



August 2018 Plant Variety Protection Board Meeting Minutes Teleconference - Washington, DC - August 14, 2018 1-2 pm

1:00 pm Introductions and Comments

- Participants from USDA: Ruihong Guo and Jeff Haynes
- Participating PVP Board Members: John Beuttenmuller, Brent Burchett, Shannon Douglass, John Duesing, Josh Freeman, John Heaton, Kelly Keithly, Patrick Kole, Stevan Madjarac, Heidi Nebel, James Sutton, Albert Tsui, Kathy White, Wendall Shauman, and Charles Brown
- PVP Board Member unable to participate: Eloy Corona
- Participants from industry: Paul Nelson, Fred Achard, Marymar Butruille and Alexandria Quezada

1:05 pm PVP Board Duties and Length of Service

The functions of the Plant Variety Protection Board shall include:

- (1) Advising the Secretary concerning the adoption of Rules and Regulations to facilitate the proper administration of the PVP Act;
- (2) Making advisory decisions on all appeals. The Board shall determine whether to act as a full Board or by panels it selects; and whether to review advisory decisions made by a panel. For service on such appeals, the Board may select, as temporary members, experts in the area to which the appeal relates; and
- (3) Advising the Secretary on all questions regarding public usage of the varieties.

1:10 pm PVPO Update

Introduction of the Plant Variety Protection Office (PVPO) staff, Plant Variety Protection (PVP) application statistics, electronic Plant Variety Protection (ePVP) System, outreach efforts, UPOV, technical workings groups attended, and a legislative update regarding the proposed 2018 Farm Bill. The Farm Bill proposes to add asexual varieties to the PVP Act and remove industrial hemp

from the controlled substances list. If these items pass, PVPO will be able to accept asexual varieties and industrial hemp.

1:30 pm ASTA Molecular Marker Working Group Update and Presentation by Paul Nelson

The Molecular Marker Working Group (MMWG) has been focusing on a DNA marker method that has the potential to be used to confirm distinctness between two similar varieties. The method is called the molecular distance reference model. The final recommendation of this method is tentatively scheduled for the next PVP Board meeting.

1:45 pm Board Issues and Recommendations

Board members inquired whether the PVPO had the expertise to handle the addition of asexual varieties and about staffing. The PVPO responded that the current staff has experience with asexual varieties and additional resources are available from the Agricultural Research Service, Land Grant Universities and program stakeholders. Staffing will be addressed with the announcements of two biology positions to be added to the PVPO in fiscal year 2019.

There was a question about the noticeable drop in certificate issuance from 2017 to 2018. PVPO explained that the office was focusing on the user acceptance testing of the new ePVP System in 2018 so less time was devoted to certificate issuance. Certificate issuance will increase in 2019 now that the ePVP System is implemented.

A board member asked if the addition of asexual varieties to the PVP Act have an impact on the US Patent and Trademark Office. The response is that it will not impact the US PTO because PVP provides customers with essentially derived variety protection, which is unavailable under a plant or utility patent.

Board members asked how the program would continue to have international exposure. The PVPO responded that the office continues to attend UPOV technical and general meetings where information is exchanged with other UPOV countries.

1:55 pm Meeting Summary

The next PVP Board meeting will be a face-to-face meeting in early 2019 with the location to be determined. A PVPO update will be provided at the ASTA Corn, Sorghum and Seed Conference in Chicago, IL in December.

2:00 pm Adjourn