



Hybrids

(Christchurch, May 2007)

The text of the UPOV Convention, the global *sui generis* system for the protection of new varieties of plants was established at the end of the 1950s and adopted in 1961, when hybrids were still the exception. It is the reason why it is mainly framed for autogamous plants, even if some provisions refer specifically to hybrids. This has led to frequent difficulties for breeders when dealing with plant breeder's right offices and patent offices for getting protection for their hybrids.

ISF considers that, for all purposes including intellectual property protection, a hybrid is a variety. Distinctness, Uniformity and Stability of the hybrid can be assessed either on the hybrid itself or on its parents and the formula that associate them.

Some protection offices consider that a hybrid is not a variety as it would not be self-reproducible without change. This is a misinterpretation of the UPOV Convention. Indeed, by the repeated use of its parents, a hybrid can be reproduced unchanged (UPOV 1978, Art. 5(3) and UPOV 1991, Art. 1(vi) 3rd indent). Consequently, the UPOV criterion of stability is fulfilled by a hybrid.