

Enforcement in Japan

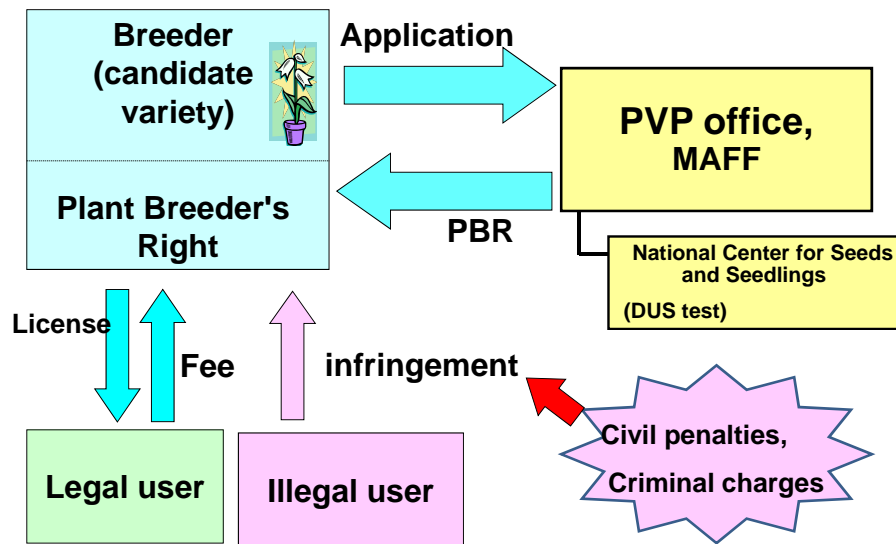
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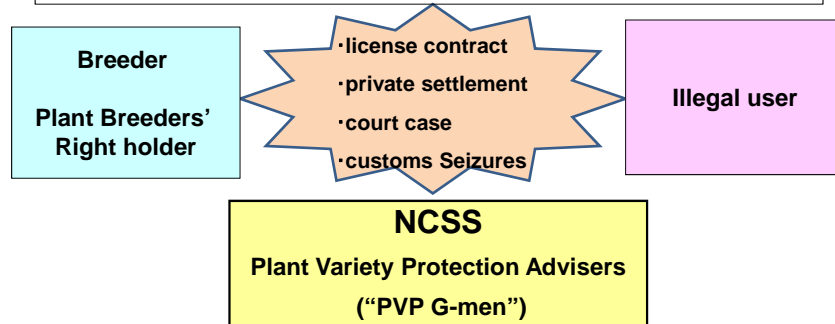
Protection of Plant Breeder's Right



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Measures against infringement of PBR

NCSS has assigned Plant Variety Protection Advisers (“PVP G-men”) to provide a consultation service for those who have concerns that their plant breeders’ rights may have been infringed.



- Counseling and advice
- Similarity tests (paid services)
- Provision of information on protection and use of plant breeders' rights
- Making up records on infringement
- Deposition of infringement evidence

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Case Example1

Example of measures taken against infringement of breeders' right

- The case of “Beni-shuho” cherry

A gourmet magazine, released in May 2005 carried an article, that preparations were being made for exporting “Beni-shuho” cherries, from foreign country to Japan. As a result of investigation done by right holder **with the cooperation PVP G-men**, it became clear that “Beni-shuho” grafts had been taken out of Japan without its authorization. In November 2005, applicant lodged a criminal complainant against an person who had exported the grafts, and field an application for suspension of imports **with the Customs**.

Thereafter, because the person expressed his deep repentance and agreed with right holder to voluntarily refrain from exporting “Beni-shuho” for a certain period of time even after the expiration of the duration of breeders' rights, right holder withdrew the criminal complaint and entered into settlement with him.



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Case Example2

Customs seized importing Rush (*Juncus effusus* L. var. *decipiens* Buchenau) variety from foreign country.

- Ministry of Agriculture, forestry and fisheries had conducted technical transfer of DNA analysis to Customs and exchanged information with Customs to improve in the effectiveness to Border Enforcement.

- Japan has experience Border Enforcement by Customs that the PBR holder applied injunction demand to Customs to block importing infringing Rush variety from foreign country in 2004 and 2011.



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Case Example2 (Seized by Customs)

2004 The Number of Import Seizures by Type of Right

Patent		Utility Model		Design		Trademark	
Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles
80	107,600	1	400	39	62,794	8,922	690,749

Copyright		Related right		Plant breeders' right		Unfair Competition Prevention Law		Total	
Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles
119	174,594	0	0	1	860	-	-	9,143	1,036,997

2011 The Number of Import Seizures by Type of Right

Patent		Utility Model		Design		Trademark	
Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles
8	16,276	0	0	88	26,304	22,843	567,107

Copyright		Related right		Plant breeders' right		Unfair Competition Prevention Law		Total	
Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles	Cases	Articles
484	116,662	1	8	1	1,815	3	62	23,280	728,234

Reference Seizure Statistics of Customs

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Information

The PVP G-men had made a presentation at UPOV - Working Group on Biochemical and Molecular Techniques and DNA-Profiling in Particular (BMT/14) in November 10 to November 13, 2014 (Seoul, Republic of Korea).

If you are interested in current activities of PVP G-men (National Center for Seeds and Seedlings), you can see following meeting document on UPOV website.

BMT/14/6

Use of DNA Variety Identification Technique for Measures Against the Infringement of Plant Breeders' Rights in Japan

BMT/14/6 ADD. REV.

Revised Addendum to document BMT/14/6 - Use of DNA Variety Identification Technique for Measures Against the Infringement of Plant Breeders' Rights in Japan

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***Thank you very much for your
attention.***

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