

World Café on the Impact of PVP

## What are the benefits of plant variety protection for farmers, growers and consumers?

*Office of the Union - UPOV*

*Train-the-Trainer Course on Plant Variety Protection under the UPOV Convention*

*UPOV Headquarters, Geneva - May 13, 2016*

1



### UPOV MISSION STATEMENT

**“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”**

2

## OPPORTUNITIES FOR BUSINESS


3

### Benefits for small-scale farmers in Kenya



Mr. Stephen Mbithi Mwikya, Chief Executive Officer, Fresh Produce Exporters Association of Kenya (Kenya)

# Impact of Plant Variety Protection CANADA: 10 YEAR REVIEW



**Canadian Food Inspection Agency**


**The Impact of Plant Breeders' Rights in Canada**

*Regional Seminar on Plant Variety Protection under the UPOV Convention  
Port of Spain, Trinidad & Tobago, July 1, 2013  
Sandy Marshall, Canada*

**Assessing the Impacts of PBR**

- Impacts of PBR are often indirect, in that having legislation in place creates an environment conducive to
  - investment in plant breeding
  - access to foreign trade in varieties etc...
  - Increased availability to more improved varieties
- Impacts of PBR do not occur in isolation from other macro and micro economic factors that impact business decisions and economic growth

<http://www.inspection.gc.ca/english/plaveg/pbrpov/10yre.shtml>



# Improved Varieties 10 Year Report (Canada)



## Increased Access to Foreign Varieties

**Potato Industry**

- Potato producers unable to access to many foreign varieties before PBR Act
- In the first year 97% of potato applications originated from foreign breeders

- Processed potato net exports increased from \$213 million in 1992 to \$440 million in 1999 and \$714 million in 2007 (1992 \$)

- Increase in foreign collaborations & partnerships in potato industry

**INCREASE CERTAINTY /  
REDUCE RISKS**

**MORE INCOME FOR FARMERS AND  
GROWERS**

**EFFICIENT LAND USE**

7

**UPOV SEMINAR ON  
PLANT VARIETY PROTECTION AND TECHNOLOGY TRANSFER:  
THE BENEFITS OF PUBLIC-PRIVATE PARTNERSHIP**

**Use of Plant Variety Protection by National Research Centers  
Brazilian Agricultural Research Corporation (EMBRAPA), Brazil**



**Filipe Geraldo de Moraes Teixeira  
Head, Technology Innovation Office, Embrapa, Brazil**

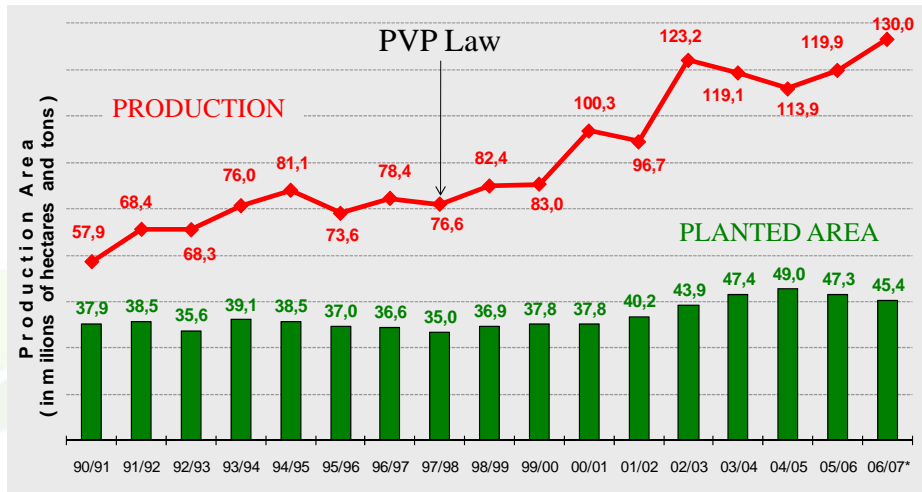


Ministry of  
Agriculture, Livestock  
and Food Supply



8

## PVP: Returns on Research Investment



Embrapa Ministry of Agriculture, Livestock and Food Supply



## TECHNOLOGY TRANSFER

Varieties and cultivation practices

Implementing public policies



Michael D. Carriere, Ph.D.  
*Business Development and  
Intellectual Property Manager*

*UC Davis InnovationAccess*

*mdcarriere@ucdavis.edu*

## UC Davis - international agriculture - UPOV PBR - strawberry variety licensing - value added examples

» California industry value - \$2.5 B (70% UC Davis)

