chris.Barnaby@pvr.govt.nz)

PAYS-BAS / NETHERLANDS / PAÍSES BAJOS

Kees Jan GROENEWOUD (Mr.), Secretary, Dutch Board for Plant Varieties (Raad voor Plantenrassen), Roelofarendsveen
(e-mail: c.j.a.groenewoud@raadvoorplantenrassen.nl)

POLOGNE / POLAND / POLONIA

Alicja RUTKOWSKA-ŁOŚ (Ms.), Head, National Listing and Plant Breeders' Rights Protection Office, Research Centre for Cultivar Testing (COBORU), Slupia Wielka
(e-mail: a.rutkowska-los@coboru.gov.pl)

Joanna GRUSZCZYŃSKA (Ms.), Head, DUS Testing and Variety Identity Verification Unit, Research Centre for Cultivar Testing (COBORU), Slupia Wielka
(e-mail: j.gruszczynska@coboru.gov.pl)

ROYAUME-UNI / UNITED KINGDOM / REINO UNIDO

Caroline POWER (Ms.), Higher Executive Officer Team Leader for UK National Listing & UK Plant Breeders' Rights Administration, Animal and Plant Health Agency (APHA), Cambridge
(e-mail: caroline.power@apha.gov.uk).

SUÈDE / SWEDEN / SUECIA

Jens WEIBULL (Mr.), Senior Officer, Swedish Board of Agriculture, Alnarp
(e-mail: jens.weibull@jordbruksverket.se)

UNION EUROPÉENNE / EUROPEAN UNION / UNIÓN EUROPEA

Päivi MANNERKORPI (Ms.), Team Leader - Plant Reproductive Material, Unit G1 Plant Health, Directorate General for Health and Food Safety (DG SANTE), European Commission, Brussels
(e-mail: paivi.mannerkorpi@ec.europa.eu)

Dirk THEOBALD (Mr.), Senior Adviser, Community Plant Variety Office (CPVO), Angers
(e-mail: theobald@cpvo.europa.eu)

Jean MAISON (Mr.), Deputy Head, Technical Unit, Community Plant Variety Office (CPVO), Angers
(e-mail: maison@cpvo.europa.eu)

II. ORGANISATIONS / ORGANIZATIONS / ORGANIZACIONES

CROPLIFE INTERNATIONAL

Marcel BRUINS (Mr.), Consultant, CropLife International, Bruxelles
(e-mail: mbruins1964@gmail.com)

INTERNATIONAL SEED FEDERATION (ISF)

Hélène KHAN NIAZI (Ms.), International Agriculture Manager, International Seed Federation (ISF), Nyon
(e-mail: h.khanniazi@worldseed.org)

John Howard DUESING (Mr.), Consultant, Consulting EDV Project Manager, American Seed Trade Association (ASTA), West Des Moines
(e-mail: jhd3@mchsi.com)

EUROSEEDS

Szonja CSÖRGÖ (Ms.), Director, Intellectual Property & Legal Affairs, Euroseeds, Bruxelles
(e-mail: szonjacsorgo@euroseeds.eu)

ASSOCIATION FOR PLANT BREEDING FOR THE BENEFIT OF SOCIETY (APBREBES)

François MEIENBERG (Mr.), Coordinator, Association for Plant Breeding for the Benefit of Society (APBREBES), Zürich
(e-mail: contact@apbrebes.org)

COMMUNAUTÉ INTERNATIONALE DES OBTENTEURS DE PLANTES HORTICOLES À REPRODUCTION ASEXUÉE (CIOPORA) /
INTERNATIONAL COMMUNITY OF BREEDERS OF ASEXUALLY REPRODUCED HORTICULTURAL PLANTS (CIOPORA) /
COMUNIDAD INTERNACIONAL DE OBTENTORES DE PLANTAS HORTÍCOLAS DE REPRODUCCIÓN ASEXUADA (CIOPORA)

Edgar KRIEGER (Mr.), Secretary General, International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), Hamburg
(e-mail: edgar.krieger@ciopora.org)

Jan DE RIEK (Mr.), Molecular Genetics & Breeding - Group Leader and CIOPORA co-vice president, Plant sciences unit, ILVO-Plant, Flanders research institute for agriculture, fisheries and food, Melle
(e-mail: jan.deriek@ilvo.vlaanderen.be)

Selena TRAVAGLIO (Ms.), Legal Counsel, Hamburg
(e-mail: selena.Travaglio@ciopora.org)

SEED ASSOCIATION OF THE AMERICAS (SAA)

Diego A. RISSO (Mr.), Director Ejecutivo, Seed Association of the Americas (SAA), Montevideo
(e-mail: drisso@saaseed.org)

Marymar BUTRUILLE (Ms.), Germplasm IP Scientist Lead, Bayer Crop Science, Ankeny
(e-mail: marymar.butruille@bayer.com)

ASIA AND PACIFIC SEED ASSOCIATION (APSA)

Kanokwan CHODCHOEY (Ms.), Executive Director, Asia and Pacific Seed Association (APSA), Bangkok
(e-mail: may@apsaseed.org)

III. BUREAU / OFFICER / OFICINA

Peter BUTTON (Mr.), Chair

IV. BUREAU DE L'UPOV / OFFICE OF UPOV / OFICINA DE LA UPOV

Peter BUTTON (Mr.), Vice Secretary-General

Yolanda HUERTA (Ms.), Legal Counsel and Director of Training and Assistance

Ben RIVOIRE (Mr.), Head of Seed Sector Cooperation and Regional Development (Africa, Arab Countries)

Leontino TAVEIRA (Mr.), Head of Technical Affairs and Regional Development (Latin America, Caribbean)

Manabu SUZUKI (Mr.), Technical/Regional Officer (Asia)

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