

Plant Variety Rights Office (PVRO)

Technical Focus Group (TFG) Meeting Report

Date/Time 20 August 2020, 9.30am – 1.00pm

Location Zoom

Apologies Kerry Hughes (Alex MacDonald Ltd)

Participants

Session 1: 9.30am – 11.00am

MBIE / Intellectual Property Office of New Zealand ("IPONZ")	Other
Chris Barnaby, PVR Manager Cecilia Requejo-Jackman, Senior PVR Examiner Chris Hardy, Senior PVR Examiner Kylie Miller, PVR Examiner Tanya Carter, IPONZ Stakeholder Engagement Manager Aidan Burch, Senior Policy Advisor Jahnavi Manobolu, Policy Advisor Warren Hassett, Senior Policy Advisor Monique Cardy, IPONZ, Team Administrator Caitlin Neison, IPONZ, Team Administrator	Andrew Mackenzie, (Plant IP Partners) Helen Bellchambers (AJ Park) Nikki Templeton (AJ Park) Andy Warren (Bloomz) Catherine Snelling, (Plant and Food) Heidi Darcy (Zespri) Jo Stephens (NZG) Josie Dawber (Plant & Food) Joy Lin (Grasslanz Technology) Kathryn Hurr (NZPPI) Malcom Woolmore (Kwiflora) Pip West (Waimea Nurseries) Wendy Cashmore (Plant IP Partners)

Session 2: 11.30am – 1.00pm

	(In addition to the above) Morgan Rodgers (T&G Global) Thomas Chin (NZ Grain & Seed Trade Association) Pantendo Humphrey Foote (Davies Collison Cave)
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Topic	Speaker
Session 1	
Welcome and Introduction	Chris Barnaby
Overview of PVRO activities and developments	Chris Barnaby
<p>A presentation on 2019/2020 PVRO updates was displayed to the meeting, which noted the following:</p> <ul style="list-style-type: none"> • PVR Act Review Policy and regulations • Operational and resource review • A greater number of grants have been issued than applications received • All Examiners participated in several virtual UPOV Technical Working Parties <p>The PVRO stats were displayed to the meeting and the following points were noted:</p> <ul style="list-style-type: none"> • There has been a decline in ornamental applications, where other areas have remained steady. This would suggest that that the decline in total application numbers is linked to ornamental numbers due to the dominance of ornamentals in previous years. • There has been an overall decline in the number of varieties under test. However, there has not been a significant downward trend in any particular species group and a level of stability continues. <p>The PRVO has introduced Quality Management for DUS testing. Experience from European offices was used as a framework and adapted to suit our systems. Audits using the new system have been completed for apple and stonefruit testing at the Cultivar Centre, Hawkes Bay, and for cereal and pasture species byASUREQuality, Lincoln. The results identified possible areas for improvement, which have since been actioned.</p> <p>Developments:</p> <ul style="list-style-type: none"> • Challenges continue regarding timely access to plant material of varieties used for testing purposes. • Difficulties for some applicants or agents (for foreign bred varieties) in understanding of DUS testing and growing trials. 	

- We have had an increased number of requests for foreign test reports for NZ decisions.
- The meeting expressed a need to better understand the process and timeframes for testing and plant material availability, so applicants can determine the best way to manage PVR requirements, from an industry perspective. Chris Barnaby added that the areas of particular difficulty for the PVRO are around quarantine and importation, where PVRO has minimal practical involvement or influence.

Continuing projects:

- International cooperation at a technical level on an as needed basis.
- Calibration on range of expression for certain characters in certain species eg apple
- There has been an international exchange of descriptions for certain groups of apple varieties originating as mutations.
- Investigation on the use of foreign test reports for certain genera on a more regular basis.

Change and development:

- The meeting discussed desirable industry partnerships for cooperation in testing and plant collections. Chris Barnaby added that the PVRO have limited resources and as such this is an area which requires ongoing assessment.
- Catherine Snelling asked whether the PVRO should be partnering with IP Australia for an NZ/IPA PVRO. Chris confirmed that at this stage, although IPONZ have a close relationship with IPA, there are no specific plans at present for formal trans-Tasman cooperation.

