

Plant Variety Rights Office (PVRO)

Meeting Report – 2026 Technical Focus Group (TFG)

Date	20 August 2026
Location	Zespri International, 400 Maunganui Rd, Mount Maunganui
Apologies	There were no apologies made

Participants

MBIE / IPONZ (Intellectual Property Office of New Zealand)		Other	
<u>Name</u>	<u>Role</u>	<u>Name</u>	<u>Company/Institution</u>
Chris Barnaby	PVR Lead Expert	Andy Warren	Bloomz Limited
Cecilia R-Jackman	Senior PVR Examiner	Louisa van den Berg	Bloomz Limited
Kylie Miller	Senior PVR Examiner	Claudia Wiedow	Bioeconomy Science Institute
Scott Gregan	Senior PVR Examiner	Emma Brown	Bioeconomy Science Institute
Jacquie Broadhead	Senior PVR Examiner	Josie Dawber	Bioeconomy Science Institute
Gaby Cowcill	Manager, Patents (Science) and PVR	Helen Bellchambers	AJ Park
Gillian Sharp	MBIE IP Policy	Nikki Templeton	AJ Park
		Tony Hendrikse,	Eurogrow Potatoes Ltd.
		Tania McAnearney	Freshmax
		Malcolm Woolmore	Kiwiflora International
		Heidi Jade	Zespri Ltd.
		Sarah McPoland	Zespri Ltd.
		Martin Baz	Zespri Ltd.
		Kathryn Hurr	NZPP Inc
		Sarah Clark	GSNZ/PBRA
		Tallulah Simpson	Waimea Propagation Ltd.
		Bernadine Eves	MFAT
		Kate Neilson	MFAT
		Charlotte Burgess	Grasslanz Technology
		Mitchell Newcombe	Federated Farmers
		Chris Dillon	Federated Farmers
		Wendy Cashmore	Plant IP Partners

Topic	Speaker
Welcome and introduction	Chris Barnaby
	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. Zespri was acknowledged and thanked for hosting this year's meeting.
Update for IPONZ and MBIE	Gaby Cowcill
1. Branch Restructuring and Integration of Callaghan Innovation Functions: MBIE has integrated several former Callaghan Innovation functions into the branch as Innovation Services, including: • Grants administration • Research and Development Tax Incentive (RDTI) • Regional business partners and navigators This has created a more integrated innovation support model, covering the full innovation lifecycle from funding through to intellectual property protection. Co-location of teams has also improved stakeholder engagement, outreach, and visibility at regional events and conferences. 2. Fees and legislative settings • The broader fee review has been paused, pending the election. No fee changes are expected in the near term. • The PVR scheme is operating at a slight deficit. • The PVR Act targeted amendment has been announced. The changes are intended to better recognise the time, cost and risk involved in developing and introducing new plant varieties, and to support ongoing investment in plant breeding. 3. Case Management System Upgrade Delays The planned case management system upgrade has been delayed. • The implementation was originally intended to roll out in stages: 1. Designs 2. Trademarks 3. Patents and PVR	

4. Issues Register and Legislative Feedback

- The purpose of an 'Issues Register' is to capture legislative and operational issues, raised by both internal and external users. The aim is to identify opportunities for legislative or regulatory improvements. External users are encouraged to contact IPONZ about operational aspects of the scheme not working well or legislation detail that may seem unclear or impractical. It covers all IP types, including PVR.

Review of previous meeting action points

Chris Barnaby

- Action point from last year regarding how bank fees are handled for foreign payments: It was explained that MBIE has limited control over bank fees and typically does not pursue minor shortfalls, but acknowledged the need for further clarification, especially regarding automated systems where there is no discretion. Users wish to know if a variety could be lapsed or cancelled for nonpayment of the fee due to an insufficient amount caused by bank fees.
- Sorting by Grant Date: A new feature allows users to sort by grant date for better management of annual renewals, accessible both via the public website and user accounts.
- A regular "tips and tricks" newsletter for navigating the IPONZ case management facility and payments system is planned.

Overview of PVRO activities and developments

Chris Barnaby

A presentation on the 2025/26 update was provided to the meeting and highlighted the following activities:

Annual Statistics and Patterns. See PVR statistics (Annex):

- Applications increased by approximately 25% over the year. Growth was driven mainly by: Potatoes, vegetables, and fruit crops.
- Granted decisions decreased by around 11%.
- Applications for ornamentals continue to slowly decline.
- Fruit varieties remain a major driver of activity.

Implementation of the PVR Act 2022 – Trial fee and Examination fee.

- An implementation audit found the Office is largely on track with implementing the new legislation.