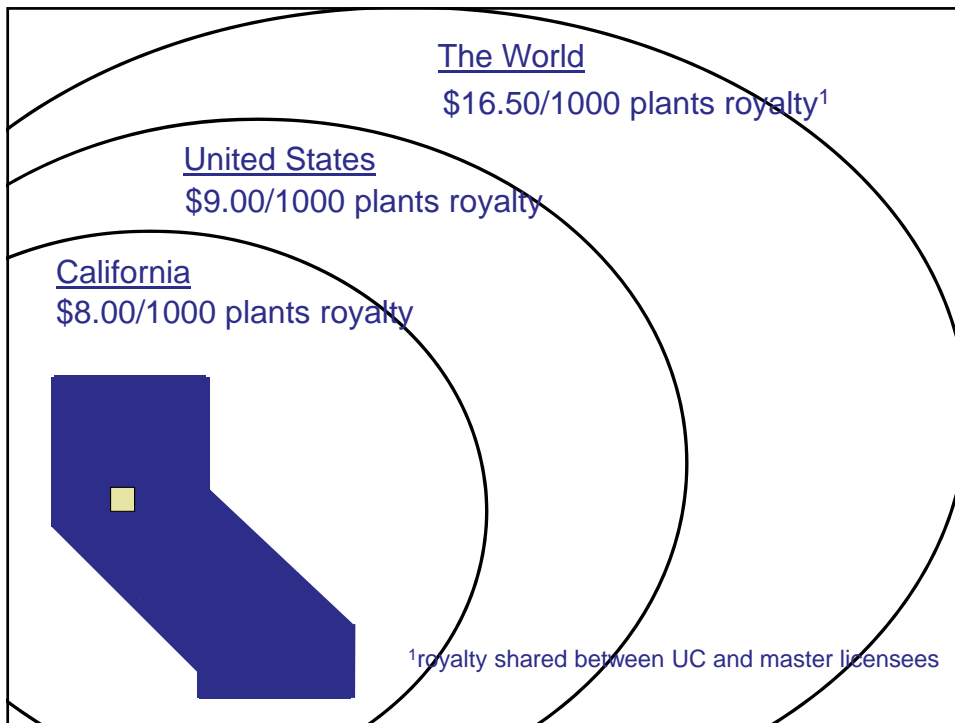
» Spanish industry from zero to \$1B in 25 years – UC Davis strawberry varieties and know-how

» Other examples;

– Chile, Mexico, Morocco, South Africa, Turkey



A UNIT OF THE OFFICE OF RESEARCH



**ARC • LNR**  
*Excellence in Research and Development*

**AGRICULTURAL RESEARCH COUNCIL IN  
PLANT VARIETY PROTECTION AND  
TECHNOLOGY TRANSFER IN SOUTH  
AFRICA**

**DR. S. R. Moephuli, Ms. M. A. Moselakgomo  
& Dr. V. Phehane**

## USE OF PVP FOR BENEFIT – SHARING

- **As a public entity ARC utilizes PVP to enhance benefit sharing:**
  - **Effective technology transfer – mainly for agriculture development and growth**
  - **Enable competitiveness of the agriculture sector**
  - **Contribute cultivars that are important for food security**
  - **Incentivise innovation through:**
    - **Further investments into Research and Development**
    - **Providing a share of the revenue generated to inventor**
    - **Stimulate enterprise development**
    - **Facilitate access to poor farmers for development**



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



### Vuyisile Phehane

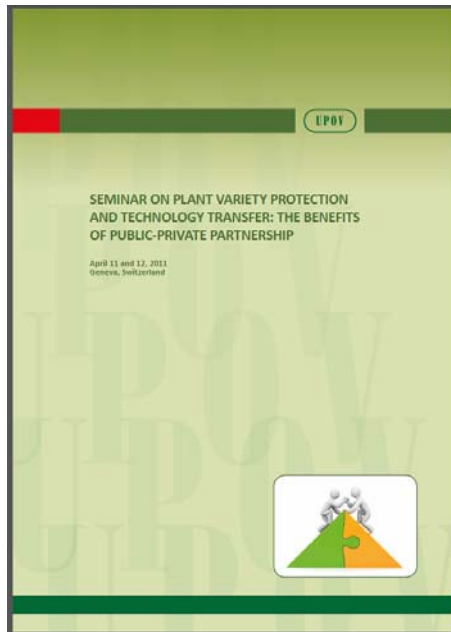


- **Delivering high performance varieties to subsistence/smallholder farmers**

- **Local licensing agreement with a South African company**
  - for the commercialization of some of the ARC's citrus varieties.
  - **A condition of the license: ensure the participation of smallholder citrus producers in the commercialization value-chain.**
- **Facilitated partnership with the Citrus Growers' Association to access ARC**