New genera and species:

- This year there have been applications for or testing of varieties in new fungi, ornamentals and arable species.
- Research on fungal endophytes is necessary to learn more about botany, morphology and cultivation leading to the most suitable testing arrangement and testing guidelines.

Improve efficiency and productivity:

- Increasing productivity is a government priority. A key component is to promote the online environment and the use of the IPONZ/PVR website.

Plant importation requirements and the supply of material for PVR purposes

A document drafted by Bloomz was circulated prior to the meeting and served as the basis for discussion

Louisa van den Burg (Bloomz)
Andy Warren (Bloomz)

- The meeting discussed the plant importation requirements and supply of material as a point of concern arising from the Hazardous Substances and New Organisms Act 1996 and The Biosecurity Act 1993
- It was noted that MPI seem to be unaware of the impact of MPI actions and policy on the functioning of the PVR system. The meeting expressed a need for PVRO and MPI to foster a closer relationship, to avoid creating a gap in the innovation ecosystem.
- One participant indicated that the decline in ornamental variety applications, may be contributed to by the minimal risk approach to biosecurity of MPI, resulting in reduced access to new plant material for breeding.

Session 2

Reports on technical activities for agriculture, vegetable & fungi varieties

Chris Hardy

A presentation on variety testing of agricultural, vegetable, and fungi varieties was displayed to the meeting.

Applications from June 2019 to June 2020 included the following:

- 25 application received from 15 different owners
- 36% of applications made were NZ owned with the remainder European owned.
- Increase in vegetable applications to 9 (2019: there were 6)

The following pointes were noted:

- The number of vegetable applications overtook Pasture Plants and Potatoes in the year to June 2020.
- All Pasture Plant and Hops applications for the period were NZ owned.
- All Potatoes, Vegetable, and Cereal applications for the period were foreign owned.
- No applications for Fungi, Hemp, or Brassicas were received during this period.

Applications received for new species:

- Balansa Clover (*Trifolium balansae*)
- Turf tall fescue (*Festuca arundinacea*)
- The first Capsicum application was received in more than 18 years

A number of UPOV International Test Guidelines are under review with the following test guidelines concluded:

- Red Clover
- Triticale
- Timothy (*Phleum prantense*)

The following test guideline reviews are in progress:

- Rape Seed
- Potato
- Turnip (which is expected to conclude next year)

Reports on technical activities for Ornamental varieties

Cecilia Requejo-Jackman

Over the past financial year.

- Currently 85 varieties are under testing, dominated by Roses, Lavender, *Armeria* and *Hebe*.
- With respect to NZ Natives, there are approximately 107 granted varieties.
- 14 New Varieties of natives are under test, *Pittosporum*, *Coprosma*, *Cordyline*, *Hebe*, *Corokia*, *Griselinia*, *Metrosideros*, *Pseudowintera*
- The majority of varieties were tested using a New Zealand growing trial. There were five varieties which were tested using Foreign Test Reports.
- The meeting voiced their concerns about the decline in ornamentals and noted the lack of opportunity for New Zealand breeders. Malcolm Woolmore added that he has been in contact with a number of breeders who have ceased breeding due to the limitations on breeding with plant material ‘innovation blocks’ that in the past were overcome by importing germplasm from overseas. Currently, there are more opportunities for New Zealand breeders to go offshore. The associated expense to bring a new species into New Zealand was also mentioned as prohibitive.
- It was noted that the decline in this area may be partially due to the HSNO Act, stifling innovation. The 20 year timeframe of decline seems to fit the period the HSNO Act 1996 has been in place.
- The attendees agreed that a stronger focus on the needs of New Zealand breeders is required.
- The industry requires the policies and guidelines, with regard to the breeding and usage of NZ natives, to be clearer.
- It was noted that the Biosecurity Act is being reviewed at the moment and the policy team are looking at removing the New Organisms provisions from HSNO and bringing under the Biosecurity Act. The concept of

"new" becomes irrelevant then, and species are either approved for importation into NZ or not. MPI would assess weediness at the same time they look at pest risk.

- Meeting participants noted that they should be encouraged to lobby the government and provide clear demonstrations of the economic impact of MPI Biosecurity importation restrictions.

