

REPUBLIC OF KOREA

Contribution received in reply to UPOV Circular E-24/047 of April 22, 2024

From: jinkeejung@korea.kr <jinkeejung@korea.kr>

Sent: Friday, May 31, 2024 3:43 AM

To: mail, Upov <upov.mail@upov.int>

Cc: "전은희" <ehjeon@korea.kr>; "김종필" <kimjp21@korea.kr>

Subject: RE: Gentle reminder: ****EXTENSION OF DEADLINE:**** Action by May 31, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear UPOV,

Here is the current status of Korea in response to the questions requested by UPOV SHF.

1. Is your country/intergovernmental organization implementing the exception “acts done privately and for non-commercial purposes”? If so, how is it implemented?

- According to Article 57, Paragraph 1, Item 1 of the Plant Variety Protection Act of Korea (regarding the use of protected varieties for self-consumption for non-commercial purposes), the UPOV Convention provisions are implemented by law, thus enforcing the exception of “acts done privately and for non-commercial purposes.”

2. Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?

- As far as I know, there is no individual definition regarding this in other articles or subordinate regulations. (* There are additional regulations regarding self-harvesting in Article 36 of the Enforcement Decree.)

3. Please specify legislation/regulation and jurisprudence concerning this exception.

- Article 57, Paragraph 1, Item 1 of the Plant Variety Protection Act of Korea

4. Are there any challenges and/or opportunities in implementing this exception in your jurisdiction? Please explain.

- So far, no significant issues have been highlighted in Korea.

Best regards,

Jin-Kee Jung

大弦 Jin-Kee Jung, Ph.D

Molecular Biologist, 농업연구관

Plant Variety Protection Division, Korea Seed and Variety Service(KSVS)

119, Hyeoksin 8-ro, Gimcheon-si, Gyeongsangbuk-do, Republic of Korea

Phone : 82-54-912-0111, Fax : 82-54-912-0211

Homepage; www.seed.go.kr

E-mail : jinkeejung@korea.kr jinkeejung@gmail.com,