

*Symposium on Possible Interrelations  
between the  
ITPGRFA and the UPOV Convention*

**Overview of the UPOV Convention**

*Peter Button  
Vice Secretary-General, UPOV*

*Geneva  
October 26, 2016*

1

BREEDERS' RIGHTS



FARMERS' BENEFITS



NEEDS OF SOCIETY

2

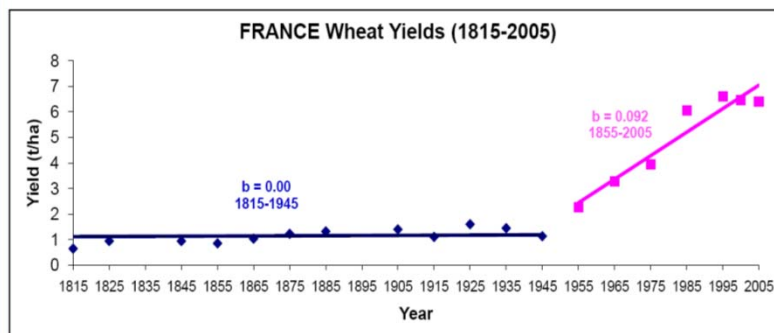
UPOV

## UPOV MISSION STATEMENT

**“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”**

3

## Evolution of Wheat yield in France



Bernard Le Buanec,  
Second World Seed Conference (Rome, September 2009)

4



Lodging  
Height  
Earliness  
Resistance to sprouting

Mildew  
Yellow rust  
Brown rust  
Septoria nodorum  
Septoria tritici  
Eyespot  
Fusarium ear blight  
Orange wheat blossom midge

Yield: treated/untreated  
Yield: early sown/late sown  
Yield: light soil/heavy soil

Breadmaking quality  
Biscuit making quality  
Feed quality

5



(Video: iStockphoto.com/SaddamStock)

6

UPOV

## UPOV MISSION STATEMENT

“To provide and promote an effective system of plant variety protection (PVP), [...]”

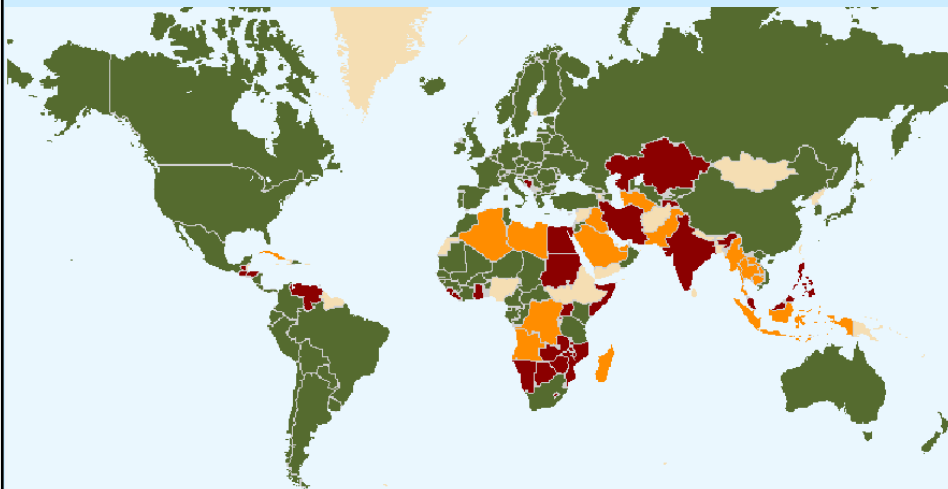


Plant Breeder's Right (PBR)



