Seminar on the breeder’s right in relation to harvested material

Geneva, May 27, 2021

DRAFT PROGRAM

prepared by the Office of the Union

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Abstract

The purpose of the Seminar is to exchange information on the breeder’s right in relation to harvested material.

Under the 1991 Act of the UPOV Convention, the breeder’s right extends to harvested material, if it was obtained through the unauthorized use of propagating material and if the breeder did not have reasonable opportunity to exercise their right in relation to the propagating material.

The Seminar will provide experiences in court cases and perspectives in relation to the exercise and enforcement of breeders’ rights on harvested material. The information and discussion at the Seminar will be reported to the Administrative and Legal Committee (CAJ) as part of its considerations for the review of the guidance on harvested material provided in document UPOV/EXN/HRV/1 “Explanatory Notes on Acts in Respect of Harvested Material under the 1991 Act of the UPOV Convention” available at: https://www.upov.int/edocs/expndocs/en/upov_exn_hrv.pdf.

9.30 – 9.40 Welcome and opening remarks
Mr. Peter Button, Vice Secretary-General, UPOV

SESSION I: Experiences in relation to harvested material
Moderator: Mr. Peter Button

9.40 – 9.55 Overview of UPOV’s guidance on the breeder’s right in relation to harvested material
Ms. Yolanda Huerta, Legal Counsel and Director of Training and Assistance, UPOV

9.55 – 10.10 Court case in the Netherlands concerning amaryllis
Mr. Peter Blok, Professor, Center for Intellectual Property Law of Utrecht University, Netherlands

10.10 – 10.20 Questions

10.20 – 10.35 Court cases in China, focusing on trees
Ms. Judan Li, Researcher of Law Institute, Chinese Academy of Social Sciences, Beijing, China

10.35 – 10.45 Questions

10.45 – 11.00 Court case in the European Union on mandarin
Mr. Pedro Tent Alonso, Garrigues law firm, Spain

11.00 – 11.10 Questions

11.10 – 11.30 Panel discussion with morning session speakers
SESSION II: Areas for consideration in relation to harvested material

13.00 – 13.05  Moderator: Mr. Peter Button

13.05 – 13.20  Reflections on recent court cases
Mr. Axel Metzger, Professor of Civil law and Intellectual Property at Humboldt-University in Berlin, Germany

13.20 – 13.30  Questions

13.30 – 13.45  Reflections on the development and purpose of the breeder’s right in relation to harvested material
Mr. Tjeerd Overdijk, Partner, Vondst Advocaten, Netherlands

13.45 – 13.55  Questions

13.55 – 14.10  Breeders’ perspective
Mr. Antonio Villarroel, Representative from the International Seed Federation (ISF), CropLife International, the International Community of Breeders of Asexually Reproduced Horticultural Plants (CIOPORA), the Seed Association of the Americas (SAA), the African Seed Trade Association (AFSTA), Euroseeds and the Asia and Pacific Seed Association (APSA)

14.10 – 14.20  Questions

14.20 – 14.50  Panel discussion with afternoon session speakers

14.50 – 15.00  Concluding remarks and Closing
Mr. Patrick Ngwediagi, Chair, Administrative and Legal Committee (CAJ), UPOV

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