

*Plant Variety Protection under the  
UPOV Convention*

**UPOV mission for enhancing the  
effectiveness of the PVP system**

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(Technical Officer, UPOV)

*UPOV Headquarters, Seoul  
September 3, 2015*

# Preview

- 1. UPOV System of PVP**
- 2. Benefits of UPOV membership**
- 3. Cooperation**

# UPOV

## UPOV MISSION STATEMENT

“To provide and promote an effective system of plant variety protection (PVP), [...]”



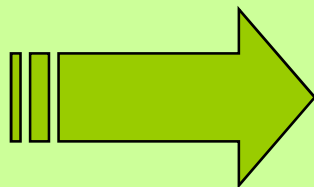
Plant Breeder's Right (PBR)



# UPOV

## UPOV MISSION STATEMENT

**“[...] with the aim of encouraging the development of new varieties of plants, for the benefit of society”**



Impact of Plant Variety Protection  
and UPOV membership

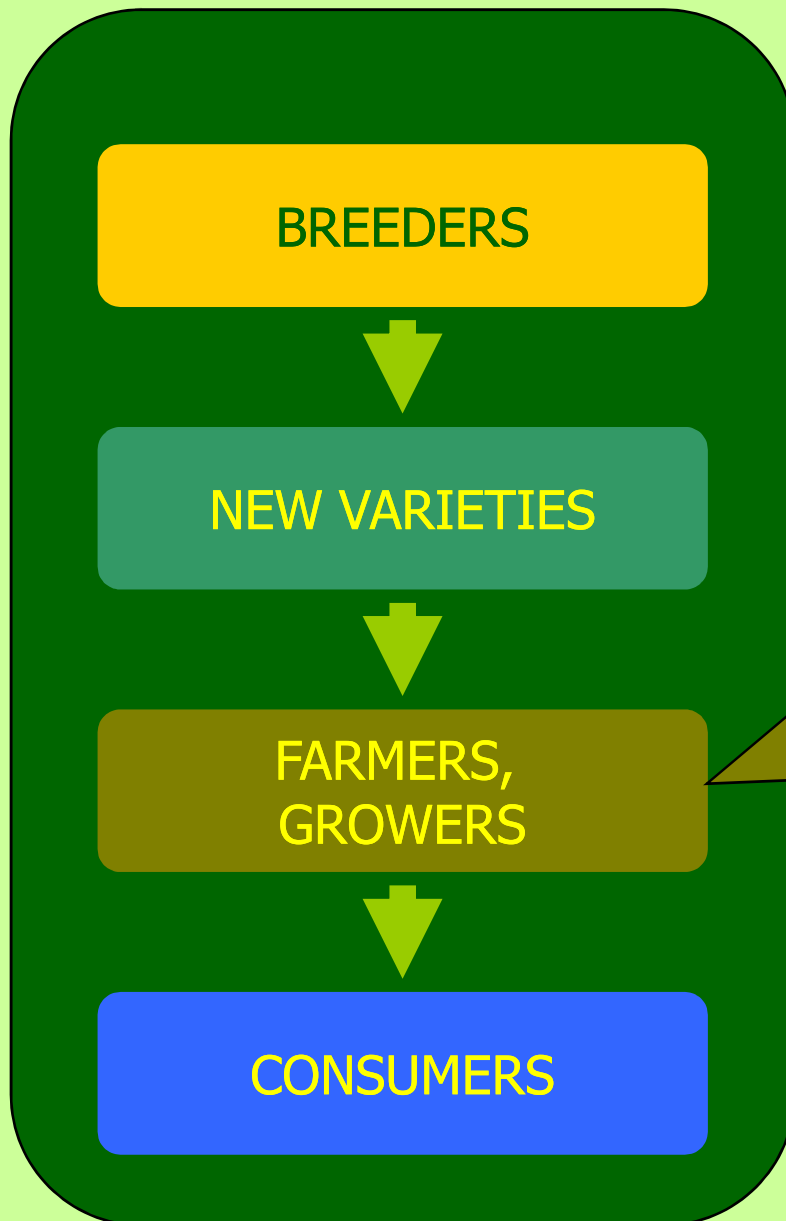
# **1. UPOV System of PVP**

**(a) Importance of plant breeding and Plant Variety Protection**

**(b) Sources of impact of Plant Variety Protection**

**(c) Key features of PVP System**

# Importance of Plant Variety Protection



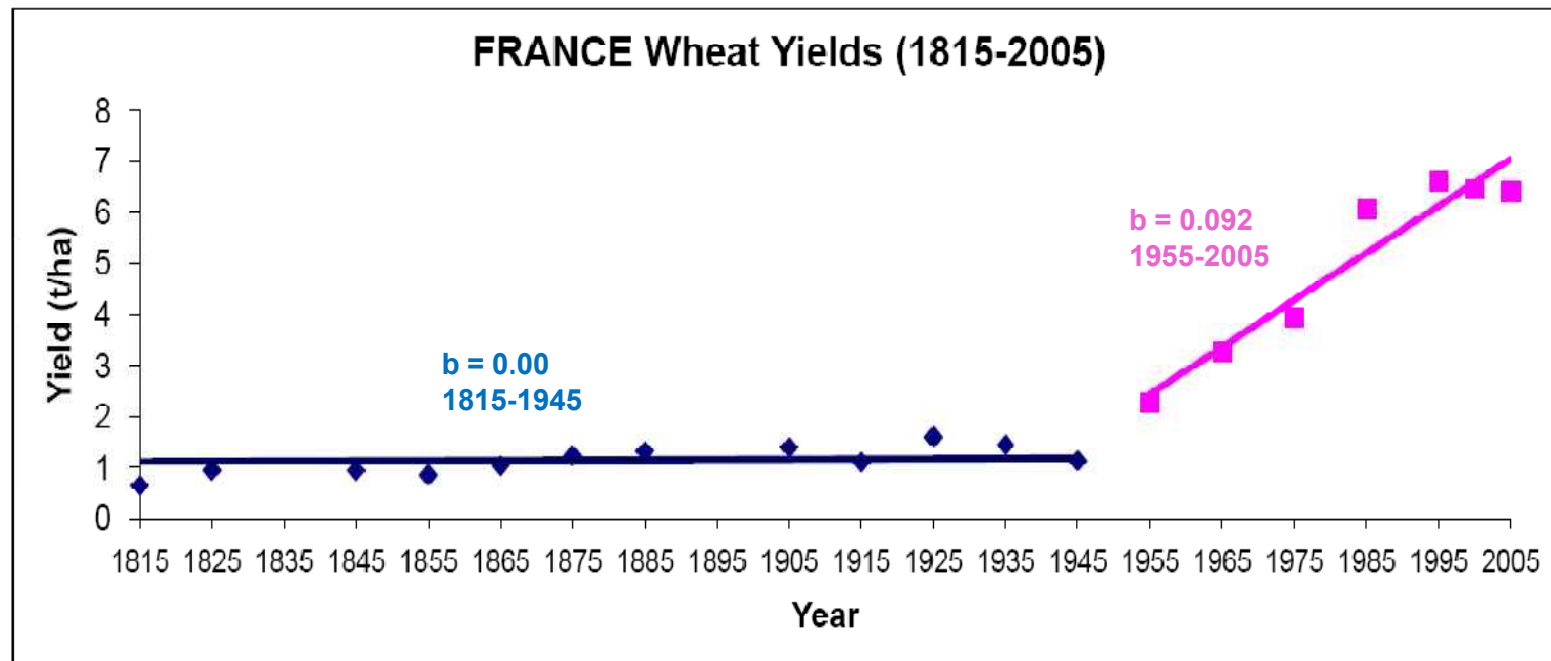
- Yield
- Profitability
- Resistance to pests and diseases
- Stress tolerance
- Harvestability
- Crop quality
- Input efficiency
- Variety diversity
- New markets ...etc.

