

# Plant Variety Rights Office (PVRO)

## Meeting Report – 2025 Technical Focus Group (TFG)

<b>Date</b>	8 July 2025	
<b>Location</b>	PVRO, MBIE, Grand Central Building 161 Cashel St, Christchurch	
<b>Apologies</b>	Wendy Cashmore Tallulah Simpson Gaby Cowcill	IP Partners Waimea Group IPONZ MBIE

### Participants

MBIE / IPONZ (Intellectual Property Office of New Zealand)		Other	
<u>Name</u>	<u>Role</u>	<u>Name</u>	<u>Company/Institution</u>
Matt Allan	Patents Science	Andy Warren	Bloomz
Chris Barnaby	PVR Lead	Louisa van den Berg	Bloomz
Scott Gregan	Senior PVR Examiner	Nick Coumbe	Bioeconomy Science Institute
Kylie Miller	Senior PVR Examiner	Josie Dawber	Bioeconomy Science Institute
Cecilia R-Jackman	Senior PVR Examiner	Helen Bellchambers	AJ Park
Jacquie Broadhead	Senior PVR Examiner	Charlotte Burgess	Grasslanz Technology Ltd
Evan Martin	Operations Policy	Tony Hendrikse,	Eurogrow
Scott Kaiser	Operations Policy	Tania McAnearney	Freshmax
Gillian Sharpe	IP Policy	Malcom Woolmore	Kiwiflora International
Dale Aotea Stephens	MPVC	Heidi Jade	Zespri
Graeme Atkins	MPVC	Sarah McPoland	Zespri
Aroha Mead	MPVC	Duncan Park	Prevar
		Kathryn Hurr	NZPP Inc
		Bernadine Eves	MFAT
		Mitchell Newcombe	Federated Farmers
		David Birkett	Federated Farmers
		Sarah Clark	GSNZ/PBRA

Topic	Speaker
<b>Welcome and introduction</b>	<b>Chris Barnaby</b> <b>Matt Allan</b>
<p>The meeting was opened on behalf of the Plant Variety Rights Office, and everyone was thanked for making the time and effort to attend this year's TFG meeting.</p> <p>The reorganisation of PVR within IPONZ reported at the 2024 meeting has progressed well with much of the first part of the year as a settling in process. There is slow but steady momentum towards developing closer connections and consideration of common ground with other IP types.</p>	
<b>Review of previous meeting action points</b>	<b>Chris Barnaby</b>
<p>Action: For the 2025 meeting, participation of the Chair of the Māori Plant Varieties Committee. An update on the development of the Committee and applications (if any) were requested.</p> <p>Response All three members of the MPVC were present and participated in the MPVC agenda item</p> <p>Action: Establishment of a PVR fees reference group which should meet in November 2024, prior to the formal consultation period anticipated in December 2024</p> <p>Response: The establishment of the group was delayed however a pre consultation session was held on 24 June 2025</p> <p>Action: The participant invitation list for 2025 should include the following: IPONZ General Manager, MBIE IP Policy Manager, Ministry of Primary Industries Plant Imports Group Manager, and Ministry of Foreign Affairs and Trade representative for IP</p> <p>Response: All of the above were invited and either participated or provided apologies. The role of IPONZ General Manager has been disestablished.</p> <p>Action: Circulation to all participants the PVR IPONZ people list and responsibilities plus the organisational chart</p> <p>Response: The organisational chart was made available as part of the 2024 report</p>	
<b>Overview of PVRO activities and developments</b>	<b>Chris Barnaby</b>

**A presentation on the 2024/25 update was provided to the meeting and highlighted the following activities:**

**PVR statistics (Annex):**

There has been a total decrease in application numbers on the previous 12 months. A decrease in the number of applications occurred in each of the crop groups, ornamentals, vegetable, fruit crops, fungi, pasture and agricultural varieties.

There has been an increase in grant decisions on the previous year with a slight decrease in the number of valid grants in force.

