



Use of DNA markers for DUS testing, Essential Derivation and Identification

(Copenhagen, May 2006)

ISF has already stated¹ that it opposes the use of DNA markers alone for DUS testing before important issues have been adequately addressed, such as

- Definition of minimum distances for distinctness
- Impact on the concepts of uniformity and stability, and assessment of these criteria
- Public availability of informational markers

ISF recommends that answers to those important questions must be obtained and until such time reaffirms its opposition to the use of DNA markers as decisive characteristics for granting protection compliant with UPOV. This use would put at risk the essence of the plant breeder's right, by possibly reducing the minimum distance for distinctness to a difference of only one base pair, or by leading to impractical standards for uniformity or stability.

In contrast, ISF considers that DNA markers may be used for the identification of an already-protected variety, in particular in case of alleged misuse of that variety or the misuse of a parental inbred line in the case of a hybrid variety. DNA markers may also be used to define genetic similarity trigger points for starting a dispute resolution process in cases of alleged essential derivation, or to determine the presence or absence of a specific gene or mutation whose expression or lack of expression is responsible for an essential characteristic of the variety.

¹ This paper does not constitute a withdrawal of the ISF View on Intellectual Property (June 2003).