



## **GUIDELINES FOR THE HANDLING OF A DISPUTE ON ESSENTIAL DERIVATION IN OILSEED RAPE<sup>(1)</sup>**

(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, from 2001 to 2006, a study to evaluate the possibility to use molecular markers to assess genetic distances of oilseed rape varieties in using bulk samples and to evaluate the inter-variety genetic diversity of spring and winter varieties presently on the market and also the genetic distance between known pairs of varieties.
3. The results of the study are available in the ISF internal report that can be received on request from the ISF secretariat.
4. Based on the results of the study, the ISF working group has decided to propose a threshold of 0.85 Dice genetic distance for both spring and winter oilseed rape varieties, taking into account the present variability available on the market but also having in mind the need to protect effectively future breeding work.  

The assessment of the Dice genetic distance must be done according to a technical protocol available at the ISF secretariat on request.
5. The above-mentioned threshold is a trigger point to initiate a discussion between the breeders of the putative initial and essentially derived varieties. If the Dice coefficient is higher than 0.85, the breeders will try to reach an amicable settlement. If this settlement cannot be reached, one or both parties may ask for the arbitration according to the ISF rules for dispute settlement.
6. The guidelines shall apply on all varieties subject to national laws.
7. After a period of five years the protocol and the threshold shall be reviewed in light of the experience gained and the technical and scientific evolution, as appropriate.

<sup>(1)</sup> In these guidelines, variety means lines, synthetics or populations. Hybrids are not included.