7

## UPOV status



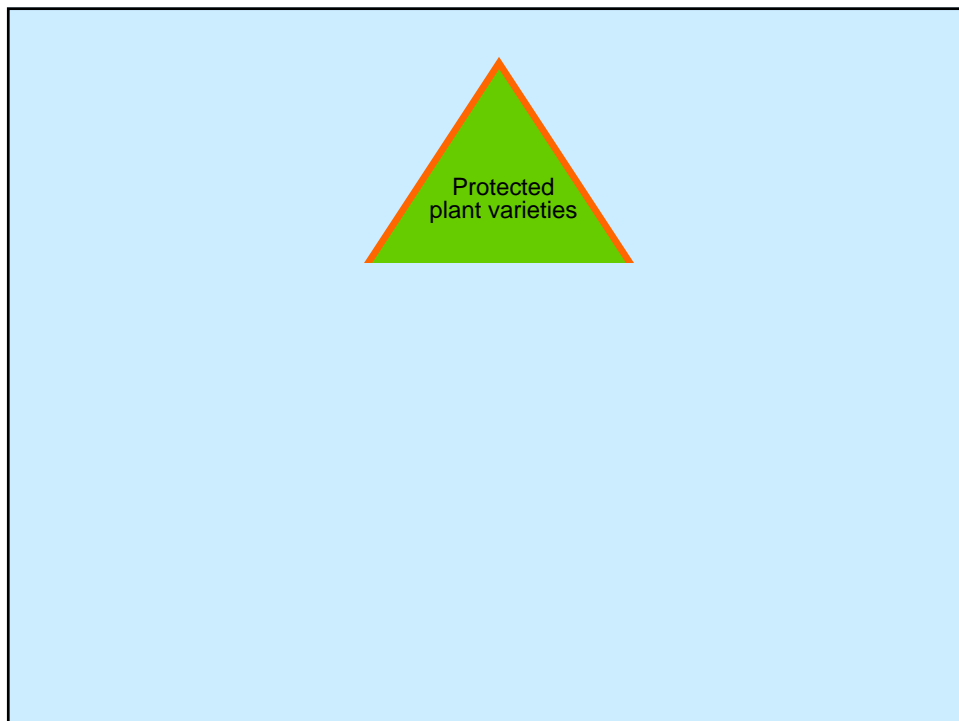
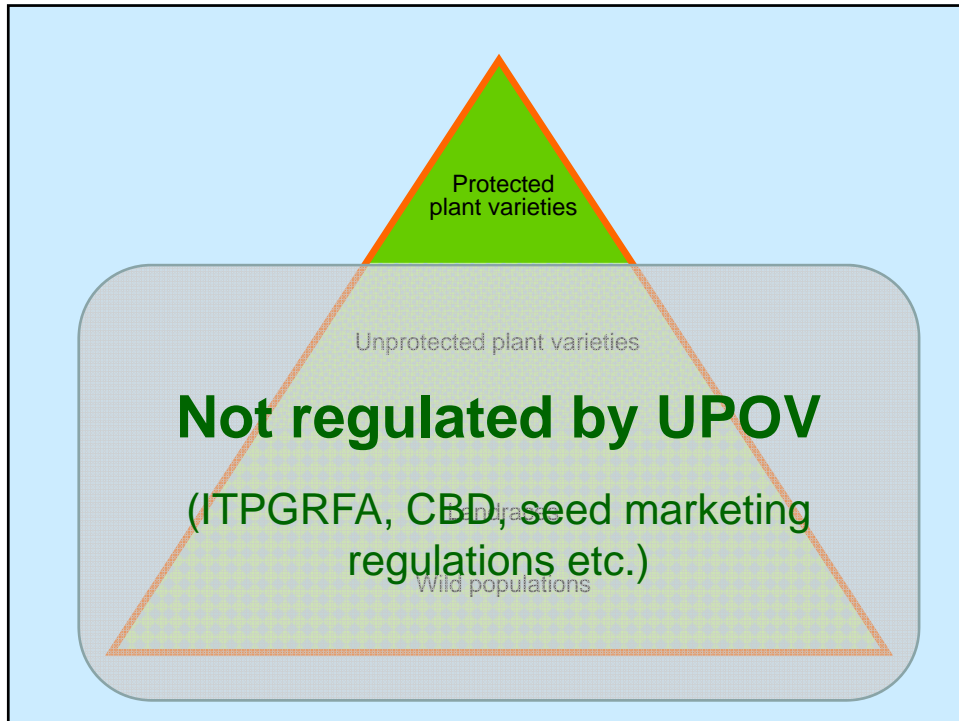
Members of UPOV (74) covering 93 States

Initiating States (15) and Organization (1)

States (23) and Organization (1) in contact with the UPOV Office

8

The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory



**BREEDERS' RIGHTS**



**FARMERS' BENEFITS**

11

## **The economic, social and environmental value of plant breeding in the European Union**

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**– Results achieved so far\* –**

**Steffen Noleppa**  
HFFA Research GmbH



\* This research has been initiated and financially supported by ETP. The results of the study are the sole responsibility of the author and have never been influenced by the initiator and supporter of the study.

