“EXPERIENCE OF VEGETATIVE REPRODUCTION OR PROPAGATION MATERIAL AND HARVEST PRODUCE IN THE REPUBLIC OF ARGENTINA”

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Coordinating Body for Intellectual Property and Plant Genetic Resources

SEMINAR ON VEGETATIVE REPRODUCTION OR PROPAGATION MATERIAL AND HARVEST PRODUCE UNDER THE UPOV CONVENTION
Geneva, October 24, 2016
Law No. 20.247 on Seeds and Plant Genetic Creations

- Production and trade of seeds
- Intellectual property for plant varieties

PUBLIC INTEREST

1978 UPOV ACT

LAW No. 20.247 ON SEEDS AND PLANT GENETIC CREATIONS

NATIONAL SEED INSTITUTE
ADMINISTRATIVE SANCTIONS SYSTEM
LAW No. 20.247 - CHAPTER VII

POLICING POWER TO:
• request and inspect information;
• take samples;
• access areas where there are seeds;
• seize and immobilize seeds;
• conduct analyses and tests.

Warning
Fine
Seizure
Disqualification
Shutdown

DISCIPLINARY POWERS

SEED
Any plant structure intended or used for sowing or propagation

• Botanical seeds
• Tubers
• Buds
• Cut flowers
• Fruits
• Cuttings
• Bulbs
• Nursery plants
• Any other structures
SEED

- PHYSICAL MATERIAL
- USE OR INTENDED USE

Use = sowing

Intended use = storage with intention to sow

PRESUMPTIONS

- STRONG
- CLEAR AND
- CONSISTENT

The material was sown or used as seed

ADMINISTRATIVE CASE LAW
Seed versus Grain

- Exchange plans
- Intended for storage - agricultural producer = seed
- Classified, cleaned, cured and packaged
- Identification of variety
- Price
- Seed trader or producer
- Deposited where seeds are exhibited, sold or delivered (warehouses, cooperatives, stores, etc.)

- Mixture of varieties
- Intended for industrial storage or export = grain
- Price
- Sales invoice data
### Seed vs. Product

<table>
<thead>
<tr>
<th>Seed</th>
<th>Product</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smaller</td>
<td>Larger</td>
</tr>
<tr>
<td>Cut into pieces in sowing season</td>
<td>Intended for consumer market</td>
</tr>
<tr>
<td>Intended for cold storage if deposited or sowing areas</td>
<td>Three times cheaper</td>
</tr>
<tr>
<td>Three times as expensive</td>
<td>Sanitary quality: number of viruses and nematodes</td>
</tr>
<tr>
<td>Sanitary quality: number of viruses and nematodes and performance of analyses</td>
<td>May be deposited in refrigerators but not in all cases</td>
</tr>
<tr>
<td>Deposited in cold storage</td>
<td>Cold storage temperature 2-4°C and humidity 85%</td>
</tr>
<tr>
<td>Cold storage temperature 8°C</td>
<td>Kept in closed bags</td>
</tr>
<tr>
<td>Kept in open bags</td>
<td>Production area: differentiated seed zones</td>
</tr>
</tbody>
</table>
INASE RESOLUTION 192
of July 23, 2014

SEED POTATO
• Special labels and dispatch notes for transfer and delivery to user, with holograms provided by INASE
• Consumer cultivation seeds must bear a different label: variety, name and address of producer, place of production and a clear “Marketing prohibited” inscription

TABLE-STOCK POTATO
• Must not be stored together with seed potato consignments, but in a different area at the appropriate temperature
DEPOSITED SEED POTATO

DEPOSITARY
Must report to INASE the volume of deposited seed potato, consignment, place of deposit, date of arrival, name and address of the consignment owner, number of bags, kilograms per bag and name of seed producer, and provide evidence of legal origin.

DEPOSITOR
• Must state whether the goods are table-stock or seed potato and for commercial or private use

• RESPONSIBLE FOR KEEPING SEPARATE TABLE-STOCK POTATO AND SEED POTATO CONSIGNMENTS
<table>
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<tr>
<th><strong>SEED</strong></th>
<th><strong>PRODUCT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemical delinting and curing signify seed</td>
<td>Presence of linter and absence of pest treatment</td>
</tr>
<tr>
<td>Flame delinting may signify seed</td>
<td>Not in optimal condition for sowing</td>
</tr>
<tr>
<td>Material kept in bags perforated by sample probes and bearing the names of the producers</td>
<td>Intended for direct animal consumption</td>
</tr>
<tr>
<td></td>
<td>Company has a large quantity of legal seed</td>
</tr>
</tbody>
</table>

**Thank you**