



Guidelines for the Handling of a Dispute on Essential Derivation in Cotton

(Adopted by the Industrial Crops Section in Christchurch, May 2007)

1. The 1991 Act of the UPOV Convention introduced the concepts of essential derivation and dependency from an initial variety.
2. The ISF Industrial Crops section has conducted a literature review on the use of molecular markers to identify a putative EDV in cotton and survey of industry breeding practices in *Gossypium hirsutum* and *Gossypium barbadense* cotton varieties.
3. The results of this literature review are available at the ISF Secretariat on request. Due to the genetic diversity within individual allotetraploid cotton varieties no EDV threshold based on molecular markers can be assigned at this time. However, considering the global importance of cotton and the advancement in adoption of the 1991 Act of the UPOV convention, the ISF Industrial Crops section desires to establish an EDV threshold based on parentage and continue to assess the scientific progress in the application of molecular markers to cotton variety identification.
4. Based on the results of this review and survey, the ISF Industrial Crops section has decided to propose an EDV threshold in cotton based on parentage. When the phenotypic or genetic characteristics of a variety suggest that its parentage could have been derived from a plant or plants created by two or more backcrosses using the initial variety as the recurrent parent, or has a coefficient of parentage value of 87.5% or more, this second variety can be considered a putative EDV.
5. The above-mentioned threshold is a trigger point to initiate a discussion between the breeders of the initial variety and the breeders of the putative essentially derived varieties. If a settlement cannot be reached, the breeder of the initial variety may ask for the arbitration, according to the ISF rules for disputes settlement and the mediators/conciliators or arbitrators may ask for the reversal of the burden of proof. The breeders of the putative EDV will have to provide the information that is relevant to determining the status of his variety. They may be asked to open their breeding records of the putative EDV to an independent neutral expert. (See the ISF arbitration rules for further details)
6. The guidelines shall apply on all varieties subject to national laws.
7. After a period of 5 years the threshold shall be reviewed in the light of the experience gained and the technical and scientific advancements.