

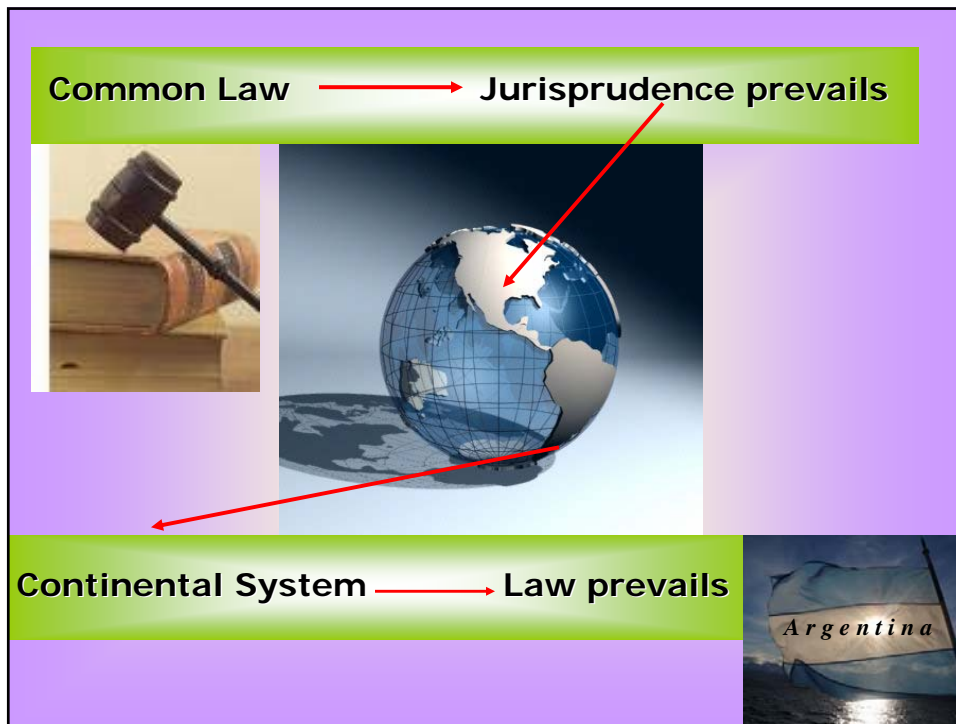
***Symposium on Contracts
in Relation to Plant
Breeder's Rights***

