



APSA Position on Intellectual Property Rights for the Seed Industry

Dr. Narendra Dadlani

Director Technical Affairs

The Asia & Pacific Seed Association (APSA)

Bangkok, Thailand

APSA

- Established in 1994
- Largest regional seed trade association
- Close linkages with other related international agencies (FAO, ISF, ISTA, UPOV, etc.)
- Represents one third of global seed trade
- Major seed production hub as well as major market base



MISSION

**Sustainable agriculture through the
production and trade of quality seeds
for the world**



Objectives

- **Creating regional forums to formulate recommendations on seed policy Issues;**
- **Stimulating technical and economic co-operation among seed enterprises in the region;**
- **Exchanging information on various aspects of seed (breeding, production techniques, conditioning, quality control and marketing; and**
- **Strengthening the relationship among seed industry stakeholders.**



Organization

- a. **Management: Executive Committee:** Elected members representing various categories. **Office Bearers** including President, Vice President, Treasurer, Immediate Past President; **Secretariat** headed by Director.
- b. **Standing Committees (SCs)** on Intellectual Property Rights & Biodiversity; SC on Seed Technology and SC on Trade & Marketing.
- c. **Special Interest Groups (SIGs)** on Cover Crops; SIG on Field Crops; SIG on Hybrid Rice; and SIG on Vegetables & Ornamentals.

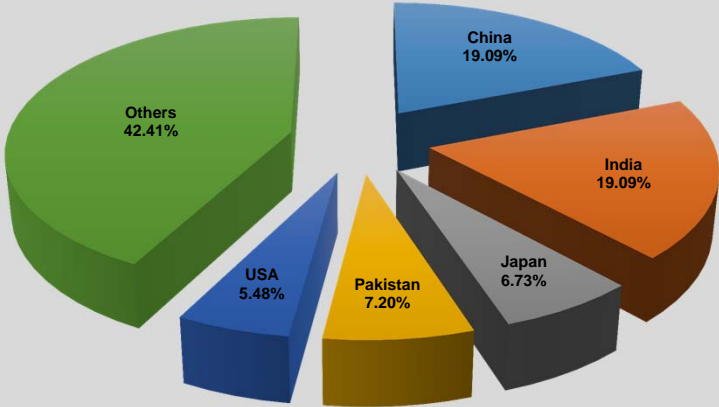


Programs & Activities

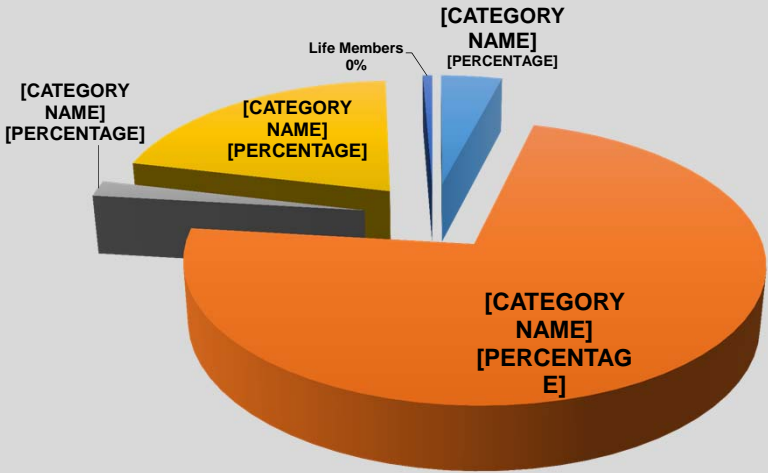
- a. **Asian Seed Congress:** Biggest annual International event in the region that gathers together business executives, scientists and policy makers involved in the global seed industry. Structured to include Technical Sessions for knowledge exchange; Exhibition to showcase new products and services; and Trading Sessions for business enhancement.
- b. **Technical Workshops:** Regional meetings to discuss major issues that impact seed trade.
- c. **Study Tours:** Technical field tours for members to learn how different countries run and manage their seed industry systems.
- d. **Communications:** Share the latest in global seed industry developments & advances through a bimonthly publication – *Asian Seed*; and a member focusing website
- e. **Research Projects:** Partners leading public and private research institutions for collaborative research projects of interest to members.



Members by Country



Members by Category



“Intellectual property protection is crucial for a sustainable contribution of plant breeding and seed supply. An effective system of plant variety protection is a key enabler for investment in breeding and the development of new varieties of plants. A country’s membership of UPOV is an important global signal for breeders to have the confidence to introduce their new varieties in that country.”

