

URUGUAY

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

From: Daniel Bayce <dbayce@inase.uy>
Sent: Friday, May 31, 2024 3:46 PM
To: mail, Upov <upov.mail@upov.int>
Subject: RE: ****EXTENSION OF DEADLINE:**** Action by May 31, 2024: call for replies to questions by the WG-SHF (UPOV Circular E-24/047)

Dear Martin,

Below are the responses. I remain at your disposal.

Best regards,
Daniel

Is your country (Uruguay) organization implementing the exception “acts done privately and for non-commercial purposes”? If so, how is it implemented?

No. Not explicitly.

Article 72 of Seed Law No. 16.811 allows the use of seeds of protected varieties for private and non-commercial purposes. It only and specifically allows farmers to save and plant seeds for their own use (so-called farm saved seed) without compensation, provided it is not for commercialization, donation or any other activity that could have or imply a commercial act.

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

No.

Not specifically as the Uruguayan law does not mention any time the terms “*acts done privately and for non-commercial purposes*”

Please specify legislation/regulation and jurisprudence concerning this exception.

No.

This concept is not included in our legislation. There is no jurisprudence on this matter.

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

No.

We believe that our regulations provide an appropriate framework for the proper use of protected varieties, while also supporting agricultural and social development without being constrained by this type of exception. Therefore, there are no challenges neither request of inclusions nor amendments of this kind.

Saludos,
Daniel



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