**Carmen A.M.
GIANNI**
Intellectual Property
Area Manager
INASE
Argentina



contracts

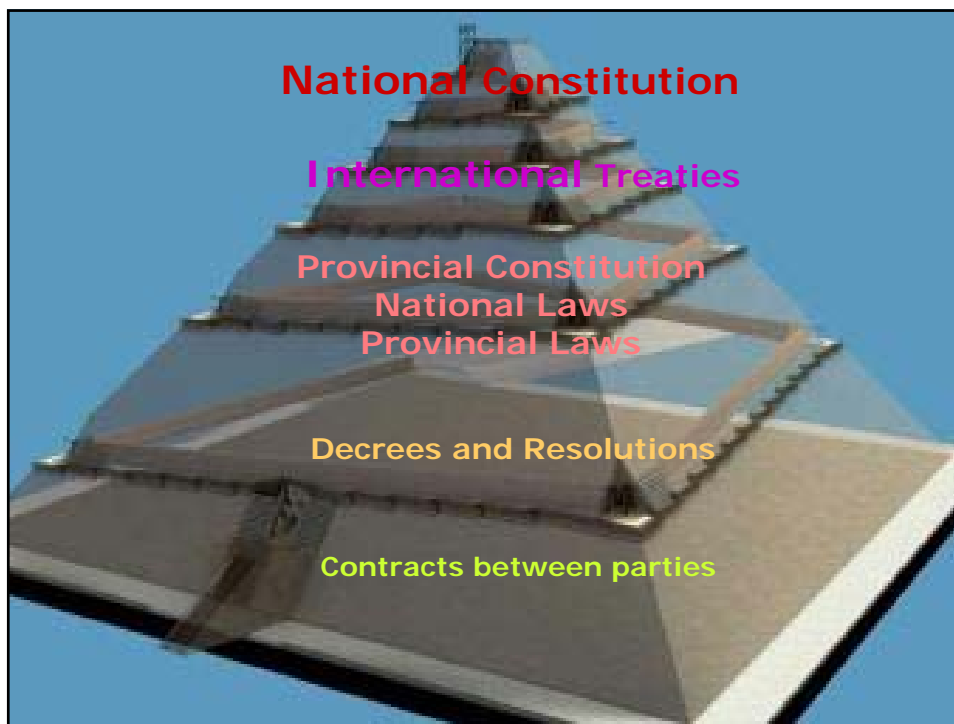


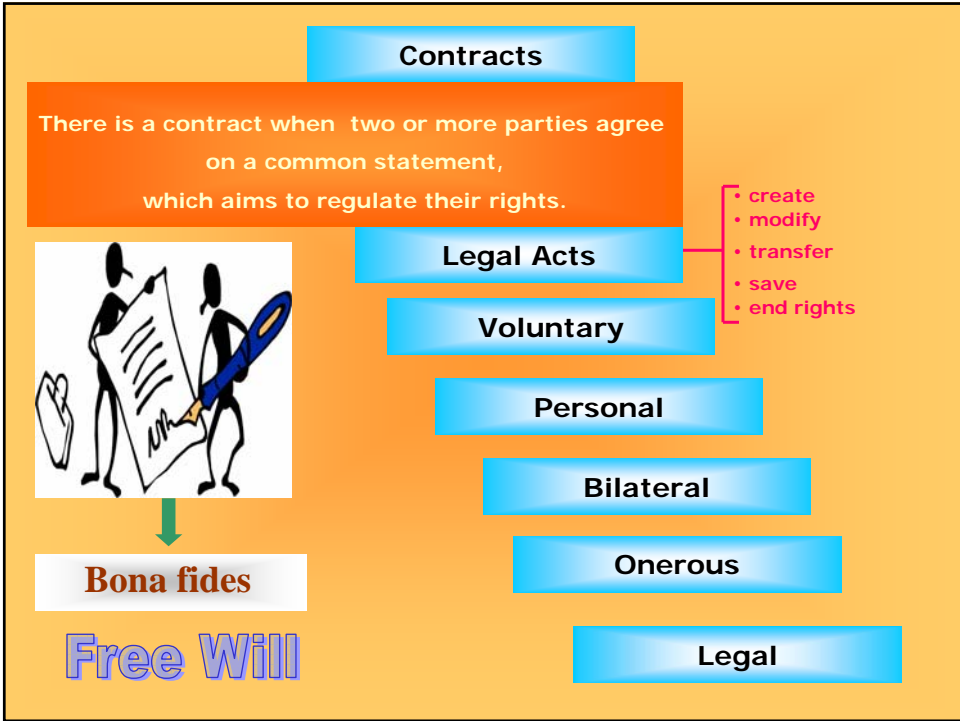


- Legal Frame
- Written rules
- Hierarchically organized
- Constitution, laws, regulations
- Regulates private and public activity
- State-individuals
- Individuals-individuals