October 13<sup>th</sup>, 2015, Vienna

## PLANT BREEDING THE ECONOMIC IMPACT



1.2 million European  
farmers and farm  
workers would be

**30%** worse off  
without plant breeding,  
earning €7,000  
less annually  
(on average),  
and putting  
rural jobs at risk.



By 2030, this figure could  
be up to €14,000.



Research source: <http://bit.do/plantbp-HFFAResearch>  
More info: [www.plantbp.org](http://www.plantbp.org)

## Ecuador: gain without pain...

MUYU  
nuevas  
semillas



Viterbo Salinas  
*Fruticultor*

The fact that it doesn't have thorns  
will largely ease the work of farmers.



blackberries

## EXCEPTIONS TO THE BREEDER'S RIGHT (1991 Act)

### Compulsory

Acts done:

- **privately and for non-commercial purposes**
- for experimental purposes
- breeding other varieties (breeder's exemption")

### Optional

Farm-saved seed

15

## EXCEPTIONS TO THE BREEDER'S RIGHT

- Compulsory

(i) Acts done privately **and** for non-commercial purposes

- propagation of a variety by a **farmer exclusively** for the production of a **food crop to be consumed entirely by that farmer and the dependents of the farmer** living on that holding

**therefore**

**"subsistence farming"** where these constitute acts done privately and for non-commercial purposes, may be considered by a UPOV member to be excluded from the scope of the breeder's right

Acts **Possibly falling** within the scope of the exception



16



## **EXCEPTIONS TO THE BREEDER'S RIGHT (1991 Act)**

### Compulsory

Acts done:

- privately and for non-commercial purposes
- for experimental purposes
- breeding other varieties (breeder's exemption")

### Optional

#### **Farm-saved seed**

17

## **OPTIONAL EXCEPTION TO THE BREEDER'S RIGHT**

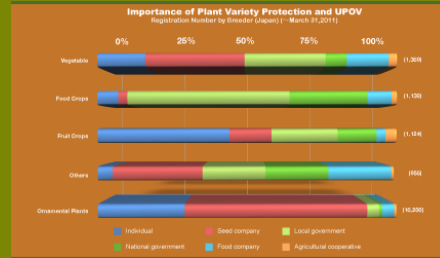
**A Contracting Party may restrict the breeder's  
rights in order to permit farmers to use:**

for propagating purposes on their own holdings  
the product of the harvest obtained on their own holdings  
from the protected variety within reasonable limits subject  
to safeguarding legitimate interests of the breeder