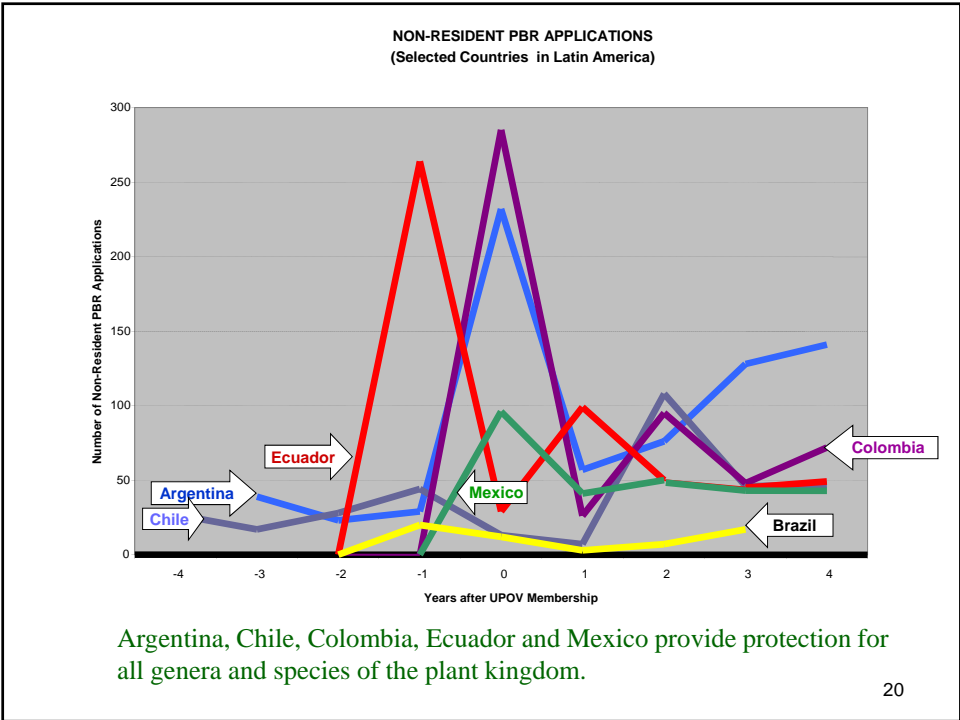
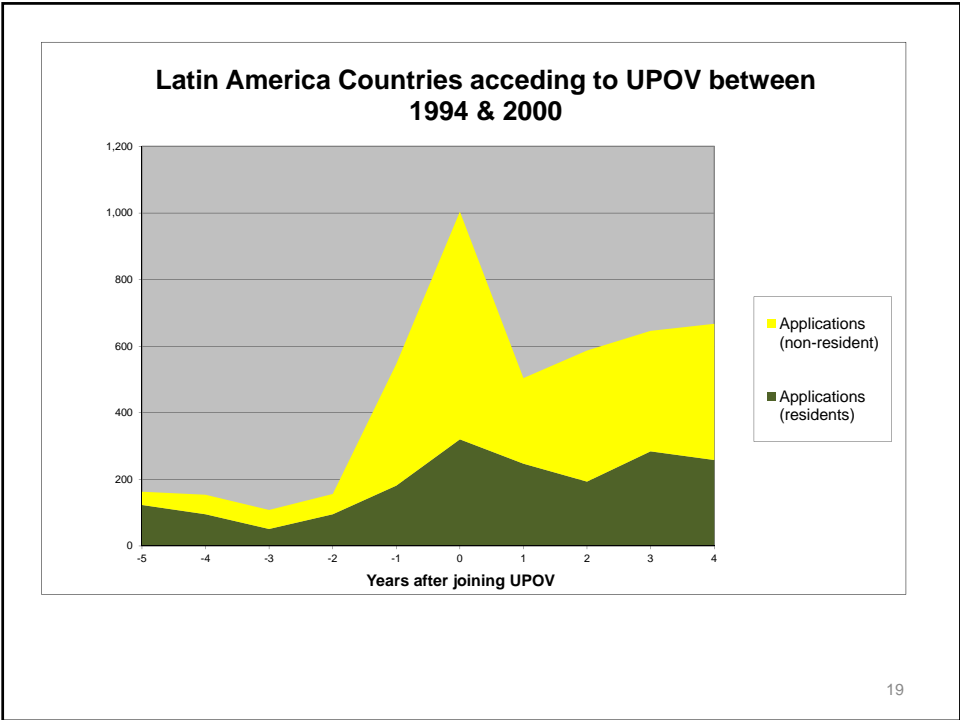




17

## ACCESS TO THE BEST VARIETIES

18



# REDUCE FRAUD

21

## Uruguay

Universidad de la República  
Facultad de Agronomía



Ingeniero Agrónomo Sebastián Peluffo, docente, especializado en el mejoramiento de cebolla

22

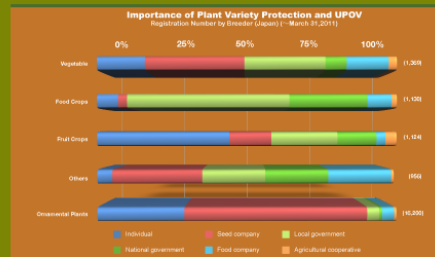
# FARMERS CAN BECOME BREEDERS

## INCENTIVES FROM PROTECTED VARIETIES

23

### Who can protect a plant variety?

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.



