Symposium on the Benefits of Plant Variety Protection for Farmers and Growers

Encouraging the development of new varieties of plants

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OVERVIEW

• Farmers can be breeders…
• Is it difficult to obtain protection?
• Why become a breeder?
OVERVIEW

• Farmers can be breeders…
• Is it difficult to obtain protection?
• Why become a breeder?

There are no restrictions on who can be considered to be a breeder under the UPOV system: a breeder might be an individual, a farmer, a researcher, a public institute, a private company etc.
The situation in Japan illustrates that the UPOV system is used by all types of breeders (i.e., individuals, private companies, public institutes, cooperatives etc.) and for all types of plants and crops.

Figure 56. Republic of Korea: Number of Applications by Category of Applicants
OVERVIEW

- Farmers can be breeders…
  - Breeder’s exemption
Utilizing protected varieties for breeding new varieties (Rep. of Korea)

**Breeder’s Exemption**

- **‘Daniela’ tomato**
  - Segregation
  - Cross & selection
  - Long shelf life

- **‘Duessra’ tomato**
  - Long shelf life + more uniform fruit

Jin Young Yoon, WIPO Conference on Building Partnerships for Mobilizing Resources for Development (Geneva, November 5 and 6, 2009)

**Breeder’s Exemption**

- **‘Baegma’ chrysanthemum**
  - Breeder: NHRI
  - Year released: 2004
  - Cross: Iwanohakusen (Japan) x Jinma

- **‘Saerona’ Lily**
  - Bred by: NHRI
  - Year: 2004
  - Cross: Lilium Oriental ‘Casa Blanca’ (Netherlands) × Almeria (Australia)

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OVERVIEW

- Farmers can be breeders…
- Is it difficult to obtain protection?
- Why become a breeder?
OVERVIEW

• Is it difficult to obtain protection?
  – Harmonized and well-documented examination
    • Distinctness, Uniformity and Stability (DUS)
      – UPOV Test Guidelines estimated to cover 90% of PBR applications
      – Cooperation in Examination (GENIE database)

OVERVIEW

• Is it difficult to obtain protection?
  – Harmonized and well-documented examination
    • Distinctness, Uniformity and Stability (DUS)
    • Denominations
      – Free PLUTO database
OVERVIEW

• Is it difficult to obtain protection?
  – Harmonized and well-documented examination
    • Distinctness, Uniformity and Stability (DUS)
    • Denominations
    • Guidance and information (UPOV Collection)

OVERVIEW

• Farmers can be breeders…
• Is it difficult to obtain protection?
• Why become a breeder?
UPOV Convention
Article 14
Scope of the Breeder’s Right

1. Acts in respect of the propagating material (a) Subject to Articles 15 and 16, the following acts in respect of the propagating material of the protected variety shall require the authorization of the breeder:

[...] 

(b) The breeder may make his authorization subject to conditions and limitations.

BREEDERS decide their policy on authorization, including conditions/limitations.

Farmer-breeder experiences

Young-Hae Kim
• A farmer-breeder experience in the Republic of Korea

Derk Gesink
• The importance of plant variety protection for farmer-breeders of potato

Yoshiteru Kudo
• The Ashiro Rindo Story

Guy Kastler
• The role of plant variety protection in supporting the development of improved varieties

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THANK YOU