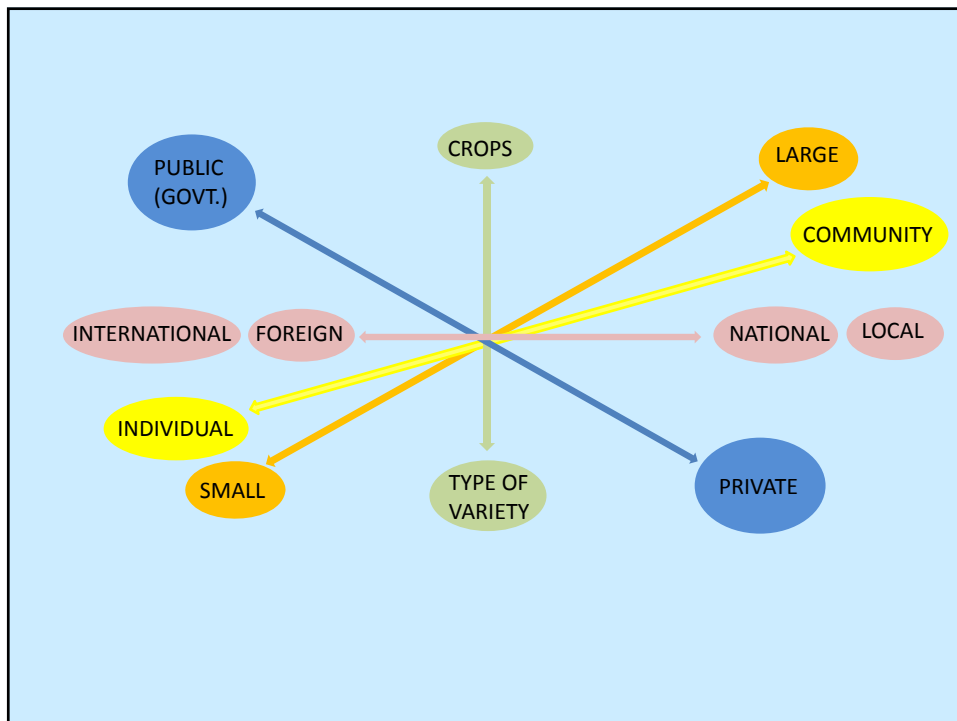
18

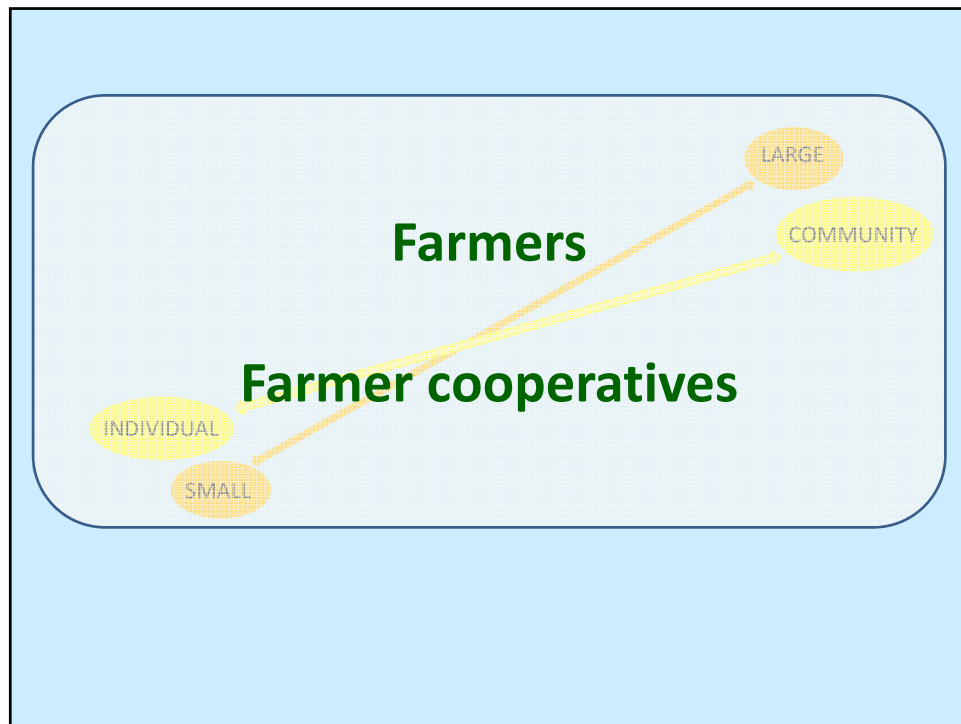
## Who can protect a plant variety?

There are no restrictions on who can be considered to be a breeder under the UPOV system: a breeder might be an individual, a farmer, a researcher, a public institute, a private company etc.



## Japan Registration Case Study (click to see full view)





**Symposium on the Benefits of Plant Variety Protection for Farmers and Growers**

**Plant Variety Protection and Individual Breeder in Korea**

Young-Hae Kim/Farmer Breeder  
The Republic of Korea  
November 2, 2012



**Farmer breeders**

**THE IMPORTANCE OF PLANT VARIETY PROTECTION**  
For farmer breeders of potato

Derk Gesink





**Vitalization of a Rural Area by the Development of Gentian (Rhindo) Flowers**

Yoshiteru Kudo  
Managing Director of  
Hachimantai Flower  
Production Group  
Hachimantai, Iwate, Japan



## VIET NAM

### PBR Applications in 2015

- **Total** 148 applications
- **Farmer breeders** 8 applications
  - Rice 7
  - Orange 1

23

PUBLIC  
(GOVT.)