- The examination fee was introduced to clearly separate the testing period and related costs from the final examination activities and associated costs. The following discussion raised concerns that the examination fee is charged too late in the process and participants suggested earlier invoicing and improving communication about total costs upfront. PVRO agreed to review when the examination fee is requested and to ensure that fees information on the website is comprehensive.
- Specific comment was made regarding growing trial fees charged by third parties. Applicants can be unaware of testing arrangements which potentially include significant third-party growing trial costs. Information on these potential fees are available on the IPONZ PVR website, but IPONZ will review this information to ensure it is prominent and clear.

Lapse and Restoration Processes

- Applications automatically lapse when fees are unpaid.
- Some applicants are being caught out by new lapse provisions for non-payment of fees. The restoration process is still relatively new and not well understood by users.
- Restoration is not a quick process and requires time for formal publication and can only occur when all Act requirements have been met.
- In the period between the lapse date and any restoration, which is months, the variety is no longer under application and has no protection.

Parallel Operation of the 1987 and 2022 Acts:

The group discussed challenges arising from both Acts operating simultaneously. Parallel operation may continue for another **20–30 years**.

- The Acts provide different scopes of protection:
 - **1987 Act:** propagation for commercial gain.
 - **2022 Act:** includes a broader scope of what is commercial activity and variety management.
- Different labelling and compliance requirements apply. Accurate labelling is important for enforcement and recovery of damages.

Māori Plant Varieties Committee (MPVC):

- New applications for varieties of native plants and non- indigenous plants of significance are referred to the MPVC based on species criteria determined by PVRO.
- The committee has started considering its first two applications: A *Phormium* and a Hebe/*Veronica* variety.

- A kaitiaki questionnaire has been developed, and it is provided to applicants after application. The committee is building processes to ensure cultural assessment runs alongside technical testing without delaying decisions.
- The questionnaire form and operational process will be published on the IPONZ website once initial cases have been completed and reviewed.

Botanical and Taxonomic Updates

- Significant taxonomic changes are being reflected in Office database systems, including the consolidation of Citrus species and reclassification of Hebe to *Veronica*. Further changes to Citrus nomenclature are likely in the future.
- The office generally adopts changes only after they have gained broad international acceptance and been incorporated into recognised databases such as UPOV PLUTO and USDA GRIN.

PVR Act 2022 Amendments

Gillian Sharp MBIE Policy

As announced, this will include the following proposed changes:

- Extend all PVR terms by 5 years, including existing active registrations (except rights already expired before the amendment takes effect).
- Reintroduce the ability to take legal action during provisional protection for applications before grant.
- Merge the PVR fee regime with the patents fee regime to create a more sustainable funding model.
- Correction of several wording errors in the 2022 Act.

Key discussion points:

- The bill has not yet been drafted. The next step is drafting instructions.
- Legislative timing is not certain particularly with the upcoming election.
- The standard legislative process would include a Select Committee review
- TFG members raised concerns about the application of term extensions to PVRs already granted noting this to be considered retrospective and raise potential fairness issues. It was noted that no such retrospectivity was contemplated as part of the implementation of the 2022 Act. They indicated that submissions can be expected on this at Select Committee stage.

Reports on technical activities for

Jacquie Broadhead
Kylie Miller

agriculture, fruit, ornamentals, and vegetables.	Scott Gregan Cecilia R-Jackman
Presentations on activity and developments from examiners. New Technologies in PVR Testing Internationally Updates were provided on emerging technologies used in variety testing. Trials are comparing digital measurement tools with traditional assessment methods. New testing technologies are gaining momentum internationally and may improve efficiency and consistency in PVR examinations. Areas of development: • Molecular markers and genotyping. • Image analysis technologies. • Drone-based data collection. • Machine learning applications. • Colour measurements using Spectrophotometer technology. <u>Vegetable, fungi (& others) variety testing:</u> • Updates on potato, lettuce, <i>Rubus</i>, hops and other vegetable testing. • Continued use of both centralised and breeder trials. • Updates to the <i>Rubus</i> variety collection. • Ongoing participation in UPOV technical discussions. <u>Agriculture crops</u> • 39 applications in physical DUS trials • Slight decrease in cereal applications. • Ongoing grass and brassica trials. • New applications for Persian clover and medicinal cannabis. • Review of TWA 2026 • Continued engagement with industry technical working groups. <u>Fruit crops</u> • Around 165 fruit applications currently under test. • Application volumes remain stable. • Increased participation from overseas breeders. • New trials for pineapple and feijoa. • Ongoing challenges with kiwifruit testing due to PSA. <u>Ornamental variety testing</u> • Sixteen new applications. • Historically, over 60% of new applications originate from foreign breeders. • Top 6 applications <i>Roses, Hydrangea, Lomandra, Lavender, Armeria and Dianthus</i>. • Twenty-eight varieties were granted PVR rights. • PVR Office received a second application for a NZ-bred native variety. The application is under review by the Māori Plant Varieties Committee in accordance with Part 5 of the PVR Act 2022.	

