

THE KINGDOM OF THE NETHERLANDS

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

Answer from the Netherlands:

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

This exception is implemented in the Dutch Seed Law, art 57, 3a. "Handelingen die in de prive-sfeer en niet bedrijfsmatig worden verricht", this is almost literally "acts done privately and non commercial".

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

In the Netherlands the target group for this exception are consumers and amateur gardeners. We don't have subsistence farmers.

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

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

3 and 4:

There has not been any jurisprudence concerning the exception in the Netherlands and we are not aware of any jurisprudence in other European Member State. We don't have challenges or opportunities regarding this exception in the Netherlands.