PRIVATE





(Photo: iStockphoto.com/VladTeodor)



(Photo: iStockphoto.com/luoman)

25



(Photo: BSPB)

(Illustration: iStockphoto.com/Cory Thoman)

26



## Breeder Performance Test Trials



(Photo: Dupont/Pioneer)

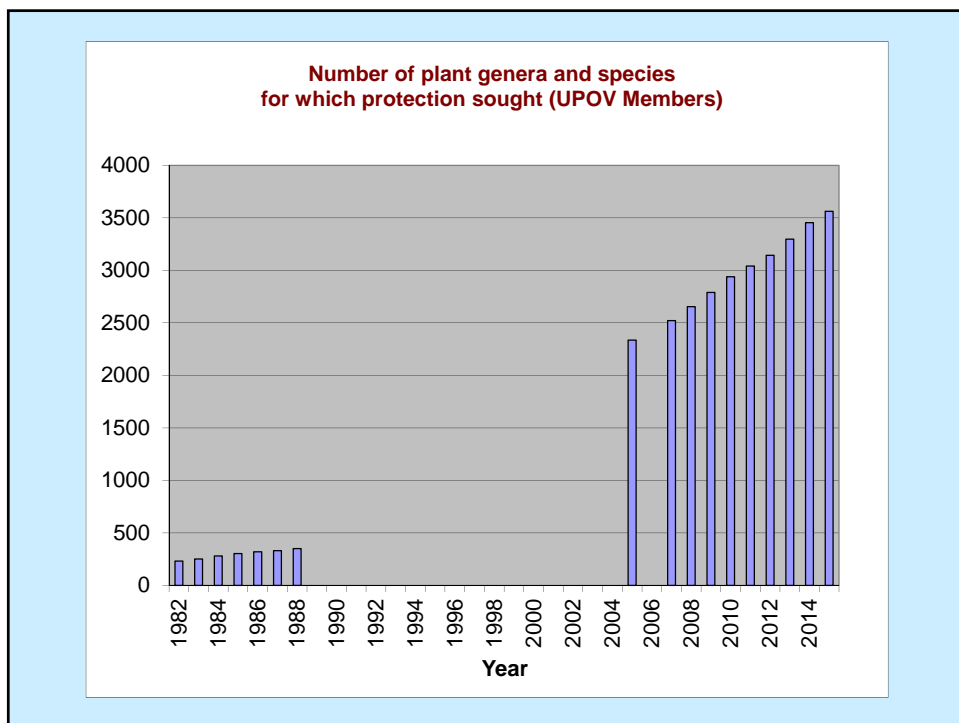
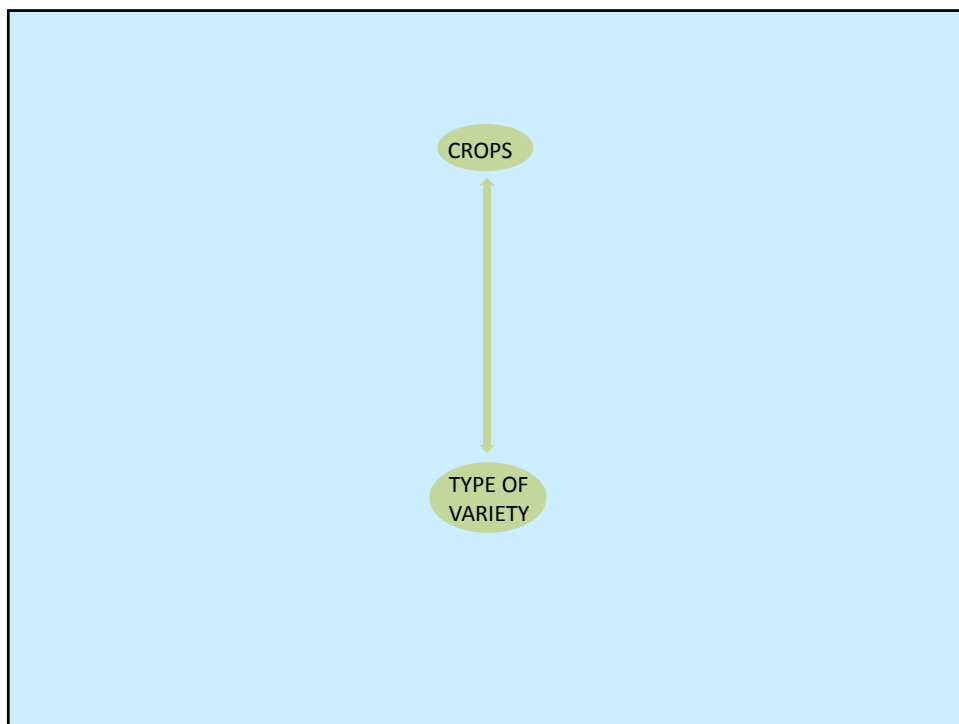
## Symposium on the Benefits of Plant Variety Protection for Farmers and Growers