# Plant Variety Protection: Improving Income for Farmers and Growers

variety **CHOICE**  
+ **INFORMATION** on performance  
+ **DELIVERY** of good quality planting material  
= Opportunities for  
**ADDED VALUE**

# Importance of Plant Breeding

## Evolution of Wheat yield in France





# Improved Varieties

## Hot pepper

Development of disease resistant variety

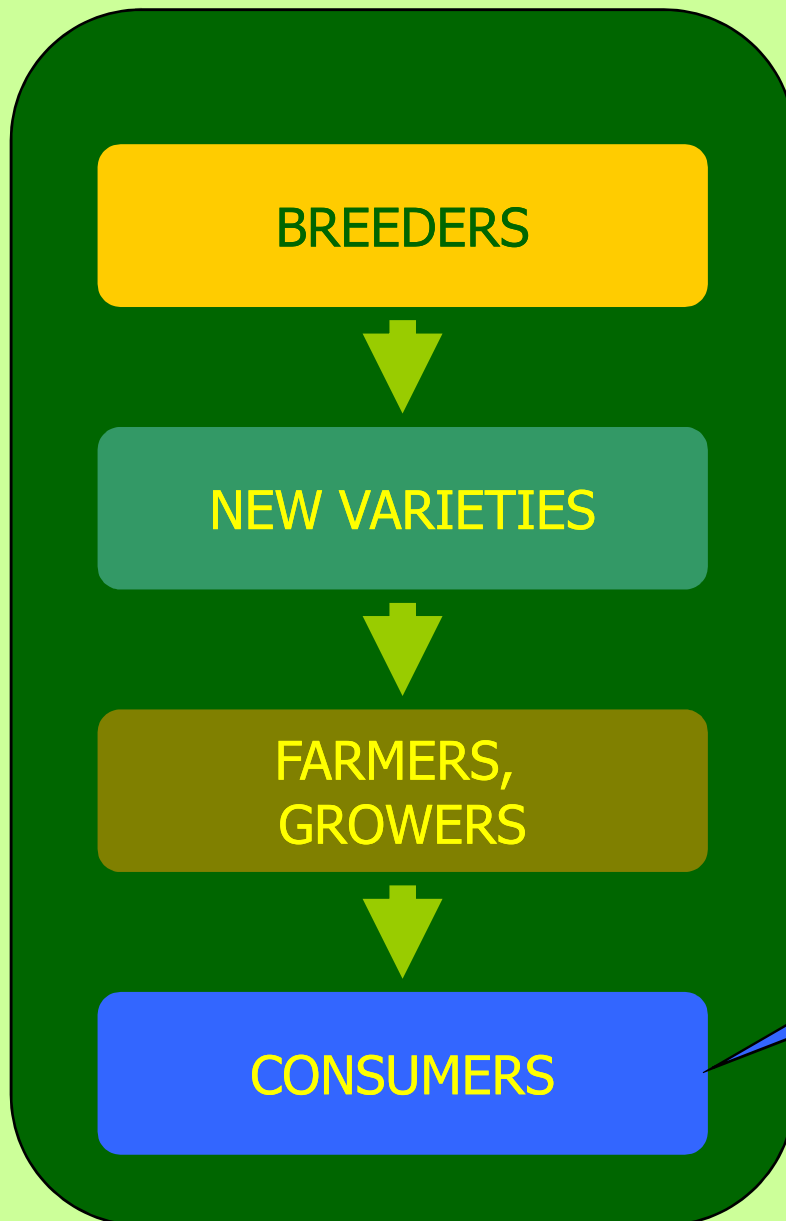


🟡 **Dok-Ya-Cheong-Cheong**  
Resistant to phytophthora blight/virus

Phytophthora blight (Fungal disease):  
- above : **Resistant variety**  
- below: **Susceptible variety**

Chang Hyun Kim, Second World Seed Conference

# Importance of Plant Variety Protection



- Reduced food cost
- Efficient land use
- Nutritional quality, taste etc.
- Storage quality
- Diversity of products

SEMINAR ON  
PLANT VARIETY PROTECTION AND  
TECHNOLOGY TRANSFER:  
THE BENEFITS OF PUBLIC-PRIVATE  
PARTNERSHIP

Yves Lespinasse



## Glucosinolate content

from 100  $\mu$ moles ('Jetneuf') to 12  $\mu$ moles ('Samourai')