Reports on technical activities for fruit varieties

Kylie Miller

Kylie displayed a presentation to the meeting. Which noted the following developments:

- There has been a reduction in applications this year which totalled 30 (compared to 42 last year)
- In the past few years there have been a large number of berry fruit applications, which seems to have subsided this year.
- The three main crops for fruit applications were apple, blueberry and cherry. PVRO expects this to continue for the next couple of years.
- 30% of applications were submitted from New Zealand breeders.
- There were a total of 29 fruit decisions last financial year.

Continuing challengers which are impacting the progression of testing:

- Importation challenges and limits to quarantine space and availability for applicants
- Access to reference and comparator material for DUS testing

The PVRO is planning to implement the below changes to mitigate the challenges identified above:

- Increase communication and interaction with overseas authorities for variety testing information
- Explore options for the use of foreign test reports for genera with no, or minimal breeding in New Zealand.
- Decision for an Apple variety based on European Test Report, when reference material supplied to the Cultivar Centre to verify the variety description .
- Continued communication with owners in respect to accessing plant material for DUS purposes.

PVRO Achievements:

- Introduction of revised UPOV Blueberry and UPOV Kiwifruit testing guidelines.
- Further development of calibration scales for a range of expression for certain characters in Blueberry.

- Further development of a technical guideline and national objective description for interspecific hybrid pear varieties.
- Development and use of Japanese Plum Objective Descriptions for a Plumcot variety.
- The meeting was provided with the example of use of a foreign test report for an apple variety, where the NZ decision is based on testing in the EU. It was noted that the variety had several characteristics which provided clear distinctness, with no varieties identified as being a similar variety in NZ. For each variety, where a foreign report is considered, PVRO will conduct its own research and consult with other offices, to ensure that the use of a foreign test report for that variety is appropriate.

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Chris Barnaby

- The meeting discussed UPOV's PRISMA online application tool. An electronic platform where breeders can make applications to various office, in one place, including translations.
- Helen Bellchambers and Nikki Templeton mentioned that they are being listed as agents on PRISMA, for clients they do not represent. Chris Barnaby added that the issue would have originated with UPOV. Their system allows for applicants to select an agent from a list. It was suggested that they contact UPOV, through the PRISMA line. It was further noted that in the Patents system, an agent can only be removed, when another agent is appointed. It is anticipated the same issue applies to the on line system for PVR.
- The attendees were encouraged to contact Chris Barnaby if they would like to participate in a webinar training and information session provided by the UPOV PRISMA team.

Any Other Business

Chris Barnaby

- Improvements to the PVR journal were made this year. The meeting participants were encouraged to provide feedback.
- Chris Barnaby noted that he prepares a quarterly news and information page as a part of the Journal publication. This page could possibly be more widely circulated, separately from the Journal. Any views on this from participants are invited.

Scheduled items for the next meeting

- Plant importation and availability of plant material

- PVRO updates and developments
- UPOV and international updates

Close of Meeting

Summary of Action Points

Owner	Action	Status
PVRO	Provide examples of Quality Management DUS improvements identified in either of the Audits carried out . (Wendy Cashmore)	Information provided to Wendy Cashmore in late August 2020.
	Better inform people and what it means to enter the system as a whole (Wendy & Morgan's comments).	Review of current information on the website, in particular that for variety testing
	Circulate a timeline of interactions for direct conversations with MPI to the participants	PVRO to draft an engagement plan with MPI and provide participants with an update by end of 2020.
MBIE IP Policy & Members	Provide a summary of what has been discussed in relation to the MPI importation requirements. Members to provide examples of hindrances so a case can be formed.	PVRO can be used as a collection point for examples. The examples can be compiled and provided to MBIE Policy
PVRO	Meet with MPI Policy drafting team, with a focus on how we are going to encourage innovation.	Follow on from engagement plan, a meeting scheduled before the next TFG.
Chris	Chris Barnaby to organise a UPOV PRISMA training webinar in 2020	A PRISMA training webinar scheduled for

Barnaby		late September 2020
Chris Barnaby	Circulate link to updated journal and quarterly report, once prepared, for members feedback.	To be arranged with the assistance of IPONZ Systems.