

## Enforcement experience in Korea

### ◆ Penalty regulation on PBR infringement

- imprisonment : not more than 7 years, or
- fine : not exceeding 100 million won
- \* before revision(June, 2013) : 5 years, 30 million won

### ◆ Enforcement tools

#### 1) Arbitration by Seed Committee

- belongs to Ministry
- have no legal binding force

#### 2) Legal action

- criminal suit : watermelon, anthrium
- civil suit : rose, watermelon, anthrium, blueberry

### ◆ 2 criminal suits

#### 1) watermelon 'Speedggul' (granted in 2004)

- title holder : Nongwoo Bio(KR)
- "J" seed company copied 'Speedggul' and sold its seed with other name
- KSVS carried out variety comparison test by court's request
- resulted that those two variety was not distinguished
- judged guilty, 1 year imprisonment for infringement
- took so long time(2007~2012) and money, efforts
- good influence on PBR establishment in vegetable sect

## 2) anthurium 'Antinkeles', 'Anthebneq' (granted in 2008)

- title holder : Anthura(NL), exclusive licensor : Nara horticulture(KR)
- offender imported seedlings of protected variety produced in China, and these varieties was not applied for PVP in China
- KSVS carried out variety comparison test by court's request
- resulted to be undistinguishable
- judged guilty, 10 months imprisonment
- took 3 years (2011~2013)
- **need more effective enforcement system**



Antinkeles



Anthebneq