



Plant Variety Protection Board Meeting Minutes **San Diego, California - February 16, 2026**

Meeting Location:

Hilton San Diego Bayfront
1 Park Boulevard
San Diego, CA 92101

8:00 am Introductions and Opening Remarks by Ruihong Guo, Ph.D., Science & Technology
Program Deputy Administrator

- Participants from USDA: Ruihong Guo, Jeff Haynes, and Tim Williams
- Participating PVP Board Members: Jenny Koebernick, Felicia Jefferson, Eloy Corona, Marymar Butruille, Bishwajit Prasad, Barbara Campbell, Megan Bowman, Melissa Boersema, Barry Nelson, James Davis, Jeremy Tamsen, and Brian Suh
- PVP Board Members unable to Participate: Michelle Bos and Matthew Mattia
- Participants from industry: Sam Crowell, Fan-Li Chou, Cesar Mora, and Sukhpreet Sandhu

8:10 am Introduction and program update by Jeff Haynes, Commissioner of the Plant Variety Protection Office (PVPO). PVPO consists of eight staff members including six examiners, one program analyst, and Commissioner.

Program operations are proceeding well with little disruptions. PVPO received 655 applications in 2025, which is an increase from the previous year. The program examined 440 applications and issued 417 certificates of protection. The running inventory of pending applications is managed well with an average processing time from application receipt to certificate issuance around 18 months.

PVPO is making good progress aligning the exhibit C forms with the International Union for the Protection of New Varieties of Plants (UPOV) Test Guidelines (TGs). A total of 237 exhibit C forms covering close to 400 species have been converted with only ten crop forms remaining to be converted. The last ten crops to be converted this year are corn, soybean, wheat, pea, fescue, barley, triticale, cotton, ryegrass, and bluegrass.

Sharing of Distinctness, Uniformity, and Stability (DUS) reports is increasing for the program especially with the increased alignment of examinations with the UPOV TGs. The program accepts DUS reports for all crops from all UPOV authorities and has active DUS report sharing agreements with Canada and Japan. PVPO is continuing discussions with Taiwan and Argentina to implement mutual acceptance agreements and is exploring agreements with Australia, Brazil, and New Zealand. More than 140 DUS reports were accepted by PVPO, and 45 reports were accepted by other authorities for examinations. Conversion of exhibit C forms to UPOV TGs has helped with the acceptance of US DUS reports by other authorities.

The office has been actively engaged with the UPOV Technical Working Groups and will be hosting the 2026 Technical Working Party on Vegetables (TWV) meeting in Pacific Grove, California on May 18-21, 2026. In addition, the program will be hosting the UPOV Technical Working Party on Methods and Techniques (TWM) in 2027 in Alexandria, Virginia. More details for this meeting will be provided later this year.

9:00 am Discussion topics were presented covering vegetative varieties, germplasm requirements, potato term of protection, integrity of the breeder-based DUS testing system, and the future of PVPO.

A presentation was provided on the number of vegetative varieties received the past several years and how the growth of these applications has been stable but not increasing at a pace that was expected. The number of vegetative varieties received in 2025 was around 50, which is slightly less than those received in 2026. Vegetative varieties were added to the PVP Act by the 2018 Farm Bill and were implemented when the revised regulations were published in 2020.

Discussions continued regarding program germplasm requirements and how they relate to vegetative varieties. The requirements are the same as sexually propagated varieties, but they are waived for vegetative varieties due to technical challenges with long-term storage and recovery of these varieties. Applicants are required to sign a statement that the germplasm will be maintained and made available to PVPO upon request.

The main challenge of vegetative varieties is the limited number of applications received by the program and how to encourage more filing of applications in this segment. Suggestions from the board members were to provide additional outreach to universities and demonstrate the unique value and usefulness of PVP Certificates.

10:00 am Germplasm deposit requirements were discussed with a comparison of the requirements for PVP certificates, Plant Patents, and Plant Utility Patents. There are different requirements for the number of seeds, if a deposit is needed, accepted depositories, and the cost of making the deposit. After a thorough review of the different requirements, it was determined that there was no clear path to align deposit requirements for all three types of intellectual property rights protection.

The next presentation provided was on the term of protection for potato varieties and how a longer term of protection may be ideal for potato varieties because of the development time needed for new varieties and how potato varieties tend to stay on the market longer. Due to these circumstances the United Kingdom extended the term of protection for potato varieties to 25 years, and Canada is proposing to protect potato varieties for 25 years. Many countries are considering protecting potato varieties for the same as trees and vines, which is 25 years in the US. The term of protection is defined in the PVP Act and that is where it would need to be changed if there is interest in extending the term of protection in the US for potato varieties.

- 1:00 pm The next discussion was on how to demonstrate the integrity of the breeder-based DUS testing system. A presentation was given to highlight approaches to DUS testing accepted by UPOV including those conducted by a government authority, by a government authority arranged third party, and by breeders. PVPO follows the breeder-based DUS testing approach and accepts DUS data and reports from applicants who grow and collect their own measurement. This approach also allows for sharing of DUS reports between UPOV members. The aim of the program is to increase the understanding of breeder-based DUS testing, demonstrate and communicate the integrity of our system, and strengthen the program's quality assurance system. These goals are important for a better understanding of the US system and will aid in the sharing of DUS reports with all UPOV members.
- PVPO will continue to conduct outreach and educational activities worldwide and host visits to DUS field trials with customers and other breeders.
- The board members indicated that most breeders in general have procedures and systems in place to show the integrity and accuracy of their DUS field trials. It was mentioned that PVPO could work on best practices documents to compliment the TGs and program forms.
- 4:00 pm The final topic covered was envisioning PVPO's future with objectives to strengthen the program, providing guidance on new processes, adapting to new developments and breeding techniques, and developing strategic goals for the next five years. Ideas that were presented included the consideration of using molecular data in the future as UPOV moves forward, keeping up with the changes in crops due to farmer costs and the environment, adding more disease and insect resistance characteristics to our forms with accepted methods, and adding value characteristics such as yield, drought resistance, moisture tolerance, and other similar characteristics that can show the value of the new varieties to farmers and the public. Additionally, the board stressed that the program continues efforts to share DUS reports and encourage UPOV to move toward a system that recognizes protection across all members when a variety is protected by one member.
- 4:50 pm The PVP Board recommended that the PVPO fill all vacant positions as soon as possible to fulfill critical statutory responsibilities. This includes evaluation of PVPO staffing to ensure there is sufficient capacity, including increasing personnel to meet current and anticipated workload demands of the office. The board also recommended the establishment of an Outreach and Communication Subcommittee. The objectives would be to develop strategies to educate plant breeders of the benefits of filing for a PVP certificate and support communication among UPOV members, emphasizing the integrity and strength of the US PVP system.
- 5:00 pm Adjourn