



International Union for the Protection
of New Varieties of Plants

How the UPOV Convention contributes to providing farmers' access to new plant varieties

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26

UPOV momentum

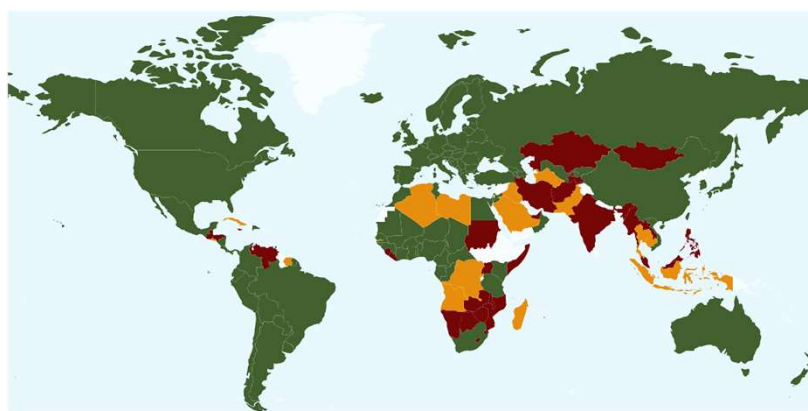
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UPOV members

78 States and 2 intergovernmental
organizations

99

States covered globally



- Members of UPOV (80), covering 99 States
- States (28) and Organization (1) in contact with the UPOV Office
- Initiating States (18) and Organization (1)

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.



27

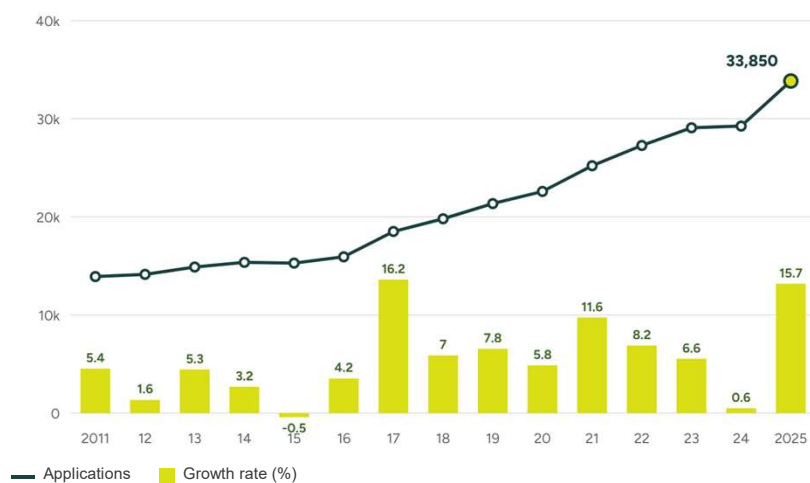
STATISTICS

Plant variety applications in UPOV members, 2011–2025

33,850

applications at the end of
December 2025

+15.7%

sharp increase
from 2024
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28

PLANT VARIETY TITLES IN FORCE WORLDWIDE · AS OF DECEMBER 2025

209,840

+3.0%

compared with 2024

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29

Scope – Acts covered

Authorization of the breeder is required for:

01 Production or reproduction (multiplication)	02 Conditioning for the purpose of propagation	03 Offering for sale	04 Selling or marketing
05 Exporting	06 Importing	07 Stocking for any of the above purposes	...for any protected variety

30

Exceptions to the breeder's right

COMPULSORY

Acts done:

01 privately and for non-commercial purposes
02 for experimental purposes
03 for breeding other varieties ("breeder's exemption")



OPTIONAL

Farm-saved seed

UPOV members can restrict the breeder's right so farmers can use the product of their harvest for propagating purposes on their own holdings.

31

The breeder's exemption

By encouraging plant breeding, the UPOV system incentivizes the generation of benefits arising out of the utilization of genetic resources.

The “breeder’s exemption” makes plant diversity, in the form of protected varieties, available for further breeding — acts done for the purpose of breeding other varieties are not subject to any restriction by the breeder.

Access to protected varieties sustains the greatest progress in plant breeding and maximizes the use of genetic resources for the benefit of society.



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32

Farm-saved seed exception

1991 ACT OF THE UPOV CONVENTION · ARTICLE 15(2)
OPTIONAL EXCEPTION

Notwithstanding Article 14, each Contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder’s right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by Article 14(5)(a)(i) or (ii).



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33

Farm-saved seed exception

The great majority of UPOV members bound by the 1991 Act have introduced this exception into their laws in a way that its is tailored to each member's circumstances



01

Allows UPOV members to implement a tailor-made exception that supports continuity of farming practices.

02

The farm-saved seed (FSS) framework reflects national or regional agricultural circumstances.

03

Implementation mechanisms take into consideration historical traditional practices of saving seed for certain agricultural crops, farm sizes, seed markets and socioeconomic conditions.

04

Clear FSS provisions and implementation increases breeders' and farmers' confidence in the national/regional plant variety protection system.

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34

UPOV FAQ

Is it possible for subsistence farmers to exchange propagating material of protected varieties against other vital goods within the local community?