- Forty-three ornamental varieties are under application corresponding to 16 different genera.
- New international test guidelines for *Magnolia*, *Helleborus*, and *Ginkgo* are ready for adoption at the next UPOV Committee meeting in coming October.

UPOV and international developments

Chris Barnaby

A brief update on international activities was presented; a written report (Annex) was provided.

Availability of plant material

Members highlighted that access to varieties is crucial for effective PVR testing and examination. PVRO explained that there are existing practices and legislation to support this and will continue to work with applicants to ensure DUS trials are complete as possible.

Going further, participants stated imported plant material of germplasm and varieties remains an important enabler of domestic plant breeding and innovation. While the group acknowledged the seriousness of the issue, it was noted that this forum's focus is on intellectual property. The meeting therefore noted that cross-agency engagement could help identify areas for improvement, and ensure that current import processes, pathway availability, and regulatory settings are supporting New Zealand's broader innovation objectives.

Botanical Identification of varieties under application

The group discussed increasing difficulties with accurate botanical identification in applications and its impact on enforcement, the implications for inter specific hybrids and associated legal import status. In addition, the group highlighted the need and complexities of cross-agency coordination for defining inter specific hybrids for instance the use of PVR applications for cross-checking legal declarations for importation.

Members suggested adding clearer legal declarations for PVRO application forms and improving internal processes for checking botanical information. PVRO can only record declared botanical information and recognises that errors will not alter the status of an application. The Office also noted that if the genus or species of the variety you are filing for is not found in the plant botanical name dropdown menu, to please contact the office, and the necessary genus or species will be added.

Infringement and enforcement

Helen Bellchambers and Nikki Templeton (AJ Park Ltd.) presented on IP infringement and enforcement trends. The presentation provided several examples of foreign court decisions for trademarks. It was noted that there are common challenges with respect to infringement actions for trademarks and PVR.

Other business

Issues with searching in UPOV PLUTO database

Members raised concerns about the usability of the Pluto database for variety denomination searches. Workarounds were discussed and feedback was provided for future improvements, with suggestions to communicate such issues to the UPOV Secretariat.

Ministry of Primary Industries (MPI) import processes review.

MPI is currently reviewing plant importation and participants reported the ongoing difficulties concerning importation of plant material and the view that the proposed changes are not meeting needs of the industry. Timely access to new genetics was identified as a key factor supporting New Zealand's long-term productivity, competitiveness, and ability to respond to emerging industry and environmental challenges.

PVRO acknowledged this is a critical matter however, PVRO has no direct responsibility for plant importation requirements or processes. Examiners had participated this year in two of the MPI workshops and have quarterly meets with MPI Plant Imports to share information and cover mutual areas of interest.

Programme, date and place of next meeting

AJ Park kindly offered to host the next meeting in Wellington in 2027.

Summary of action points

- MBIE: update the status and timing of the drafting instructions for the PVR Act amendments. Gather stakeholder views on circulating an exposure draft of the PVR Act amendments.
- PVRO to prepare comparison of protection scope and labelling requirements under the 1987 and 2022 Acts.
- PVRO: conduct internal discussion to consider changes in practice regarding the handling and verification of botanical information in applications.
- IPONZ to provide clarification as to whether a variety could lapse or be cancelled for nonpayment of the fee due to an insufficient amount paid caused by the deduction of bank fees.
- Attendees to provide specific feedback on problems encountered with the PLUTO database search functionality to be passed on to UPOV Office for potential fixes or improvements.
- Attendees are encouraged to volunteer to include a presentation and discussion on new breeding

technologies and testing tools, such as image analysis and marker use in next year's meeting.

Close of Meeting – meeting finished at 4pm.

Annex

Tables of statistics

PVR STATISTICS – FINANCIAL YEARS JULY-JUNE YEARS 2020 - 2026										
APPLICATIONS										
Year to 30 June	Crop + Vegetable	Vegetable	Pasture	Fungi	Fruit	Orn.	Total	Withdrawn	Lapsed	Refused
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
2025/26	6	27	10	3	47	16	108	4	3	1

PVR STATISTICS – FINANCIAL YEARS JULY-JUNE YEARS 2020 - 2026										
GRANTS										
Year to 30 June	Crop + Vegetable	Vegetable	Pasture	Fungi	Fruit	Orn.	Total	Cancelled Surrendered	Expired	Valid
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
2025/26	15	13	16	1	26	28	99	90	7	1291

PVR STATISTICS – FINANCIAL YEARS JULY-JUNE YEARS 2020 - 2026							
EXPIRY OF GRANTS							
GRANTS		Number of grants		Total number of grants	Date Expired	Number	% at full term
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
2005/06	2002/03	69	39	108	2025/26	7	6

UPOV and international developments – July 2025 to June 2026

Cooperation in DUS testing

Discussion within UPOV members continues regarding improving the technical cooperation between authorities and enabling the takeover of DUS test reports. Barriers to the takeover of DUS test reports are many and varied. Some provide particular difficulties and ways to overcome them may be problematic. NZ already has understandings with a number of states and discussion with others continue. The UPOV E-PVP report exchange tool has proved effective and NZ now utilises the tool with the states which are users.

