



## PRESS RELEASE

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### **AIPH calls for changes to UPOV rules to prevent the stifling of innovation in ornamental horticulture**

“The current UPOV (International Union for the Protection of New Varieties of Plants) rules on ‘Essentially Derived Varieties’ (EDV) are reducing the access that growers have to new varieties and an alternative solution is required for the future.” This is the message that Mia Buma, secretary of the AIPH Standing Committee for Novelty Protection, will bring to the UPOV seminar on EDV being held in Geneva on 22<sup>nd</sup> October.

The EDV provision matters to the industry, as it defines that if a breeder brings a new variety onto the market that is not significantly different from its parent variety, he can apply for a breeder's right but still needs permission from the owner of the already existing protected variety, if he wants to exploit his new variety. In practice the rules are complicated to implement. Discussion revolves around how to prove relatedness or otherwise. What is the degree of genetic relatedness? What degree of phenotypic similarity between two varieties may lead to the conclusion that the new variety is derived from the parent variety? The EDV provision does raise a lot of new questions.

The Plant Breeders Right is part of the intellectual property right system and serves as such the general interest of society, namely stimulating innovation and product renewal. In this case specifically new varieties by breeding. The EDV provision is difficult to understand alongside the intellectual property right system. The provision discourages breeding activity, as it is difficult to imagine any commercial situation in which the holder of a breeder's right would honour someone else's derived variety (an EDV) and give that person permission to exploit the EDV in the market.

Speaking on behalf of AIPH, Mia Buma said “The issue of EDV could be solved in a less complicated way. This will require a sensible discussion on what the really important characteristics are in a variety and this will be easier for ornamentals than it will be for edible crop varieties. AIPH recognises that for now we must work within the EDV provision, but for the future let us make sure there will be a clearer and more legally robust system. Society in general and the growers in particular have an interest in new varieties and do not question where these varieties come from: breeders or new breeders. The existing EDV provision will in the long term result in a less competitive industry with less innovation and that is a loss to society as a whole.”

The full AIPH paper and presentation is available to view at [www.aiph.org](http://www.aiph.org).

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## Notes for Editors:

### International Association of Horticultural Producers (AIPH)

AIPH is a co-ordinating body representing horticultural producers' organizations all over the world. It was set up in Switzerland in 1948 to stimulate the international marketing of flowers, plants and landscaping services. Currently membership consists of 26 organisations from 19 countries. For further details visit [www.aiph.org](http://www.aiph.org).

### AIPH Novelty Protection Committee

The AIPH Novelty Protection Committee is chaired by AIPH Vice-President, Bernard Oosterom, and exists to defend the interests of growers in the international debate on plant breeders rights. AIPH has been actively engaged with UPOV since the first Convention came in force in 1961. AIPH has endorsed the UPOV plant breeders' right system ever since and in AIPH's opinion the system plays a positive role in relations between breeders and growers. Nevertheless AIPH continually argues for a regulatory system that supports a good functioning PBR system, without unnecessarily damaging the production industry.

### UPOV

UPOV's mission is 'To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.' The [UPOV system of plant variety protection](#) came into being with the adoption of the International Convention for the Protection of New Varieties of Plants by a Diplomatic Conference in Paris on December 2, 1961. This was the point at which there was recognition of the rights of plant breeders on an international basis.

The [UPOV Convention](#) provides a *sui generis* form of intellectual property protection which has been specifically adapted for the process of plant breeding and has been developed with the aim of encouraging breeders to develop new varieties of plants.

The UPOV Convention has been revised a number of times. The EDV rules emerged from the last revision which took place in 1991. Not all countries are signed up to the 1991 revision. For a list of those that are visit <http://www.upov.int/export/sites/upov/members/en/pdf/pub423.pdf>.