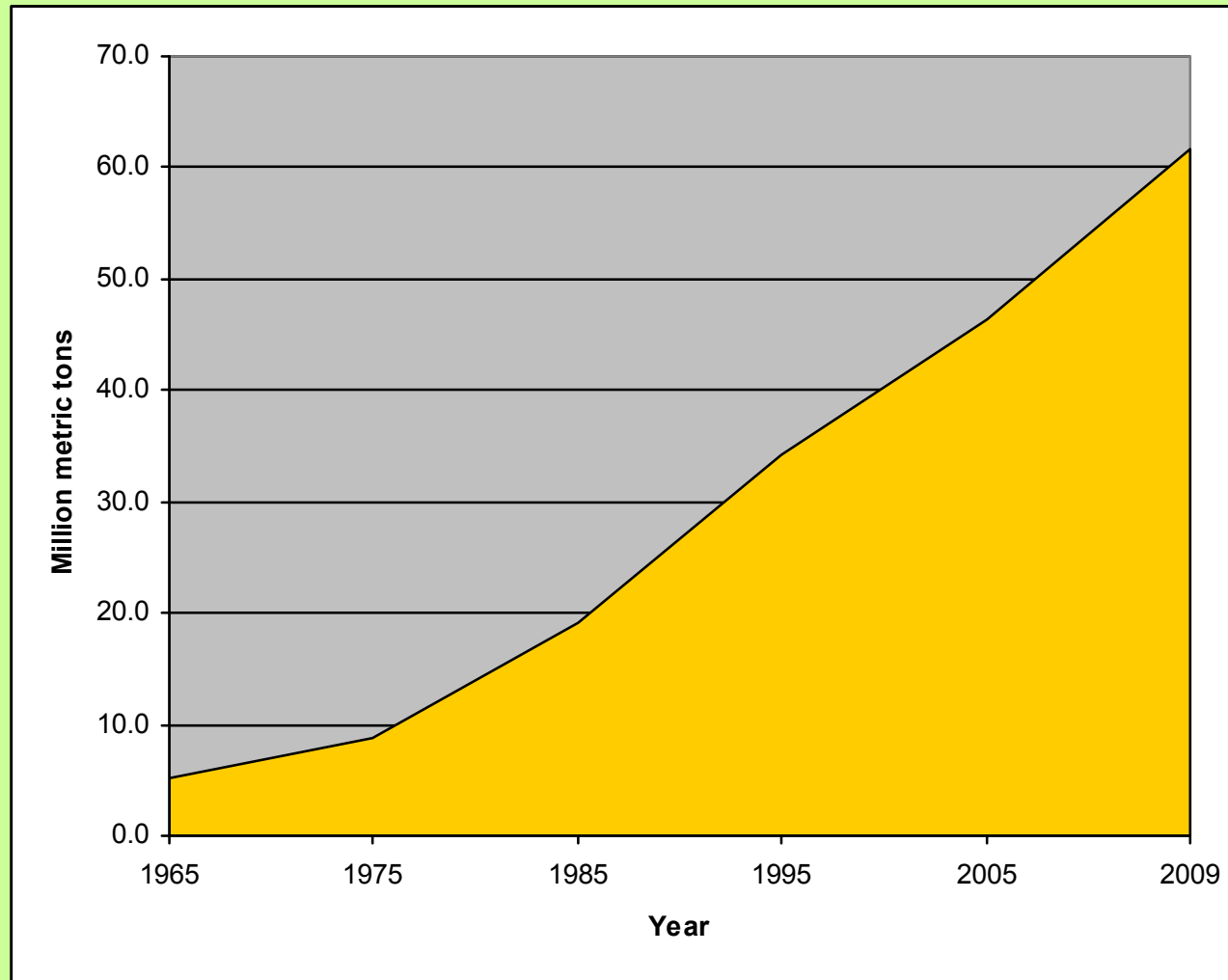
LEAR: Low Erucic Acid



HOLLI: High Oleic and Low Linolenic

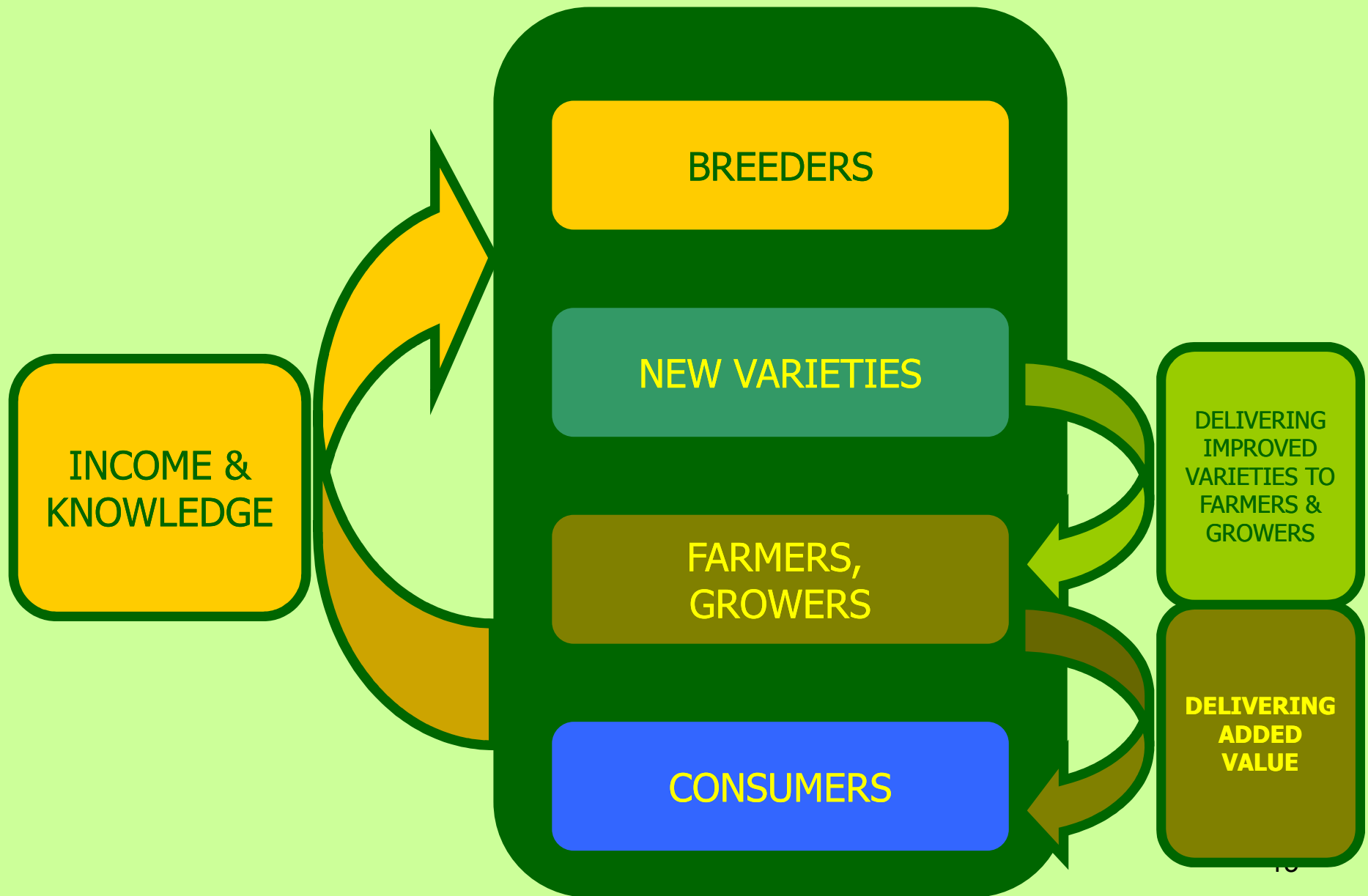


# World Total Rapeseed Production





# Benefits of the PVP system



# **1. UPOV System of PVP**

**(a) Importance of plant breeding and Plant Variety Protection**

**(b) Sources of impact of Plant Variety Protection**

**(c) Key features of PVP System**

# Benefits of the UPOV System



**NEW** [Video](#): PVP in Uruguay  
Use of Plant Variety Protection by the Faculty of Agronomy of the 'Universidad de la Republica' of Uruguay

**NEW** UPOV Trilogy Publication  
● [Executive Summary](#)

Symposium on Plant Breeding for the Future (2011)

- [Proceedings](#)
- [Powerpoint presentations](#)

Seminar on Plant Variety Protection and Technology Transfer: The Benefits of Public-Private Partnership (2011)

- [Proceedings](#)
- [Powerpoint presentations](#)

Symposium on the Benefits of Plant Variety Protection for Farmers and Growers (2012)

- [Proceedings](#)
- [Powerpoint presentations](#)



[UPOV Report on the Impact of Plant Variety Protection](#)

[Ashiro Rindo Story](#)



["A Color for All Seasons"](#) (Article on Ashiro Rindo Story)  
(link to "IP Advantage" – Case studies on Intellectual Property – by World Intellectual Property Organization (WIPO))