DEPENDS ON NATIONAL LAW

The 1991 Act and 1978 Act do not specifically address or define subsistence farmers. The legislation of each UPOV Contracting Party must be consulted for the answer specific to that member.

FLEXIBILITY

Within the exceptions to the breeder's right, Contracting Parties may consider — where the legitimate interests of breeders are not significantly affected, and in the occasional case — **allowing subsistence farmers to exchange propagating material of protected varieties against other vital goods within the local community.**

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35

Types of plant varieties available for farmers (non-protected)



Landraces



Wild populations



Varieties selected by farmers but not protected



Varieties bred by traditional or modern techniques — never protected, or no longer protected

36

New varieties: conditions for granting a breeder's right

- **Novelty**
- **Distinct from all varieties of common knowledge any where in the world**
- Uniform
- Stable
- With a suitable variety denomination

Breeding element

The person who bred and developed the new variety. There is no restriction on who can become a breeder — it might be a farmer, cooperative of farmers, a research institution, an individual or another entity.



Protected plant varieties

New varieties granted a breeder's right

37

Only protected varieties fall under the UPOV system

Not regulated by the UPOV system



Landraces



Unprotected varieties



Wild populations

UPOV system



UPOV broadens the pool of varieties available for use

- Breeders can choose to protect a variety
- Farmers can choose between protected and non-protected varieties

APPLIES TO ALL

National/regional regulations — for instance on marketing, phytosanitary measures, No choice whether to follow them or not



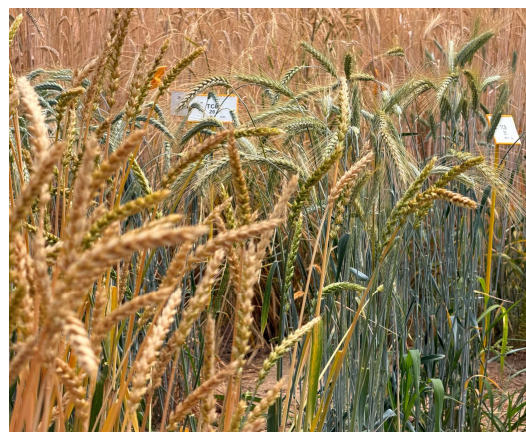
38

The UPOV PVP system adds more choices of varieties for farmers without restricting the existing ones

A TRADE-OFF

Under the UPOV system, anyone wishing to sell or exchange protected varieties must obtain authorization from the breeder.

However, this requirement is balanced by the expectation of higher quality: **farmers will only choose protected varieties if they offer clear advantages over non-protected alternatives.**

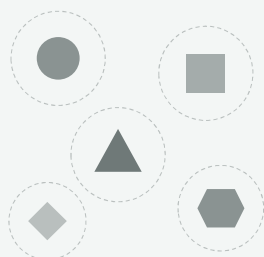


39

UPOV is an international system

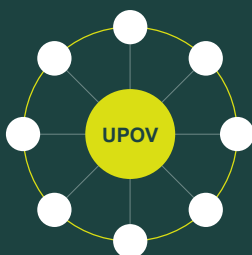
The only place where global cooperation and harmonisation exist in the PVP world

OTHER PVP SUI GENERIS SYSTEMS



Different rules in each country
creating uncertainty
Filings handled in isolation
No common framework for
international filings and cooperation

THE UPOV SYSTEM



Comparable rules in every member
Equal treatment of every filing
Cooperation across borders



Equal treatment

Applicants from any UPOV member are treated like nationals in every other member.



Right of priority

A first filing in one member secures priority across all members for 12 months.



Cooperation in examination

Members set international DUS standards and can share DUS test results instead of repeating them.



Comparable provisions

Same core rules, with a few optional choices to adapt to local needs — predictability that builds trust for all stakeholders in the value chain.

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40

Complementarity between the UPOV Convention, CBD and the ITPGRFA

UPOV FAQ

Complementarity in the desired outcomes of those treaties

“...notably in relation to sustainable agriculture and food security in the context of climate change and land degradation as well as the conservation of biodiversity, access to genetic resources and the sharing of benefits from their utilization.”

[Learn more: upov.int/en/plant-variety-protection/learn/faqs](https://upov.int/en/plant-variety-protection/learn/faqs)

71

States are parties or members of all three instruments

as of 2 October 2026

UPOV

The UPOV Convention

CBD

Convention on Biological Diversity

ITPGRFA

International Treaty on Plant Genetic Resources for Food and Agriculture

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41

Key messages

- 1 The UPOV Convention provides the incentives for breeders to develop new varieties adapted to farmers' needs and helping them meet the challenge of feeding the world.
- 2 Plant breeding relies on access to a diverse pool of genetic resources — preserving diversity and making genetic resources available is key for continuous progress in breeding and the benefit of society
- 3 The acts that need the breeder's authorization are **reasonable and** tailor-made to the protection of new varieties **providing a balance with the exceptions for breeders and farmers.**
- 4 The UPOV PVP system works hand in hand with other treaties and policies that are implemented by UPOV members in a complementary manner.



42

It is the breeder's choice to protect or not protect a new plant variety

It is the farmer's choice to produce or not to produce a protected plant variety

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43