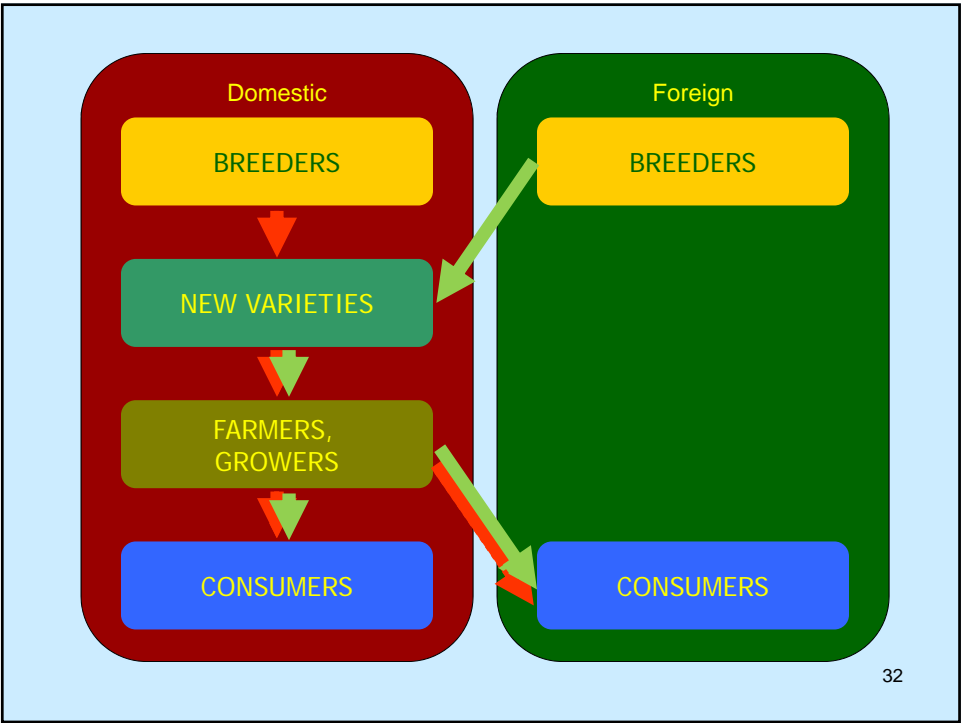
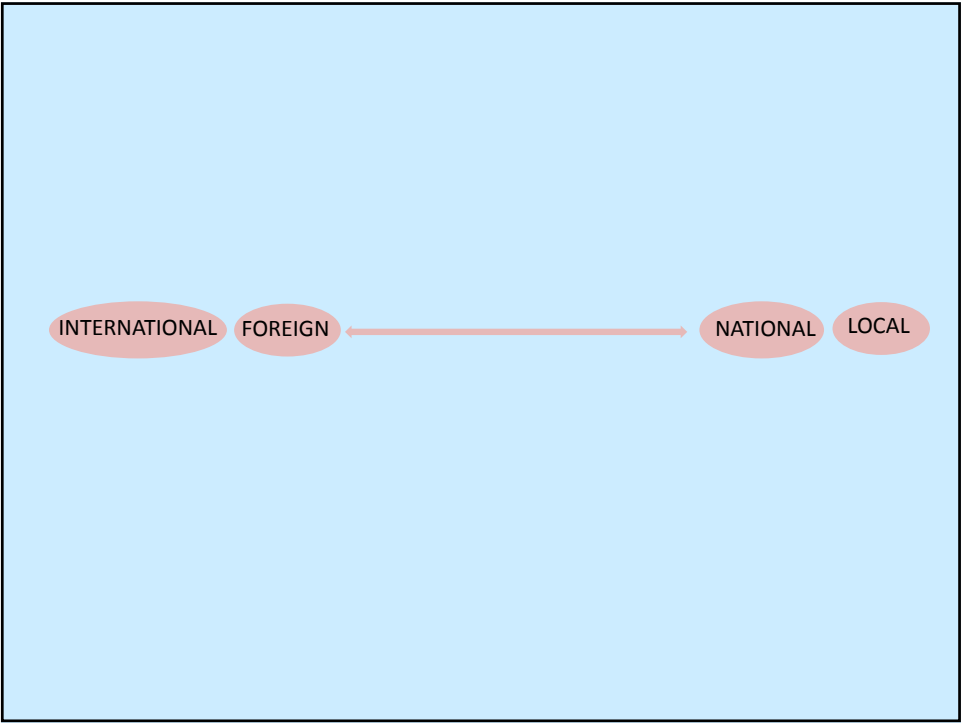