**Implementation of the PVR Act 2022**

As the understanding of the new legislation has developed and new processes begin there has been some confusion around the lapse and restoration provisions and the timetable for payment of the annual renewal fee. Both processes have differences from previous practice and do not provide the options that once existed. In short, payments are necessary before the due date otherwise applications will lapse, and grants will be cancelled. There are no options for payment after due dates.

A focus on the understanding of the requirements for newness under the current legislation has required consideration of the wider scope of Rights provided. The legislation uses the worded distributed which includes sold and offered for sale but also any other action of commercialisation. This could mean that newness may be determined prior to any sales if distribution has occurred for the exploitation of the variety. This prompted comment from several participants and some discussion around different scenarios. The exceptions for newness provided will continue but perhaps certain commercial activities may have to be tweaked to ensure that a question regarding newness is not inadvertently triggered.

**Continuing projects**

- Diversifying the crop or species skills across Examiners
- New IT and systems improvements
- Support for the Māori Plant Varieties Committee
- Botanical revisions and impact on databases

**Future activities**

- Ways to further enhance cooperation with other authorities
- New examination and testing techniques and technology
- IPONZ case management system

**IPONZ Fees Review**

**Evan Martin**

Following an initial engagement on 24 June and a request for written submissions, the TFG meeting provided another opportunity for stakeholders and IPONZ to collectively discuss stakeholder feedback on the PVR proposals as part of the IPONZ fees review. Feedback received at the TFG further highlighted concern with the PVR fee proposals, particularly when considering wider expenses across the agriculture and horticulture systems. Feedback noted that the proposals would also strongly disincentivise participation in the PVR regime.

Stakeholders suggested that fee options that considering all cost increases associated with participation in the wider agriculture and horticulture systems would be appropriate. Stakeholders also desired further transparency in the breakdown of costs covered by current and future fees, particularly where fees are apportioned to cover the Commissioner's wider costs. Stakeholders reiterated that further funding options should be explored. This view will be proactively communicated to the Minister's office by MBIE, along with presenting a summary of the targeted engagement and seeking further advice from the Minister.

A summary of the discussion:

Stakeholders expressed unanimous agreement concerning comments made by stakeholders regarding funding of the PVR process and serious questions as to why Renewals are being used as a catchall for all other fees and may have the effect of raising the current \$385 annual fee to an amount of \$2,000 annually to retain a PVR. This is seen as totally unsustainable and an unfair burden particularly on existing PVR holders. Comment was passed that this would have a very negative effect on the government goal of doubling export returns. Stakeholders expressed dismay at MBIE's lack of action in approaching the Minister about the request from industry for continued Crown funding post the significant 'public good' from PVRs demonstrated in the BERL Plant Variety Rights Economic and Public Good Value report. Stakeholders strongly requested that this funding now be included in their budget bid for the coming year. It was also noted that the Minister, Scott Simpson has been notified of this situation, and stakeholders are looking for an appropriate response from MBIE.

**Reports on technical activities for agriculture, fruit, ornamentals, and vegetables.**

**Jacque Broadhead**  
**Cecilia R-Jackman**  
**Scott Gregan**

Presentations on activity and developments from examiners.

#### **Vegetable, fungi (& others) variety testing**

In the vegetable sector and varieties of *Rubus*, there were 21 new applications received from June 2024. In the past year, 33 varieties have been recommended for grant. Potato had again the most variety applications with 8 varieties filed, followed by *Rubus* (3 variety applications). Five varieties were NZ owned, 16 from overseas.

The latest UPOV revision of test guidelines (TG) for raspberry and potato are now in use. For the updated raspberry TG, there are now 14 example varieties represented in the PVR Reference Collection for *Rubus*. This update considerably aids the examination and evaluation of candidate varieties. Other UPOV test guidelines under review or partial review are lettuce, broccoli, cabbage, cauliflower and tomato.

