

**Seminar on the breeder's right in relation to harvested material**

UPOV/SEM/GE/21/1 Prov.

Geneva, May 27, 2021

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**DRAFT PROGRAM***prepared by the Office of the Union**Disclaimer: this document does not represent UPOV policies or guidance***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](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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