

LITHUANIA

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

From: Austé Geddes <auste.geddes@vatzum.lt>

Sent: Thursday, May 16, 2024 3:05 PM

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

Cc: Rasa Zuikienė <rasa.zuikiene@vatzum.lt>

Subject: RE: GENTLE REMINDER: Action by May 20, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear Sir or Madam,

Here are the answers for the Republic of Lithuania:

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

Lithuania does implement the exception for acts done privately and for non-commercial purposes, there is a provision for it in both the national law and the EU Council regulation governing the Community plant variety rights.

So far there have been no legal cases regarding farmers using protected varieties privately and for non-commercial purposes in Lithuania.

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

The term is not separately defined.

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

Article 15(a) of the Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights (European Union):

“Limitation of the effects of Community plant variety rights
(a) acts done privately and for non-commercial purposes;”

Article 28.1.1) of the Law No. IX–618 of November 22, 2001, on the Protection of Plant Varieties (Republic of Lithuania):

“Exceptions to the Breeder’s Right

1. A variety may be used without the breeder’s authorisation:
1) privately and for non-commercial purposes;”

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

No obvious challenges.

Best regards,
Austé Geddes

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