[Introduction to UPOV](#)

# **1. UPOV System of PVP**

**(a) Importance of plant breeding and Plant Variety Protection**

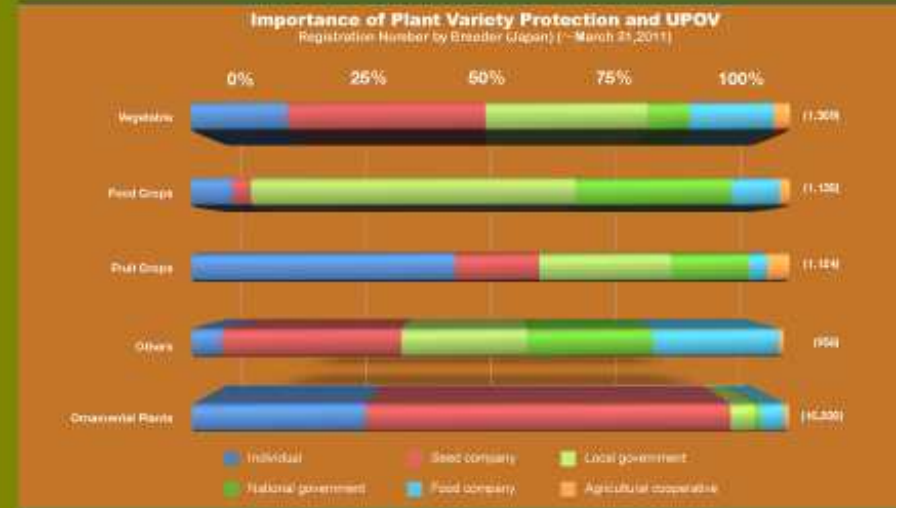
**(b) Sources of impact of Plant Variety Protection**

**(c) Key features of PVP System**



## Who can protect a plant variety?

There are no restrictions on who can be considered to be a breeder under the UPOV system: a breeder might be an individual, a farmer, a researcher, a public institute, a private company etc.



### Japan Registration Case Study

(click to see full view)



# EXAMINATION

- **Novelty**

- *the breeder provides information for the examination of novelty in the application form*

- **Denomination**

- *authorities should **accept the denomination** that was submitted and **registered with the first application**, unless such denomination is unsuitable in their territory*

- *UPOV Plant Variety Database*

- **DUS**

- *Trial*

- *Cooperation (Exchange / Purchase of DUS Reports)*

## Breeder's Exemption

Utilizing protected varieties for breeding new varieties (Rep. of Korea)

'Daniela' tomato



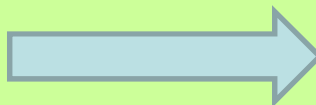
Long shelf life

'Duessra' tomato



Long shelf life + more uniform fruit

Segregation



Cross & selection

Jin Young Yoon, WIPO Conference on Building Partnerships for Mobilizing Resources for Development (Geneva, November 5 and 6, 2009) <sup>19</sup>

# Enforcement of Breeder's Rights

## Explanatory notes UPOV/ENF/EXN/1

UPOV Convention requires **members** of the Union **to provide for appropriate legal remedies** for the effective enforcement of breeder's rights

It is a matter for **breeders to enforce their rights**

Non exhaustive **list of enforcement measures**

## UPOV/ENF/EXN/1 List of enforcement measures

(a) Civil measures

(b) Customs measures

(c) Administrative measures

(d) Criminal measures

(e) Measures resulting from alternative dispute  
settlement mechanisms

(f) Specialized courts

# Preview

- 1. UPOV System of PVP**
- 2. Benefits of UPOV membership**
- 3. Cooperation**

# BECOMING A UPOV MEMBER

Deutsch Español Français Other »

**UPOV** INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

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- Plant Variety Protection Laws
- About UPOV Members
- Becoming a UPOV Member**
- Observers

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## Becoming a UPOV Member

-  [Guidance on How to Become a Member of UPOV \(UPOV/INF/13/1\)](#)
-  [Guidance for the Preparation of Laws Based on the 1991 Act of the UPOV Convention \(UPOV/INF/6/2\)](#)
-  [Status in relation to UPOV](#)

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# HOW TO BECOME A MEMBER OF UPOV

