

# U.S. PVP

Cooperation with Breeders in the  
Examination of DUS



U.S. Plant Variety Protection



## PVP Application Contents

- Application
  - S&T 470 form – confirm Novelty and Ownership
  - EXHIBITS
    - A. Breeding History – attest to uniformity and stability
    - B. Distinctness Statement – supporting evidence
    - C. Objective Description of Variety
    - D. Additional Description (optional)
    - E. Basis of Ownership

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## Exhibit A: Breeding History

Breeder describes how the variety was bred, or discovered and developed

Breeder Includes:

- Name of genetically-related starting materials that describe how the variety was created;
- Method(s) used and the steps taken;
- Criteria used for selection;
- Evidence of Uniformity and Stability;
- Variant description and frequency.

## Exhibit A – Breeder Provides:

- Genealogy and breeding history including the breeding method and subsequent stages of selection;
- A statement of uniformity including the level of variability in any characteristics of the variety;
- A statement of genetic stability showing the number of cycles of seed reproduction for which the variety has remained unchanged in all distinguishing characteristics;
- The type and frequency of genetic variants observed during reproduction and multiplication.

## Exhibit B: Breeder's Statement of Distinctness

Establishes the Breeder's View on Distinctness

General Format:

- Compares the MOST SIMILAR comparison variety or varieties to the APPLICATION variety
- State traits and values to distinguish
- Provide evidence:
  - Differences are clear, uniform, stable
  - 2-3 generations of statistical evidence
  - Color chart readings

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## Exhibit B - Evidence for Silk Color Difference

Variety PH5W<sub>4</sub> has primarily a pink silk influenced somewhat by sunlight (10RP 4/8) vs. PHHB<sub>9</sub>, which has primarily a yellow silk color (2.5Y 8.5/4; Figure 1).



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## Exhibit C

### Objective Description of the Variety

- The breeder botanical description of the variety
- Crop-specific forms often created from UPOV Technical Questionnaires that guide the breeder
- This information is used by the PVP Office, entered into the specific crop database and established distinctness independent of the breeder's determination
- Used to:
  - ✓ Describe the "invention"
  - ✓ Confirm distinctness

## Exhibit C

- Breeders conduct field/greenhouse trials (2 year or 2 locations) and compare their variety with standard varieties or breeder selected similar varieties
- Differences between varieties must be proportionally consistent over time or location
- Breeders complete the PVP Office Exhibit C questionnaire



## Exhibit C

- PVP Office examines the exhibit C responses
- Ask the breeder questions / more details if discrepancies occur
- PVP Examiners enter the varieties exhibit C data into the specific crop database and conducts a distinctness search against all the varieties in that crop database (= our reference collection)

## PVP Examiner Report

- Attests to
  - **New** - the filing date of this application is XXXX/XXXX. The applicant indicated 'VARIETY' was not released, marketed, or sold more than one year prior to filing in the United States or more than four years outside of the United States.
  - **Uniformity & Stability** - The applicant states 'VARIETY' has been observed to be uniform and stable for X generations. No variants have been observed.
  - **Distinctness** - a) Applicant's Statement of Distinctness: 'VARIETY' is most similar to 'YYYY' however differs in these characteristics. b) A database search in the PVCROP database resulted in a records - these varieties may distinguished by these characteristics.
  - **Other information**
    - Genealogy or Breeding History - Parents and crosses made to create the variety
    - Selection criteria - what the breeder was selecting for during the variety's creation.