

Plant Variety Protection Office Guidelines Exhibit A - Origin and Breeding History

The applicant is required to provide:

1. A full disclosure of the genealogy back to publicly known varieties, lines, or clones, including the breeding method;
2. The details of subsequent stages of selection and multiplication used to develop the variety;
3. A statement of uniformity reporting the level of variability in any characteristics of the variety (commercially acceptable variability is allowed);
4. A statement of genetic stability showing the number of cycles of seed reproduction for which the variety has remained unchanged in all distinguishing characteristics;
5. The type and frequency of variants observed during reproduction and multiplication;

Obtaining intellectual property rights requires disclosure. As part of this disclosure the applicant is to provide the public with information about his/her invention in exchange for protection of the variety. For Plant Variety Protection, this includes a full disclosure of the parentage and breeding methodology in the Exhibit A, Origin and Breeding History. This information would specify the plant material the applicant started from, i.e., the parentage. All material in the parentage must be traceable back to varieties, lines, or clones, etc. that are publicly known or a matter of common knowledge.

Also, as part of the breeding history and methodology, the Exhibit A includes the details of subsequent stages of selection and multiplication; including the selection criteria. Additionally, if not obvious or enclosed elsewhere in the application, the Exhibit A would provide the characteristic(s) by which the application variety can be distinguished from the direct parent(s).

Lastly, the Exhibit A would contain a separate statement that provides:

1. A statement concerning whether the variety is uniform and stable and how many generations the variety has been observed to determine this. Please use the words "uniform" and "stable" or variations of those words when writing this statement.
2. Whether there are genetic variants that are to be expected during normal maintenance of the variety, the description of the variants, and their frequency. In general, the frequency of variants should not be more than 5%. Beyond this level, the uniformity and stability of the variety may be called in question.

The following are examples of statements on variants, uniformity, and stability that are acceptable:

1. (Variety name) has been observed for (number) generations of reproduction and during the seed increase period and is stable and uniform. No variants were observed.

2. Variety (Variety name) has been reproduced and judged stable for the past (number) generations. Variety (Variety name) is uniform for all traits as described in Exhibit C (Objective Description of Variety). (Variety name) shows no variants other than what would normally be expected due to environment.

3. (Variety name) has been observed for (number) generations of increase and is stable and uniform. Variants appear in (Variety name) at a frequency of about 1 in 200. These variants have lengthened internodes but are identical to the variety in all other characteristics as described in Exhibit C. These variants are known to be the result of spontaneous mutation due to aneuploidy. This type of mutation occurs in most, if not all, (crop kind) and is a characteristic of the species. These variants are commercially acceptable and predictable.