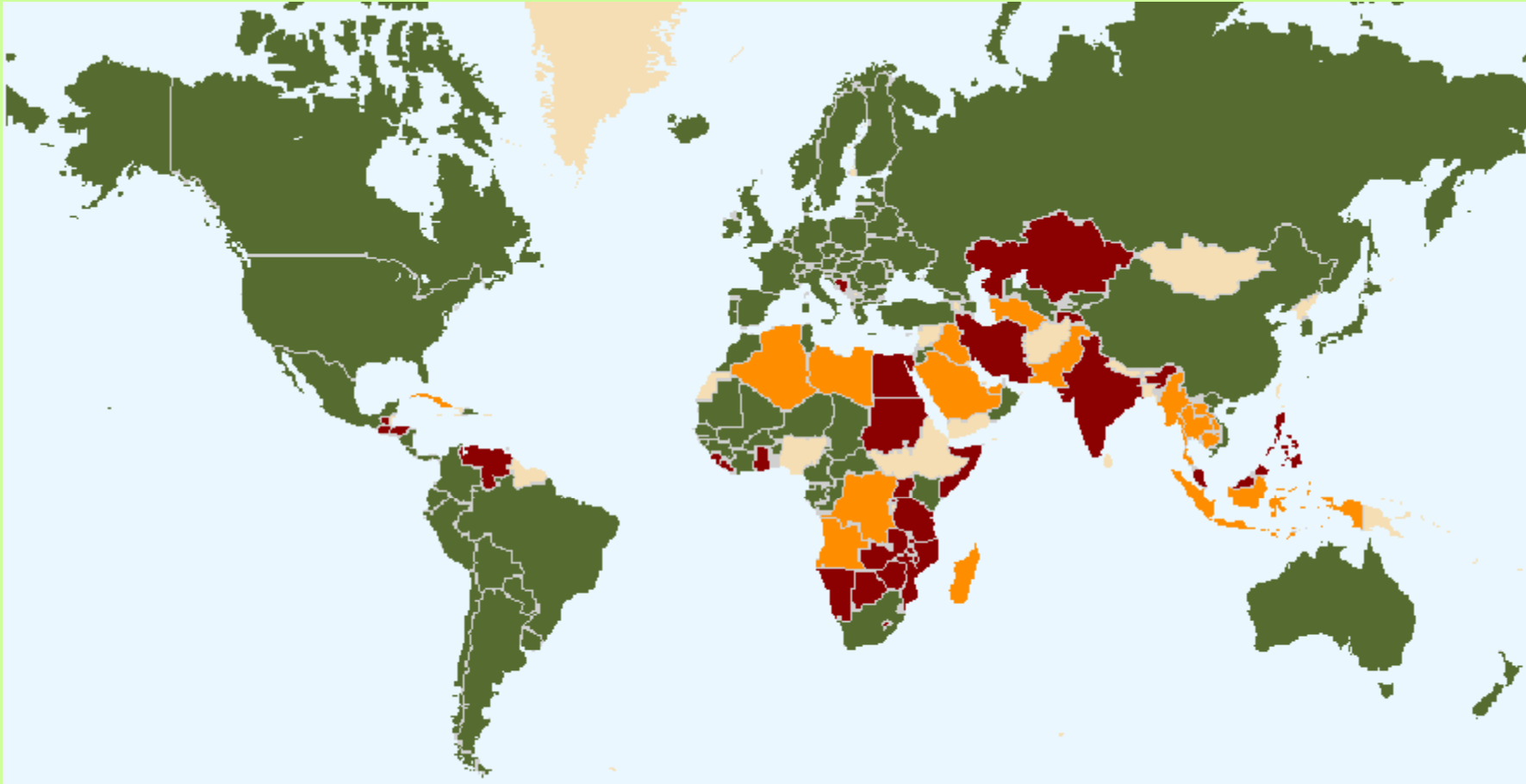
see documents UPOV/INF/13/1 and UPOV/INF/6/3 at  
[http://www.upov.int/members/en/upov\\_membership.html](http://www.upov.int/members/en/upov_membership.html)

## State/Intergovernmental Organization must:

- **Have a law which conforms to the UPOV Convention**
- **Ask advice of the Council of UPOV**
- **If advice positive: deposit instrument of accession**