### Vuyisile Phehane



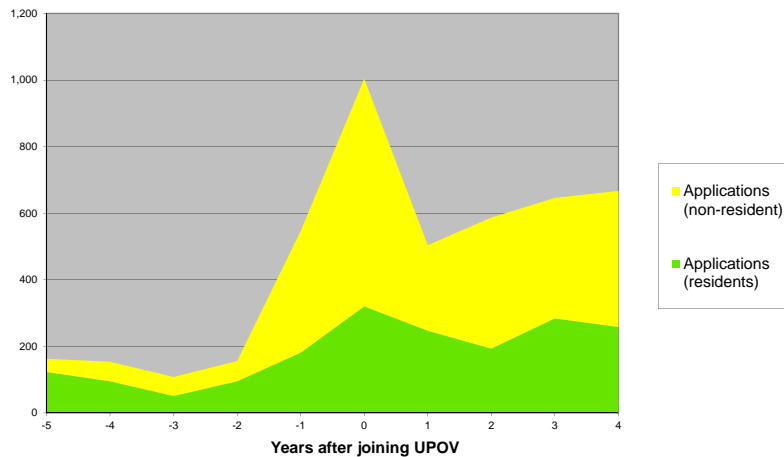
- Local licensing agreement with a South African company
  - for the commercialization of some of the ARC's citrus varieties.
  - A condition of the license: ensure the participation of smallholder citrus producers in the commercialization value-chain.
- Facilitated partnership with the Citrus Growers' Association to access ARC







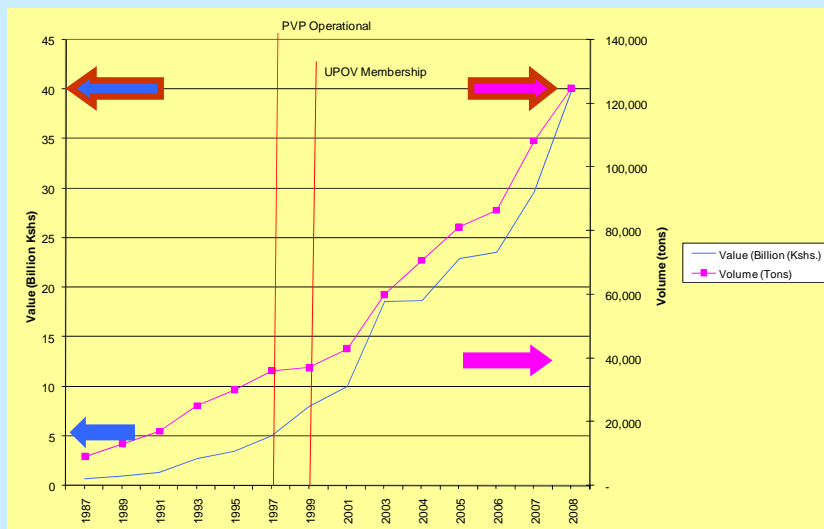
### Latin America Countries acceding to UPOV between 1994 & 2000



33

### International Market Development

#### Export of Kenyan Cut Flowers



Evans Sikinyi, Second World Seed Conference

34