Hierarchy

Hierarchy

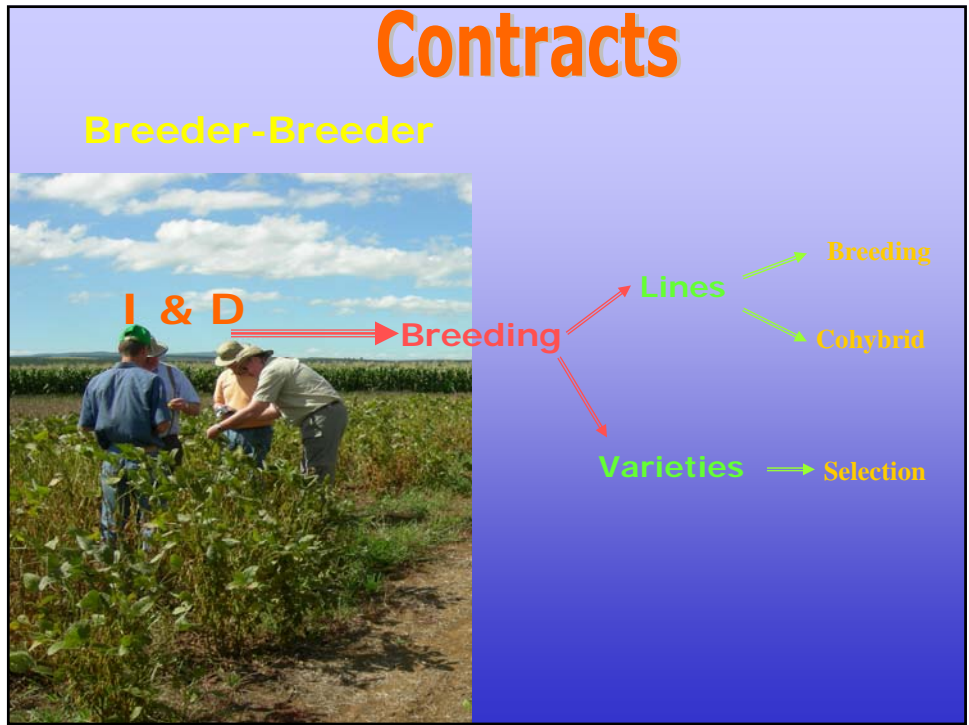
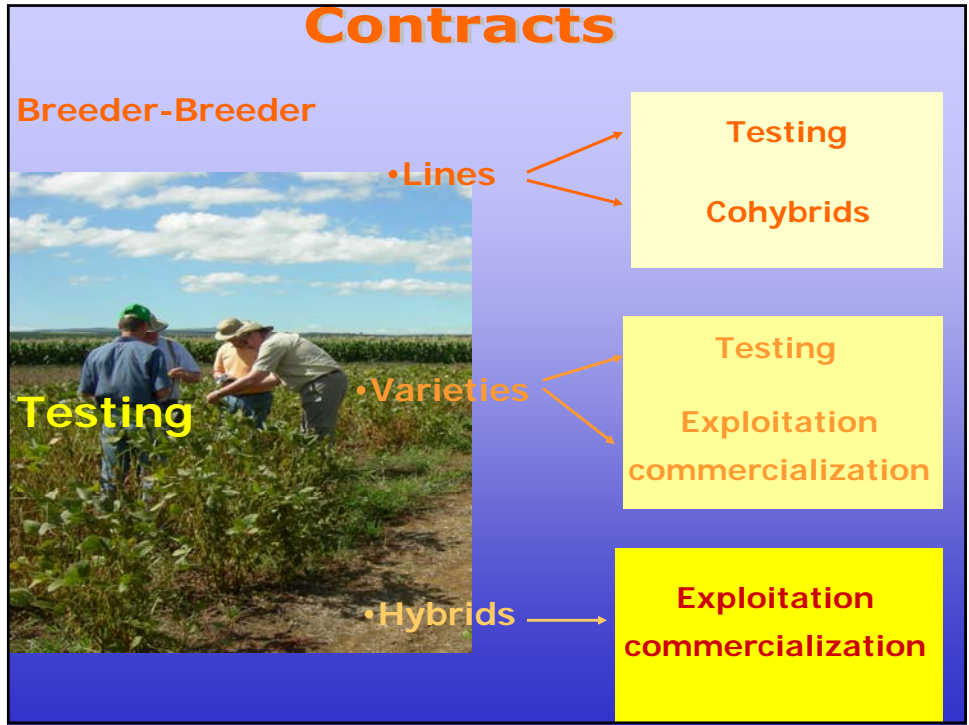




Argentine Civil Code

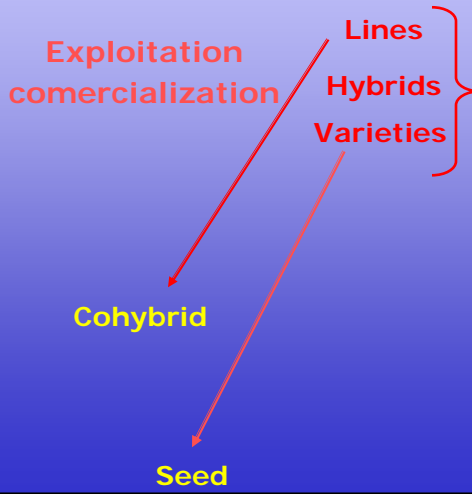
Agreements between parties can not render laws null and void when they are established on moral codes, norms of good behavior and public order.