There is currently no contract for the centralised testing of fungal endophyte varieties. Testing has continued using a breeder testing model where the applicant has the responsibility of arranging testing and covering any costs. The applicant directly arranged with AgResearch to carry out the in-vitro testing, with the PVR Office coordinating the examination, methodology, comparator varieties etc. For this model, no growing trial fees were charged by the PVR Office.

## **Agriculture**

There was a slight decrease in agricultural and pasture variety applications from the previous year. It is noted that the previous year had seen a boost in cereal applications possibly due to the implementation of the voluntary Grain and Seed New Zealand farm saved seed royalty collection scheme for cereals. In the last financial year 18 varieties were granted. The coming season will see 48 varieties in trials, with a good range of pasture, amenity grass, cereal and fodder brassica varieties. The first application for a medicinal cannabis variety has been received.

Bent (*Agrostis* L.) and Festulolium (*Festulolium* Asch. Et Graebn) test guidelines are to be adopted in October 2025 and White Clover (*Trifolium repens* L.), and White mustard (*Sinapis alba* L.) are to be reviewed next year.

The new pasture DUS trial site is developing well, and improvements continue to be made with weed management. The Technical Working Group for Pasture Species (TWGPS) was held at Kimihia on 24 June with the usual constructive discussions. A lecture on PVR in New Zealand was given to students on the Seed Course held at Lincoln University; it is very beneficial to create awareness of the PVR system to new members of the seed community.

## **Fruit crops**

- Currently there are 141 fruit varieties under application.
- 32 fruit variety applications were made in the 2024/2025 year, covering 11 species. Apple variety applications made up 56% of total fruit variety applications.
- Blueberry variety applications continue to decline in numbers from approximately 30% in 2022/23 to 3% in 2024/2025.
- 26% of fruit variety applications were from New Zealand breeders increasing from 12%, compared with 2023/24.
- 31 fruit varieties were granted in 2024/2025 covering 10 species including one kiwifruit variety.
- Seven UPOV technical guidelines were under review this year.
  - Japanese Plum
  - Japanese Pear
  - Blueberry (partial review)
  - Passionfruit
  - Hazelnut
  - Guava
  - Goji
- Three Technical guidelines will be submitted to the Technical Committee for adoption later in the year.
  - Goji
  - Hazelnut
  - Passionfruit

### **Ornamental variety testing**

- A slight decrease in new applications for ornamental varieties this year from 28 in 2023/24 to 22 variety applications in 2024/25.
- 74 varieties currently under DUS testing belonging to 21 genera.
- 76% of the ornamental varieties currently under test belong to the following genera: Rose, Hebe, Lavender, Agapanthus, Buxus, Hydrangea, Lomandra, Peperomia and Tulip.
- Approximately 70% of applications under test are from foreign applicants: mainly from Australia, USA, and The Netherlands.
- 32 ornamental varieties were granted Plant Variety Rights.
- PVR Office received the first application for a NZ-bred native variety which is now under review by the Māori Plant Varieties Committee in accordance with Part 5 of the PVR Act 2022.

#### **Māori Plant Varieties Committee update**

**Graeme Atkins: Chairman**

The members of the Committee, Graeme Atkins, Aroha Mead and Dale Aotea Stephens, introduced themselves and provided brief personal views on their understanding of this new role. The first task was to determine the information required from applicants to determine kaitiaki relationships. The existing technical questionnaire does not provide this information, and an additional list of questions will be developed for the Committee's assessment. Views from the Committee and participants were exchanged regarding challenges, timeliness of determination and future objectives. The question of funding of the Committee was raised by stakeholders and the view was clearly expressed by stakeholders that this should be by the Crown, under its wider obligations to the Treaty of Waitangi.

#### **UPOV and international developments**

**Chris Barnaby**

A brief update on international activities was presented; a written report (Annex) was provided. Participants made the suggestion that information regarding activities in other member states could be included for comparison with the practice in New Zealand. This could include testing arrangements, fees and funding and use of foreign test reports.

