

Guideline for Operation of East Asia Plant Variety Protection Forum

*Approved by the 3^d meeting of the East Asia Plant Variety Protection Forum
held in Seoul, Rep. of KOREA on April 28, 2010*

1. Background

(1) Purpose of PVP

Plant Variety Protection (hereinafter referred to as "PVP") is a measure for promoting breeding by providing breeders of new plant varieties with a legal framework for protecting their intellectual properties. It benefits both breeders and farmers of each country by contributing to the improvement of agricultural productivity and the quality of agricultural products.

With such circumstances as the population growth, market diversification and environmental fluctuation, an incentive for the development of new varieties of plants with unique characteristics in productivity, marketability and resistance to specific conditions has become more and more necessary in order to provide sustainable progress in agriculture of each country.

(2) Benefit Brought about by the Introduction and Harmonization of PVP System

There exists a close geographical, historical and socio-economic inter-relationship among countries in East Asian Region. Intra-regional economic partnership has rapidly been strengthened, which is regarded as the source of the recent remarkable economic development of the region. International concerns have been mounting over the protection of intellectual property and a proper administration thereof as a key to the further expansion of partnership.

This is the case with the agricultural sector and food-related industry as well. In order for the region to expand the IPR-oriented international trade and to further strengthen mutual exchange in agriculture and food-related industry, it is getting more and more crucial for any country to establish and improve its PVP system and to promote the international harmonization thereof. This would be indispensable in pursuing the common interest for the region as a whole.

In addition, the existence of an effective and internationally-harmonized PVP system not only promotes breeding of new plant varieties in each country, but also provides an incentive to foreign breeders to invest within foreign territories and the release of elite varieties bred by such foreign breeders, and thereby benefits producers and consumers of each country.

(3) Establishment of the East Asia Plant Variety Protection Forum

Under the mutual recognition of the importance of strengthening each PVP system while harmonizing them, and that of the UPOV Convention and role of UPOV for the harmonization of PVP systems in accordance with the UPOV Convention in each country, ASEAN plus 3 countries set up the East Asia Plant Variety Protection Forum (hereinafter referred to as "the Forum").

2. Activities of the East Asia Plant Variety Protection Forum

(1) The Forum activities will be carried out based on the following objectives:

- To establish a sustainable forum in view of the importance of discussion to explore possible cooperative activities for the development of PVP in the East Asian region
- To promote mutual cooperation, particularly in capacity building, depending on the degree and needs of each country, by sharing experience and knowledge in the region
- To understand the situation of each country surrounding PVP and specific circumstances behind it
- To promote above mentioned items by setting up the secretariat of the Forum rotationally by year on each country's willing

(2) One of the key Forum activities is information exchanges:

Promotion of information exchanges is the one of the keys to achieve the objectives above, which will be reinforced by the official website of the Forum. The website will be the effective tool to facilitate communication among the members of the Forum. Any relevant information which is useful for the Forum, including the list of protected varieties, legislation of PVP, case studies of DNA varietal identification test, and infringement cases, will be shown on the website.

It should be emphasized that any activities which are promoted by the Forum will be carried out based on the autonomy of participating countries, and with the voluntary participation of members in specific cooperative activities, and will promote mutual contributions by participating country in each field where they possess an advantage.

3. Framework of the Forum

(1) Members and Guests

- Members of the Forum are Brunei Darussalam, Cambodia, China, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Myanmar, Philippines, Republic of Korea, Singapore, Thailand and Viet Nam.
- The Office of the Union, the ASEAN Secretariat and the UPOV member countries willing to participate in the Forum are invited as the guests.
- Any guests are allowed to express their views and the comments with the consent of the all delegates of the participating member countries.

(2) Holdings of the Forum

- The Forum meeting will be rotationally held annually hosted by the willing countries.
- English is the official language of the Forum.

(3) Planning and Implementation of the Forum Activities

- Member countries would be expected, on each country's initiative, to plan and implement

multilateral or bi-lateral cooperative activities based on the objectives of the Forum.

- Member countries are encouraged to report their cooperative activities to share those experiences and expand participating countries in those activities.
- Member countries can receive support from donor countries in holding the Forum and relevant cooperative activities.

(4) Secretariat

- The Secretariat is set up by the host country of the Forum meeting and is responsible for the preparation of the Forum meeting, dissemination and exchange of the information related to the Forum, preparation of the annual Forum work report during its term, and the handover of work responsibilities to the next Secretariat.
- The handover of the Secretariat is done at the Forum meeting hosted by the next Secretariat.
- Each member country would set up a Liaison Office to be responsible for the communication on Forum affairs and information exchange.
- The official website of the Forum is technically supported by Japan and the content of the website is jointly managed by all member countries.
- The Office of the Union extends assistance to the organization of meetings of the Forum.

4. Others

This guideline will be revised occasionally by consensus.