ENFORCEMENT OF BREEDER´S RIGHTS

IN ARGENTINA

AGROINDUSTRY MINISTRY

NATIONAL INSTITUTE OF SEEDS

DESCENTRALIZED GOVERNMENTAL AGENCY
ENFORCEMENT OF BREEDER’S RIGHTS

• NATIONAL CONSTITUTION
• ACT 24.376 THE APPROVAL OF THE UPOV CONVENTION
• ACT Nº20.247 NATIONAL SEEDS AND PHYTOGENETICS CREATIONS LAW
• REGULATORY DECREE Nº 2183/1991
• RULE Nº 187/2015
• RULE Nº 149/2016
• RULE Nº 207/2016

NATIONAL CONSTITUTION

ARTICLE 17

Every author or inventor is the exclusive owner of his work, invention or discovery for the term granted by law
THE TITLE OF PROPERTY OF THE VARIETY WHEN MET THE CONDITIONS WILL BE GRANTED FROM 10 TO 20 YEARS. ACTS COVERED MULTIPLICATION AND TRADE.

REGULATORY DECREE Nº 2183/1991 (20 years)
Prior authorization of breeder necessary for these acts:

- Production and reproduction
- Conditioning for the purposes of propagation
- Offering for sale
- Sale or any other form of marketing
- Export
- Import
- Advertising display of samples
- Exchange transfer and any other form of commercial transaction
- Stocking for any of the options mentioned above
- Any other delivery in whatever connection
REGULATORY DECREE Nº 2183/1991

THE BREEDER MAY MAKE HIS AUTHORIZATION SUBJECT TO CONDITIONS DEFINED BY HIMSELF INCLUDING QUALITY CONTROL INSPECTION OF PLOTS, ROYALTY PERCENTAGES

ACT 20247. ADMINISTRATIVE PUNISHMENTS

ANY PERSON WHO IDENTIFIES OR SELLS VARIETY SEEDS NON AUTHORIZED FOR THE MULTIPLICATION AND TRADE BY THE OWNER SHALL BE BOUND TO PAY A FINE OR MAY LEAD TO CONFISCATION OF SEEDS

POLICE POWER

ACT 20247

THE OFFICIALS OF INASE ACTING IN ACCORDANCE WITH THE LAW SHALL BE ABLE TO CONTROL, TAKE SAMPLES, AND ANALYZE SAMPLES OF SEEDS OBTAINED FROM STORED, TRANSPORTED, SOLD, OFFERED FOR SALE SEEDS, AT ANY TIME OR PLACE. THEY SHALL HAVE ACCESS TO ANY STORE WHERE THERE ARE SEEDS AND EXAMINE ANY DOCUMENT, THEY SHALL BE ABLE TO STOP OR AUDIT THE SALE AND DISTRIBUTION OF ANY SEED.
VARIETY REGISTRATION DIRECTION

BREEDER´S RIGHTS REGISTER

BREEDER´S RIGHTS GRANTED 3905
    IN FORCE  2390

BREEDER´S RIGHTS DIFFERENT SPECIES

CEREALS 588
INDUSTRIAL CROPS 66
FODDER 466
FRUTALS 254
FOREST TREES 42
VEGATABLES 107
OIL CROPS 822
ORNAMENTALS 45

TOTAL 2390
THE DEPARTMENT OF SEEDS CONTROL AND TRADE

- CONTROLLED 25% OF THE ENTERPRISES REGISTERED BEFORE THE NATIONAL REGISTRY

- INSPECTIONS MADE IN 2015: 1,300

NATIONAL INSTITUTE OF SEEDS

RULE Nº 187/2015

background:

INASE rule Nº 80/2007: registry of Soybean and wheat Users (RUSSyT)

- Goals:

  Having accurate information regarding the use, plots, destination and handling of the seeds sown by the farmer. (certified Seed or Own Use)

  also track and verification of the documents required for marketing the seed audited as one of the requirements of current legislation in relation to farmers seed to ensure compliance with the public interest.
• **SOWINGS:**

  **Users which are compelled:** Production Volume of soybeans and / or production volume of wheat grain exceeds two thousand (2,000) TONS

METHOD OF PRESENTATION: Printed Form available for download on the website of INASE.

FILING DATES

  soybean: june 31 each year
  wheat: january 31 each year

---

**RULE Nº 187/2015 and 149/2016**

• **Goals:**

  Have more reliable information about the seed for own use that would ensure balance between the rights of the parties involved, while facilitating the control and supervision of the activity of INASE as the implementing Organism of the Seeds Law and Phytogenetic Creations No. 20.247.

  Improve control capacity in order to differentiate seed for own use as provided for in Article 27 of Law No. 20.247 and to continue legalizing the market.
- **inicial sowing:**
  - soybean: 2015/2016
  - WHEAT: 2016/2017

**USERS REACHED:** those already achieved by Resolution No. 80/07 from INASE when the annual invoiced amount is more than three (3) times the amount corresponding to the highest category of taxes (Category L).