Contracts

Breeder-Breeder



Contracts

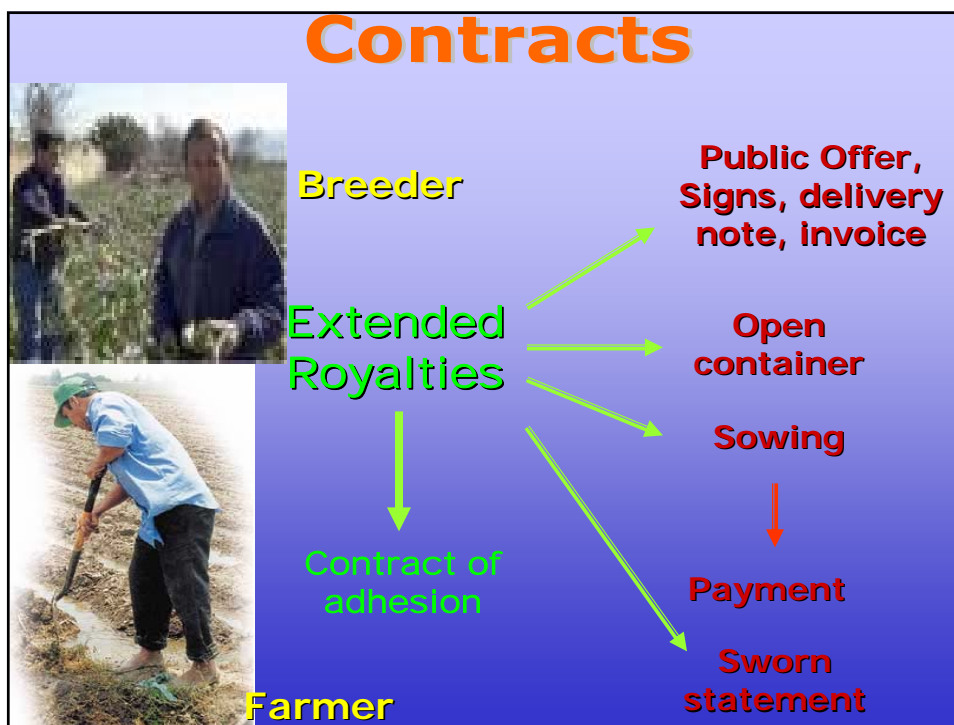


Gene Patent Holder



Breeder

- Backcrossing
- Introgression
- License to commercialize

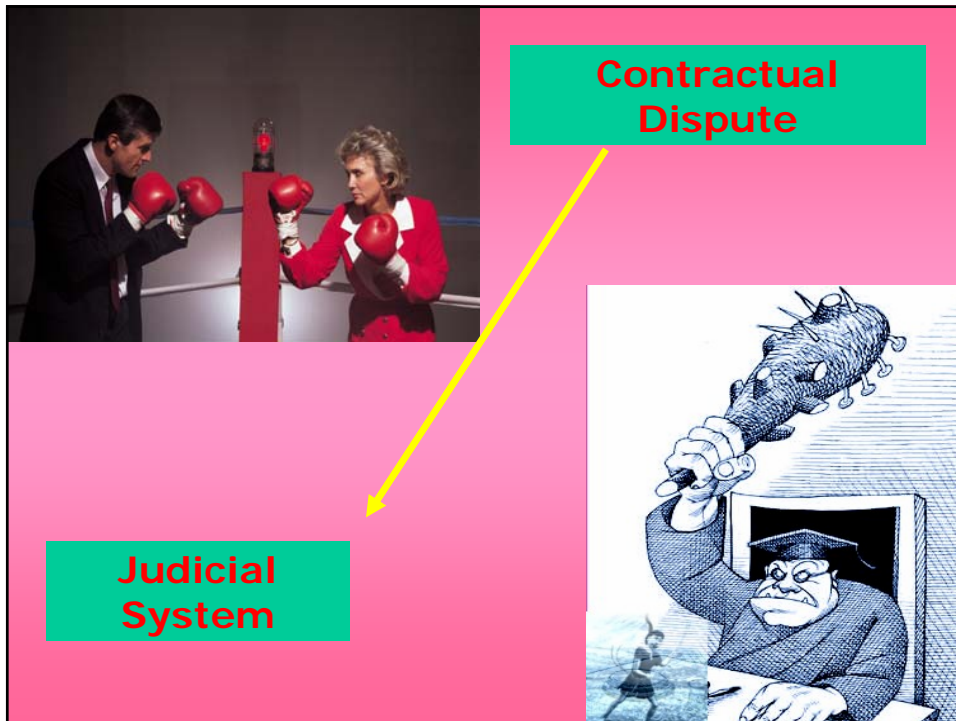


Contracts

PUBLIC SECTOR



- Cooperation Agreement Public Institution
- Agreement on technological entailment
- Agreement on research and development
- Technology transfer agreement
- Technological Assistance agreement





Art. 37. – It will be punished with a fine from \$ 2.000 to \$ 100.000 who identifies or sells, with a wrong or other identification, seeds from varieties which were not authorized by the breeder to multiply and commercialize.