#### **Availability of plant material**

Varieties under application, which do not have plant material in New Zealand, but are requested for inclusion as similar varieties in trials for other candidate varieties, continue to be a problem. This can lead to delays in testing and has impact on candidate varieties which are ready for evaluation. A view was expressed that PVRO should be more active in ensuring that all agents and owners comply with set deadlines for importation and access to plant material. The current legislation does have improved provision for this, something which was lacking previously. PVRO does recognise this situation and always looks carefully at the similar varieties selected and is pragmatic regarding the setting of importation and plant material supply deadlines.

#### **Infringement and enforcement**

Participants agreed that the most difficult aspect of proceeding with an infringement action was the collection of the necessary evidence, particularly regarding access to and availability of relevant plant material. There were a number of reasons for this. Any evidence collected would need to comply with rules and requirements in a court for use of evidence.

The group agreed that this agenda item was topical and should be retained for future meetings.

#### **Other business**

There was no additional business raised.

#### **Programme, date and place of next meeting**

There was agreement that the item for sharing experiences regarding infringement and enforcement should be included for 2026

AJ Park made the offer to provide a presentation on their PVR and related IP activities for the next meeting. This was accepted with thanks.

Zespri offered to host the next meeting in Tauranga, which was received with thanks. A date in the month of July 2026 will be confirmed in due course.

#### **Summary of action points**

**Action:** A question was asked whether or not bank fees are taken into consideration where for foreign payments a lesser amount than required is available for the payment after the bank fees had been deducted.

**Action:** A request was made to include the ability to sort by grant date to better manage an individual's annual renewal list

Kiwiflora Ltd concluded the meeting with a presentation on their variety management and breeder representation activity.

**Close of Meeting** – meeting finished at 3.45 pm.

## Annex

### Tables of statistics

PVR STATISTICS – FINANCIAL YEARS JULY-JUNE YEARS 2019 - 2025										
APPLICATIONS										
Year to 30 June	Crop + Vegetable	Vegetable	Pasture	Fungi	Fruit	Orn.	Total	Withdrawn	Lapsed	Refused
2019/20	18		7	0	30	32	87	37	0	0
2020/21	Crop only 7	13	8	1	29	58	116	16	1	0
2021/22	3	15	17	0	31	27	93	10	0	2
2022/23	9	27	8	1	17	36	98	14	1	0
2023/24	21	16	14	3	43	28	125	15	5	0
2024/25	9	12	10	0	34	22	87	10	9	3



**PVR STATISTICS – FINANCIAL YEARS JULY-JUNE YEARS 2019 - 2025**

**GRANTS**

Year to 30 June	Crop + Vegetable	Vegetable	Pasture	Fungi	Fruit	Orn.	Total	Cancelled Surrendered	Expired	Valid
2019/20	25		12	1	29	31	98	72	28	1286
2020/21	15		7	1	35	30	88	63	30	1293
2021/22	4		9	-	21	45	79	45	32	1294
2022/23	Crop only 7	9	10	-	36	39	101	54	19	1316
2023/24	6	11	11	3	32	30	93	79	37	1293
2024/25	7	27	11	2	31	32	110	87	29	1289

Year of Grant 20 and 23 years		Number of grants		Total number of grants	Date Expired	Number	% at full term
1998/99	1995/96	173	137	310	2018/19	27	9
1999/2000	1996/97	164	141	305	2019/20	28	9
2000/01	1997/98	152	131	283	2020/21	30	11
2001/02	1998/99	120	173	293	2021/22	32	11
2002/03	1999/2000	39	164	203	2022/23	19	9
2003/04	2000/2001	244	152	396	2023/24	37	9
2004/05	2001/02	135	120	255	2024/25	21	12

## **UPOV and international developments – July 2024 to June 2025**

### **UPOV E-PVP**

UPOV has now introduced the third online tool for the administration of plant variety protection. The tool for a test report exchange module, which can be used for the requesting and supplying of variety test reports, was made available for use in April 2025. To date NZ has requested several reports using the module. For the module to function, both the supplier and requester member state must be a part of the test report exchange scheme. The majority of test reports used are from The Netherlands, European Union and Australia and all are participating member states. In 2024/25, thirty-seven (37) foreign test reports were utilized for New Zealand Rights decisions and seven (7) test reports were supplied to foreign authorities. A notable change is the increase in the exchange of test reports for fruit species.