**EXCEPTIONS:** When the amount of annual turnover does not exceed three (3) times the amount corresponding to the highest category of taxes and farmers are registered in the NATIONAL REGISTRY OF FAMILY FARMING (RENAF) of the Agroindustry Ministry.

**METHOD OF PRESENTATION:**

Through an online system in Self-Management Portal of the Agroindustry Ministry.
Once identified in the system, all data comes out and the list of establishments with their number of RENSPA.
**Deadlines and what to inform**

**SOYBEAN**

31/01/16 deadline extended to 31/03/16: LOCATION OF PLOTS, AREA PLANTED, KGS OF SEED USED, VARIETY AND ITS DOCUMENTATION ENDORSE THE ORIGIN.

06/30/16: SEED QUANTITY RESERVED FOR OWN USE, VARIETY AND THE PLACE WHERE ITS STORED

**WHEAT**

31/08/16: LOCATION OF PLOTS, AREA PLANTED, KGS OF SEED USED, VARIETY AND ITS DOCUMENTATION, ENDORSE THE ORIGIN.

31/01/17: SEED QUANTITY RESERVED FOR OWN USE, VARIETY AND THE PLACE WHERE ITS STORED

The system allows you to add PLOTS and activities.
## Certified seed or farm saved seed

<table>
<thead>
<tr>
<th>Especie</th>
<th>Variedad</th>
<th>Cantidad en Kg</th>
<th>Rinde Esperado Kg/ha</th>
<th>Origen</th>
<th>Fecha Factura</th>
<th>Vendedor</th>
<th>Núm. Factura</th>
<th>Eliminar Semilla</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seleccionar...</td>
<td>Seleccionar...</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>🌱 Fiscalizada Adquirida</td>
<td>🌱 Uso Propio</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agregar

No se encuentran Semillas cargadas

Ir a Principal Ir a establecimiento Volver

## Certified seed

<table>
<thead>
<tr>
<th>ACTIVIDAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Información sobre semilla</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Especie</th>
<th>Variedad</th>
<th>Cantidad en Kg</th>
<th>Rinde Esperado Kg/ha</th>
<th>Origen</th>
<th>Fecha Factura</th>
<th>Vendedor</th>
<th>Núm. Factura</th>
<th>Eliminar Semilla</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOYA</td>
<td>YORK</td>
<td>1500.0</td>
<td>50.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>🌱 Fiscalizada Adquirida</td>
<td>🌱 Uso Propio</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Agregar

No se encuentran Semillas cargadas

Ir a Principal Ir a establecimiento Volver

XX-XXXXXXXX-XX

Apañado Nombre / Razon Social: 

Fecha factura: 22/10/15

Factura Nº: 22-121231321

⚠️ Le recordamos que debe guardar los títulos

Ir a Principial Ir a establecimiento Volver
**Farm saved seed**

- **ACTIVIDAD**
  - Información sobre semilla:
    - Especie: SOYA
    - Variedad: MDD
    - Cantidad en Kt: 1500.0
    - Hectáreas Esperadas: 40.0

- **Cult. Vendador**
- **Apellido Nombre / Razon Social**
- **Fecha factura**
- **Factura Nº**

- **DECLARO QUE NO POSEO LA FACTURA POR TENER FECHA DE MAS DE DIEZ AÑOS**

**Agregar**

---

**Sworn statement**

- **ESTABLECIMIENTOS REGISTRADOS - SENASA RENSPA**

  - *Sr. Producutor, en caso de no poder ver sus establecimientos por favor diríjase a SENASA para regularizar su situación en RENSPA*

- **Renspa**
- **Establecimiento**
- **Organismo**
- **Ver más**
- **Agregar listo**

- **Ayuda**
- **Generar DDO3**

Ministerio de Agricultura, Ganadería y Pesca | Buenos Aires | Argentina
Once the above requirements are met INASE delivers to the farmer:

**Certificate of Farm Saved Seed**

- SOYBEAN
- WHEAT

**Rule 207/2016**

**Background Rule 187/2015**

The product of the harvested material is one of the most appropriate vehicles for genetic verification of the seed used that gave rise to it.

Campaign 2015/16 of harvested soybean, there will be taken from farmer or seed multiplier grain samples at the first point of delivery which may be required by the National Institute of Seeds.

The National Institute of Seeds has an agreement with the Buenos Aires Grain exchange to analyze samples and determine if seeds have a patented gene or not.

Infringements to the rule 207 will have a punishment according to the National seeds law.
Thanks for your attention

Maria Laura Villamayor
National Institute Of Seeds
Argentina
mlvillamayor@inase.gov.ar