

BRAZIL

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

From: Stefania Palma Araujo <stefania.araujo@agro.gov.br>

Sent: Thursday, May 2, 2024 8:25 PM

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

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

Dear UPOV,

In response to UPOV Circular E-24/047, follow below some considerations regarding the questions raised:

Besides Brazil adopt Act 1978, in our Law nº 9.456, April 25th, 1997, we have some articles related to the Act 1991.

The article 10 has the list of practices that cannot be considered infringement of a variety protection right.

Therefore, in Brazil the farmers can use the product of the harvest for propagating purposes on their own holdings; the use of varieties for the purpose of breeding other varieties is also accepted; and it is possible to small farmers multiply varieties for the purpose of exchange or donation of seeds among others small farmers, under certain programs developed to finance small farmers. These programs can be public or private under supervision of government. We never faced a practical experience regarding the third exception mentioned.

The Brazilian law does not have a definition to “acts done privately or for non-commercial purposes”.

Best regards,

Stefânia.

Stefânia Palma Araujo

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