

NORWAY

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

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Sent: Wednesday, May 15, 2024 6:04 PM
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Subject: FW: GENTLE REMINDER: Action by May 20, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

To the UPOV Secretariat,

In reference to the UPOV Circular E-24/047, here are some experiences from Norway:

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

Since Norway adheres to the 1978 Act of the UPOV Convention, we do not have any such specific exception. Indirectly, use of protected varieties for private and non-commercial purposes is allowed, since the content of the plant breeders' rights are limited to commercialization. Also farmers in Norway can save and use farm-saved seed and propagating material of protected varieties without paying any remuneration to the holder of the plant variety protection right.

2. *Concerning this exception, are there definitions for the following term: “acts done privately and for non-commercial purposes”?*
3. *Please specify legislation/regulation and jurisprudence concerning this exception.*

The Food Law refers to “private and non-commercial purposes” in the definition of “business” (In Norwegian: “I denne loven forstås med

1. virksomhet: Ethvert privat eller offentlig foretak samt privatpersoner som foretar en hvilken som helst aktivitet aktiviteter i privat og ikke-kommersielt øyemed”)

Also the [Regulation on seeds](#) refers to non-commercial in its paragraph on area of application: “Demands (in this regulation) is not hindering non-commercial exchange of seeds”.

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

The food safety authorities provide information about the possibility to exchange propagating material on a non-commercial basis: [Omsetning av såvarer | Mattilsynet](#)

Due to the drought in 2018, there was shortage of seed in the 2019 season and farmers who had the opportunity to do so, were encouraged to use seeds saved from own farm. The exception to the plant breeders' rights in Norwegian PVP law provided an opportunity to do this. The Norwegian breeding company Graminor, provided in this season information about what is allowed in this context: [Kjøp og salg av såkorn - Graminor](#)

Yours sincerely,

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