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Breeders welcome the adoption of the new Explanatory Notes on Essentially Derived Varieties by the UPOV Council

After four years of debate, the UPOV Council, in its 57th Session on 27th October 2023 adopted the new Explanatory Notes (EXN) on Essentially Derived Varieties, which replaced the EXN of 2017.

During the revision process, the worldwide breeders' community was represented by the International Seed Federation (ISF), the International Community of Breeders of Horticultural Varieties (CIOPORA), CropLife International (CLI), Euroseeds, Seed Association of the Americas (SAA), the Asia and Pacific Seed Association (APSA) and the African Seed Trade Association (AFSTA).

The new EXN clarifies that Varieties with a single parent (“mono-parental” varieties) resulting, for example, from mutations, genetic modification or genome editing are per se predominantly derived from their initial variety.

Additionally, there is no upper limit as to the number of differences which may result from the act of derivation. The number of differences between an essentially derived variety (EDV) and the initial variety is therefore not limited to one or very few differences but may vary considering different methods of derivation.

An important clarification in the adopted document is that the differences which result from the act of derivation may also include essential characteristics. This means that in case a predominantly derived variety differs in 1 or more essential characteristics, it does not fall outside the EDV scope of the initial variety that was used in the creation of the derived variety.

The new Explanatory Notes is in line with the understanding of the breeders' community on the principle of EDV. The breeders ask all UPOV members to adapt their national Plant Breeder's Rights legislation to this interpretation of the EDV principle, so that a consistent approach in respect of EDV will be established.

As we welcome the new EXN, we remain fully available to collaborate during the adaptation or updating processes of the national legislations.