Propagation and Harvested Material

The UPOV expert study on harvested material and unauthorised use of propagating material was released in 2025 and is under discussion by the working group. The findings of the study will form the basis for a revision of the UPOV Explanatory Note.

Key findings:

1. Authorisation by the breeder is the core requirement. Any use of propagating material of a protected variety without the breeder's consent qualifies as unauthorised use. This makes clear that unauthorised use does not relate to the legal status of the propagating material used in a territory.
2. Reasonable opportunity to exercise the right is assessed not only on legal grounds but also on practical and technical feasibility. This is particularly relevant when propagating material of a variety is used in jurisdictions where the breeder holds no protection.
3. The scope of the Right is territorial. If unauthorised propagating material is used offshore, and the resulting harvested material subsequently enters the breeder's market, the protection framework applies in the territory where the variety is protected.
4. The breeder's right is comprehensive, but should be exercised in the right place, only once and at the earliest viable stage, ideally the time of propagation.

UPOV Technical Working Parties (TWPs) and Committees

New Zealand participated in person or virtually in three of the four working parties held in the 2025/26 period. The in-person meetings for the Technical Working Party on Testing Methods and Techniques and the Technical Working Party for Fruit Crops. 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 share experience and to develop DUS testing skills. In the April 2026 webinar series, New Zealand provided two presenters. The first for the section on environmental effects on the expression of characteristics and the second on biosecurity impacts on availability of plant material for

variety testing. The webinar was recorded and is available here via the UPOV website https://www.upov.int/meetings/en/webinar_videos.html#QG20

PVRO participated in a virtual session of the Legal and Administrative Committee in March 2026 and in the sessions of the Council, Legal and Administrative and Technical Committees in October 2025 in Geneva.

Asia Pacific Seed Alliance, Regional Plant Variety Protection workshop

Representatives from 14 Asia-Pacific countries, including New Zealand, gathered at the end of August 2025 in Tokyo, Japan for a high-level consultation on Plant Variety Protection (PVP), Essentially Derived Varieties (EDV), and Access and Benefit Sharing (ABS). The meeting brought together government authorities, seed industry leaders, and international seed organisations to discuss harmonisation of policy and legal frameworks for plants and intellectual property across the region. Key themes included Japan's proposed updates to its PVP law, the growing role of molecular techniques, AI in DUS testing, and the challenges of enforcing PVP rights in complex agricultural value chains.

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 of the International Community of Breeders of Asexually Reproduced Ornamental and Fruit Varieties (CIPORA)

Dr Edgar Krieger Director General met with PVR IPONZ on 12 January 2026 in Christchurch and then with MBIE policy staff in Wellington on 13 January. The discussions covered several plant variety protection topics, including possible changes to the existing Act and more broadly trends in international plant breeding.

Visit of the Plant Variety Protection Office, Ministry of Agriculture, Forestry and Fisheries, Japan

PVR IPONZ Christchurch hosted a visit from Ms Minori Hagiwara, Director of International Affairs, in early March 2026. The visit to New Zealand was part of UPOV and the Government of Japan working together to promote innovation for farmers and growers. Ms Hagiwara spent the following week in Northland and Bay of Plenty with Māori kiwifruit growers where protected kiwifruit varieties are providing new opportunities and benefits.

Visit of the Community Plant Variety Office (CPVO) of the European Union

PVR IPONZ hosted a visit from Sergio Semon, senior member of the CPVO Quality Assurance group, in late April 2026. The visit comprised two parts with the first in Christchurch, including a meet with all PVR Examiners to discuss common challenges for DUS testing, opportunities for greater cooperation between Offices, and field visits to growing trial sites at Lincoln. Mr Semon also wished to engage with NZ breeders and a seminar on the European Union scheme was well attended by thirty (30) people, in person and virtually. In addition, a field visit was made to a breeding company for pasture and turf varieties. The second part included visits to the Cultivar Centre, Havelock North to observe testing for apples and to Te Puke, to observe testing for kiwifruit with Zespri and the Kiwifruit Breeding Centre.