Overview of the UPOV Convention

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Vice Secretary-General, UPOV

Geneva
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BREEDERS’ RIGHTS

FARMERS’ BENEFITS

NEEDS OF SOCIETY
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”

Evolution of Wheat yield in France

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

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

Plant Breeder’s Right (PBR)

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

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.
Protected plant varieties

Unprotected plant varieties

Not regulated by UPOV
(ITPGRFA, CBD, seed marketing regulations etc.)

Wild populations
The economic, social and environmental value of plant breeding in the European Union

– 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.
Ecuador: gain without pain...

The fact that it does not have thorns will largely ease the work of farmers.
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

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
### Compulsory Acts done:
- privately and for non-commercial purposes
- for experimental purposes
- breeding other varieties (breeder’s exemption”)

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

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

Plant Variety Protection and Individual Breeder in Korea
Young-Hoo Kim, Farmer Breeder
The Republic of Korea
November 3, 2012

The Importance of Plant Variety Protection
For Economic Development of Communities
Derk Gesink

Vitalization of a Rural Area by the Development of Gentian (Rhindo) Flowers
Yoshitaka Kudo
Managing Director of Handarari Flower Production Group
Hokkaido, north Japan

Farmer cooperatives

Farmers

COMMUNITY

INDIVIDUAL

LARGE

SMALL
VIET NAM

PBR Applications in 2015

• Total 148 applications

• Farmer breeders 8 applications
  – Rice 7
  – Orange 1
Breeder Performance Test Trials

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...
Number of plant genera and species for which protection sought (UPOV Members)
Latin America Countries acceding to UPOV between 1994 & 2000

International Market Development

Export of Kenyan Cut Flowers

Evans Sikinyi, Second World Seed Conference
Breeding with protected varieties: no restrictions under UPOV Convention

Protected plant varieties

Unprotected plant varieties

Landraces
Wild populations

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