PVR IPONZ, IP Australia and the UPOV Secretariat jointly presented a webinar in February 2025, on the use of UPOV PRISMA, the online plant variety protection application tool, for Australasia. Information regarding the connection of PRISMA to the Australian and to the New Zealand national schemes was provided and key elements for easy PRISMA use in each jurisdiction were highlighted. The webinar was recorded and is available here via the UPOV website. <https://www.upov.int/upovprisma/en/webinars.html>

### **Breeder Cooperation in DUS testing**

UPOV has focused a number of activities in 2025 on the sharing of experiences of breeder cooperation in member states. The first webinar in March 2025 featured the testing arrangements and the role of the breeder in Australia and New Zealand. The second webinar was in early June 2025 and Canada and Chile provided information on the respective roles of the breeder in variety testing. The third and final webinar was in mid-June and DUS testing arrangements involving the breeder in Kenya and Japan were shared. The three webinars are the lead up to a cooperation with breeders in DUS testing seminar scheduled for October 2025 in Geneva. New Zealand has been invited to provide a panellist for the discussion forum.

### **Propagation and Harvested Material**

The UPOV Legal and Administrative Committee (CAJ) has authorised a study regarding the interpretation of available guidance on propagating and harvested material in plant variety protection. In particular, this includes the understanding and meaning of “unauthorised use”. The five (5) authors are following an independent academic approach and are expected to have completed their work by September 2025.

### **UPOV Technical Working Parties (TWPs) and Committees**

New Zealand participated in person or virtually in all five working parties for 2025. The in-person meetings for the Technical Working Party for Agriculture and Technical Working Party for Ornamentals were the first for some years and proved valuable for contacts and reconnection. The Technical Working Party for Fruit Crops was also in person. Virtual and in person sessions provide Examiners the opportunity to contribute and obtain experience with international plant variety protection. Participation is important because all variety testing in NZ is based on UPOV testing guidelines.

To support the work of the Technical Working Parties and the Technical Committee, UPOV continues to provide opportunities for Examiners to develop test guideline drafting skills. A webinar on aspects of drafting was held in April 2025 and New Zealand provided a presenter for the section on the description of plant morphology and of colour. The webinar was recorded and is available here via the UPOV website [https://www.upov.int/meetings/en/webinar\\_videos.html#QG20](https://www.upov.int/meetings/en/webinar_videos.html#QG20)

PVRO participated in sessions of the Council, Legal and Administrative and Technical Committees in March 2025 (virtually) and October 2024 in Geneva.

### **International Seed Testing Association**

The annual congress was held in Christchurch in May 2025. As part of a two (2) day seminar series on seed technology, an afternoon focused on new breeding technologies (NBTs) and the policies for their management. The Ministry of Primary Industries organised for PVRO to participate which provided an opportunity to hear about several national regulatory systems for NBTs and the interaction with plant variety protection.

### **Distance Learning**

The introductory course and the advanced level course are both run twice a year and are available to anyone providing the participation is endorsed by PVRO. NZ continues to provide a tutor for each course.

### **Visit from the Korea Seed and Variety Service, Republic of Korea**

Four Examiners and variety specialists visited PVRO Christchurch for three (3) days in December 2024. The visitors were interested to hear and see how the breeder or applicant is involved in the PVR examination process and in particular, the testing for distinctness, uniformity, and stability (DUS). Each day was divided into two (2) parts, in the morning a classroom style session was held with presentations, discussions and sharing of experience. The afternoon consisted of field visits to DUS growing trials for strawberry, raspberry, lettuce, potato, pasture plants and ornamentals. Participants found the experience of value, and all learned something.