EXTENDED ROYALTIES

Breeder

Farmer's rights are onerous and can be renounced



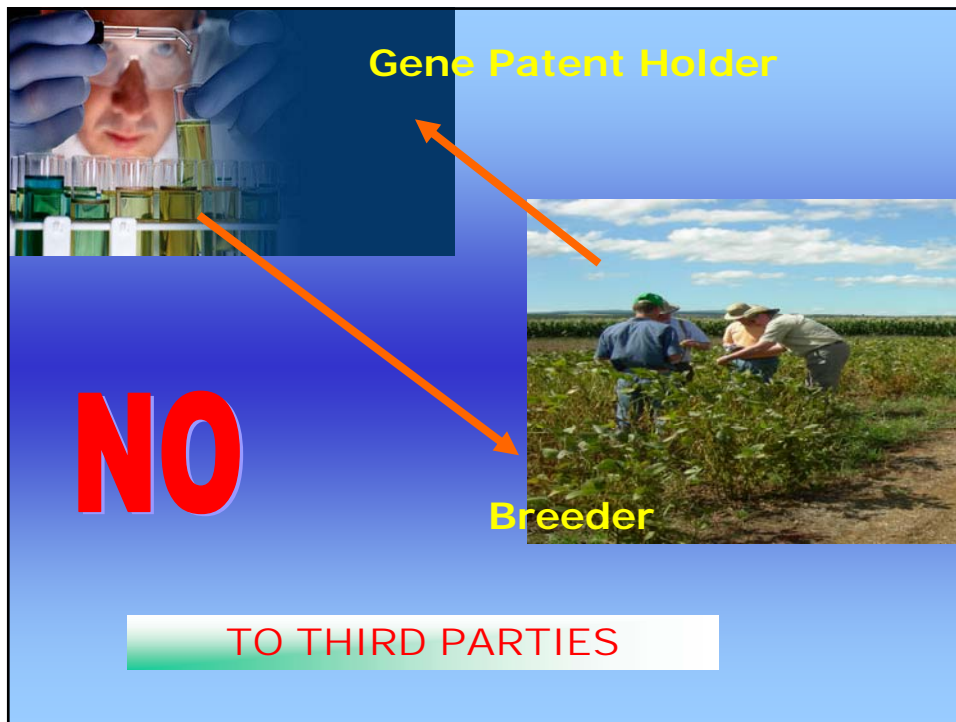
Farmer

The Seeds law is a public order law and prevails over contracts

INASE

- Relationship between breeder-farmer is a private right
- Validity of contracts must be considered by the Judicial Power
- INASE is the authority that issues rules on seeds and breeder's rights. This is not a private matter





GRAIN

Exhaustion of the patent and breeders rights



Seeds

Patents

Consumption exception

No GENE expression

Certification and commercialization of seeds



Authorization of the breeder



Multiply seeds



Nacional commerce



Exporting and importing

- Validity of contracts differ in relation to different countries according to their legal system
- Contracts in Argentina are limited by the law
- Plant breeders law contracts are limited by the national law
- Contracts are compulsory between parties

INASE-NATIONAL INSTITUTE OF SEEDS

www.inase.gov.ar

cgianni@inase.gov.ar

mlvillamayor@inase.gov.ar

contacts

**INTA- NATIONAL INSTITUTE OF
AGRICULTURAL TECHNOLOGY**

www.inta.gov.ar/uvt/uvt.htm

acerioni@correo.inta.gov.ar

mragonese@correo.inta.gov.ar

fbelforti@correo.inta.gov.ar

**ARPOV -ARGENTINE ASSOCIATION OF THE
PROTECTION OF VARIETIES OF PLANTS.**

www.arpov.org.ar

Thanks!