(The Second World Seed Conference, 2009)



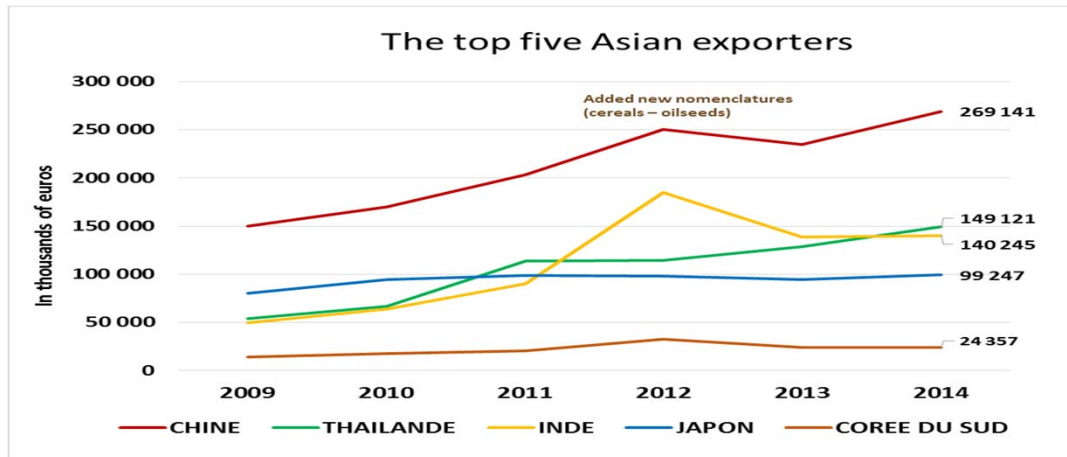
TOP TEN SEED ECONOMIES: Global Seed Trade (2012)

Country	Value (USD Million)
USA	12,000
CHINA	9,950
FRANCE	2,800
BRAZIL	2,625
CANADA	2,120
INDIA	2,000
JAPAN	1,350
GERMANY	1,170
ARGENTINA	990
ITALY	767
TOTAL WORLD TRADE	44,925

Source: ISF 2014



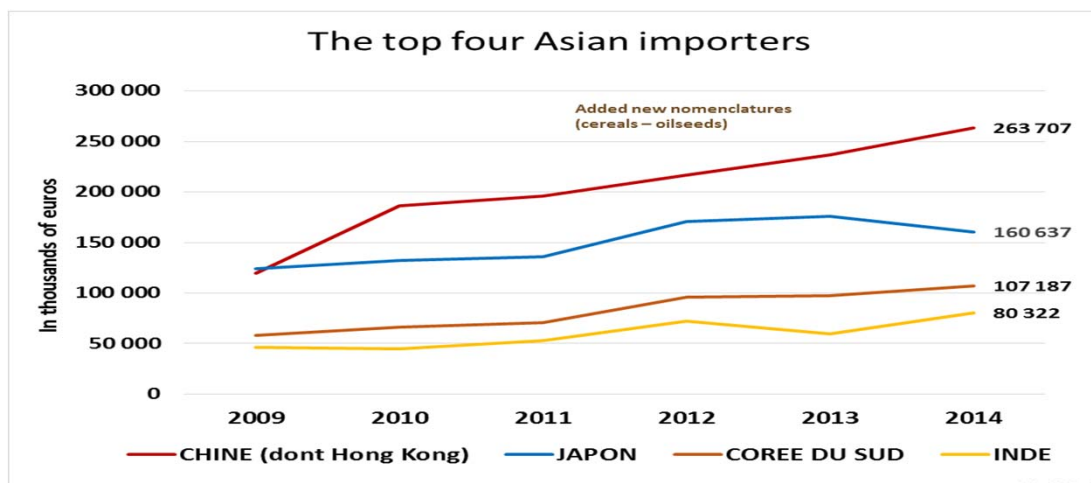
Asian Seed Trade: USD 14 b (31% Global Trade)



Source: Marie-Pierre Debrabant (2016), Asian Seed: 22 (1&2)



Asian Seed Trade



Source: Marie-Pierre Debrabant (2016), Asian Seed: 22 (1&2)



