



Guidelines for Handling a Dispute on Essential Derivation in Ryegrass

(Adopted by ISF Forage and Turf Crops Section, November 2009)

1. The 1991 Act of the UPOV Convention introduced the concepts of essential derivation and dependency from an initial variety (i.v.).
2. The Forage Plants Section of ASSINSEL conducted a study in 1997 and 1998 to evaluate tools and to determine a possible threshold for assessing putative essential derivation.
3. Based on the results of that study “Principles of a Code of Conduct in Essentially Derived Varieties of Perennial Ryegrass” were adopted by the Section in 2002. These guidelines fully replace that Code of Conduct.
4. In 2005 the ISF Forage and Turf Crops Section decided to conduct a new experiment with a new testing protocol using SSR markers on bulked plants instead of using AFLP markers on individual plants.
5. As the results of the new experiment (available at the ISF Secretariat on request) are adequate for the purpose it is now agreed that:
 - a. The Jaccard coefficient is an effective measure of genetic similarity between varieties of perennial ryegrass when SSR markers are used, on bulked plants of a variety.
 - b. Once the coefficient is 0.6 (EDV threshold) or higher, the burden of the proof shifts to the breeder of the putative EDV in question.
 - c. In this instance, breeders of the initial and putative essentially derived varieties may initiate a discussion and try to reach an amicable settlement.
 - d. If an amicable settlement cannot be reached:
 - i. The parties may ask for arbitration according to ISF’s “Regulation for the Arbitration of Disputes concerning Essential Derivation”; or
 - ii. A party may decide to go to court.
6. The guidelines shall apply to all varieties, subject to national law.
7. After a period of three years the experimental protocol and the EDV threshold shall be reviewed in light of the experience gained or sooner if new and more efficient technologies are available.