### Japan Registration Case Study

(click to see full view)



## Breeder's Right

1991 Act of 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:**

- (i) production or reproduction (multiplication),
- (ii) conditioning for the purpose of propagation,
- (iii) offering for sale,
- (iv) selling or other marketing,
- (v) exporting,
- (vi) importing,
- (vii) stocking for any of the purposes mentioned in (i) to (vi), above.

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

25

Derk Gesink (Netherlands) (Farmer and "hobby" potato breeder)



## OPTIONAL EXCEPTION

For crops where, for the member of the Union concerned, there was a common practice of farmers saving harvested material for further propagation

27

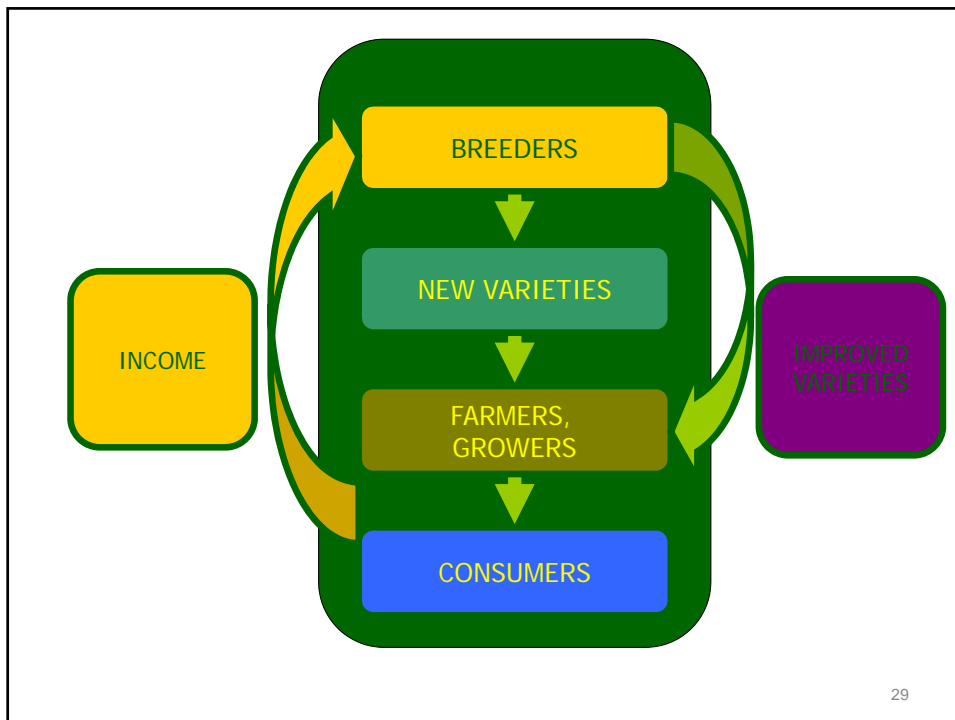
## EXCEPTIONS TO THE BREEDER'S RIGHT

A Contracting Party may restrict breeder's rights in order to permit farmers to use:

- for propagating purposes **on their own holdings**  
**the product of the harvest**
- **obtained on their own holdings**  
from the protected variety
- **within reasonable limits**
- subject to **safeguarding legitimate interests of the breeder**

[Article 15(2) and Recommendation of the Diplomatic Conference]

28



## BENEFITS FOR CONSUMERS

Greater choice of products

Better prices

Increase competition

Safer products

 **star fruits** —————● **Projects**

⊕ Initiator, directly or indirectly, of development projects,

- Global industry approaches, breeders and breeders rights management companies

*Pink Lady*®  *Ariane*

*Nectavigne*®  *AC Fruit*

**fruit.select** TERROIR ET INNOVATION-FRUITIERE

31



SYMPOSIUM ON THE BENEFITS  
OF PLANT VARIETY PROTECTION  
FOR FARMERS AND GROWERS

November 2, 2012 (Geneva, Switzerland)





# www.upov.int



## Gazette and Newsletter

### Quick Links

- ⌘ Introduction to UPOV
- ⌘ Situation in UPOV
- ⌘ Benefits of UPOV
- ⌘ UPOV Collection
- ⌘ Test Guidelines
- ⌘ Distance Learning Courses
- ⌘ Seminars & Symposia
- ⌘ Ashiro Rindo story
- ⌘ FAQs

### Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland).

UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991.

UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

▲ Top of page

GENIE Database



UPOV Lex



Plant Variety Database (PLUTO)

### News

& Upcoming Events

33