ASEAN SEED TRADE

In 1000 euros	PARTNERS IN ASEAN GROUP 2014								
REPORTERS	THAILAND	INDONESIA	THE PHILIPPINES	VIETNAM	MALAYSIA	MYANMAR	SINGAPORE	LAO	TOTAL
VIETNAM	37 737	800	59		2	135			38 734
MYANMAR	12 974				8				12 982
INDONESIA	5 428		1 037	1	1 414		11		7 892
MALAYSIA	3 564	832	861	387			12		5 656
THAILAND		1 382	1 635	1 786	1	774		27	5 604
THE PHILIPPINES	2 387	695		46					3 129
CAMBODIA	1 395	1		365	143		5		1 909
LAO	1 283								1 283
SINGAPORE	310	422	12	63	216				1 022
BRUNEI DARUSSALAM	38	10		1	46		17		112
TOTAL	65 117	4 142	3 604	2 649	1 829	908	46	27	78 323

Source: Marie-Pierre Debrabant (2016), Asian Seed: 22 (1&2)



Applications for PVP in India (PPV&FRA)

Applications received year-wise/applicant-wise											
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
Public	287	322	193	31	125	129	141	136	89	252	1705
Private	143	220	368	505	295	266	534	420	420	180	3351
Farmer	2	5	127	4	941	304	1002	1964	1957	888	7194
Individual Breeder	0	0	0	0	0	0	0	0	2	0	2
Total	432	547	688	540	1361	699	1677	2520	2468	1320	12252



APSA Position on IPR for the Seed Industry

More than half of the world's population lives in the APSA region, with the majority directly or indirectly engaged in agriculture. Most of these farmers have smallholdings and practice subsistence agriculture. Sustainable food production is the key issue in feeding this large population of this region and would need innovative research in order to provide performing varieties to farmers that can ensure sufficient income for their families.

A harmonized IPR system based on the 1991 Act of the UPOV Convention will encourage countries in the Asia and the Pacific region to continuously deliver innovative genetics to farmers and to provide APSA members the incentive to invest more in breeding and innovative technologies.

APSA
THE ASIA & PACIFIC
SEED ASSOCIATION

Plant Variety Protection

- **APSA recognizes the UPOV Convention and the Act of 1991 as the best system of plant variety protection. APSA encourages countries in the region to ratify and implement the 1991 Act of the UPOV Convention.**
- **Effective IPR system balances protection as an incentive for innovation and access to enable others to further improve plant varieties. Plant breeders' rights (PBR) with breeders' exception, allows the use of protected varieties for further breeding without the authorization of the breeder.**

APSA
THE ASIA & PACIFIC
SEED ASSOCIATION

Plant Breeders' Rights, etc...

- APSA believes that legislations on plant breeders' rights, the Convention on Biological Diversity (CBD), the Nagoya Protocol and the International Treaty for Plant Genetic Resources for food and Agriculture (ITPGRFA) should be coherent and mutually supportive.



Distinctness, Uniformity & Stability (DUS)

- APSA recognizes the novelty and distinctness, uniformity and stability (DUS) system of UPOV and that each variety should be designated by suitable denomination for protection across the APSA region. Countries in the region should harmonize the DUS characteristics of different crops.
- The registered denominations together with the variety descriptions should be made readily available by the national authorities of all the countries in the region in order to provide more transparency with respect to the protected varieties.
- APSA believes that pest and disease resistance characteristics should be part of DUS testing and should be clearly defined, as appropriate. Countries in the region should have tests for disease identification and resistance nomenclature and they should be standardized across the region.



Modern Tools for Variety Identification

- **APSA advocates the use of DNA markers for variety identification for the purpose of enforcement of IPR laws. DNA markers may be useful in establishing genetic similarities between initial varieties and Essentially Derived Varieties (EDVs).**
- **APSA encourages the countries in the region to adopt a harmonized approach and develop common protocols for the use of DNA markers.**

Essentially Derived Variety (EDV)

- **APSA recognizes the concept of EDV as prescribed in the 1991 Act of the UPOV Convention. A variety is considered as essentially derived, if it is a predominantly derived from the initial variety.**
- **The variety should be clearly distinct from the initial variety and conform to the initial variety in the expression of the essential characteristics that result from the genotype of the initial variety.**

Protection Period

- APSA supports the duration of breeders' rights under the 1991 Act of the UPOV Convention, under which the protection is granted for a period of at least 20 years and 25 years for trees & vines from the date of granting.



Farmers' Privilege

- APSA supports the 'Farmers' Privilege' as provided in 1991 Act of the UPOV Convention, under which these activities including 'subsistence farming', which constitute acts done privately and for non-commercial purposes, are excluded from the scope of the breeder's right, and farmers who conduct these kinds of activities freely benefit from the availability of the protected new varieties.
- APSA supports the optional exception, where each country of the region may within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder of a protected variety allow farmers to use their own seed on their own farm but not for the purpose of 'across the fence' sales.



Thank You