# UPOV status in 2015

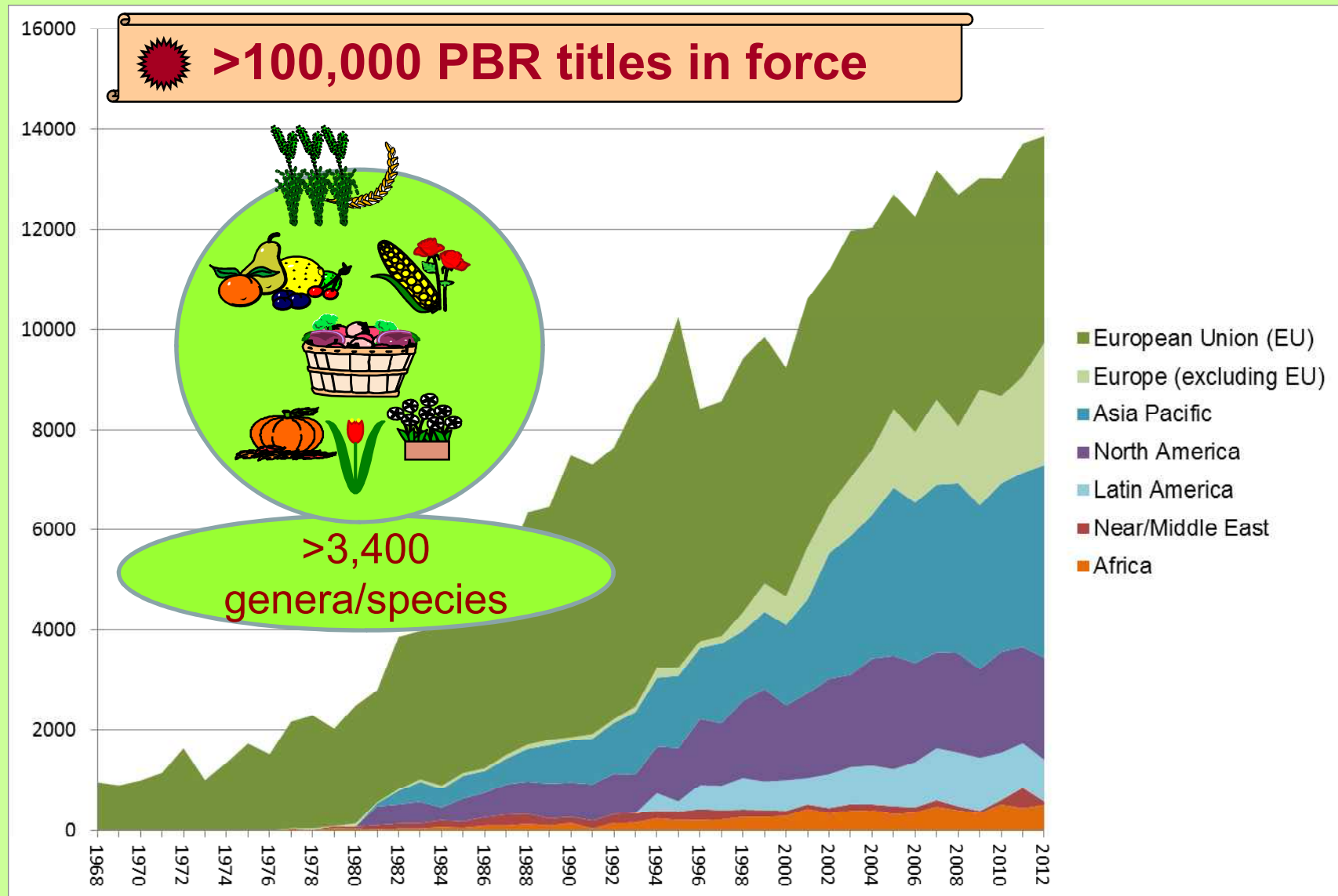


**Members of UPOV (73)**

**Initiating States (16) and Organization (1)**

**States (23) and Organization (1) in contact with the UPOV Office**

# Applications for Plant Breeders' Rights



# **BENEFITS OF PVP SYSTEM AND UPOV MEMBERSHIP**

## **(a) Breeders**

- Diversity of breeders
- Number of breeders
- Investment in breeding

## **(b) Improved varieties**

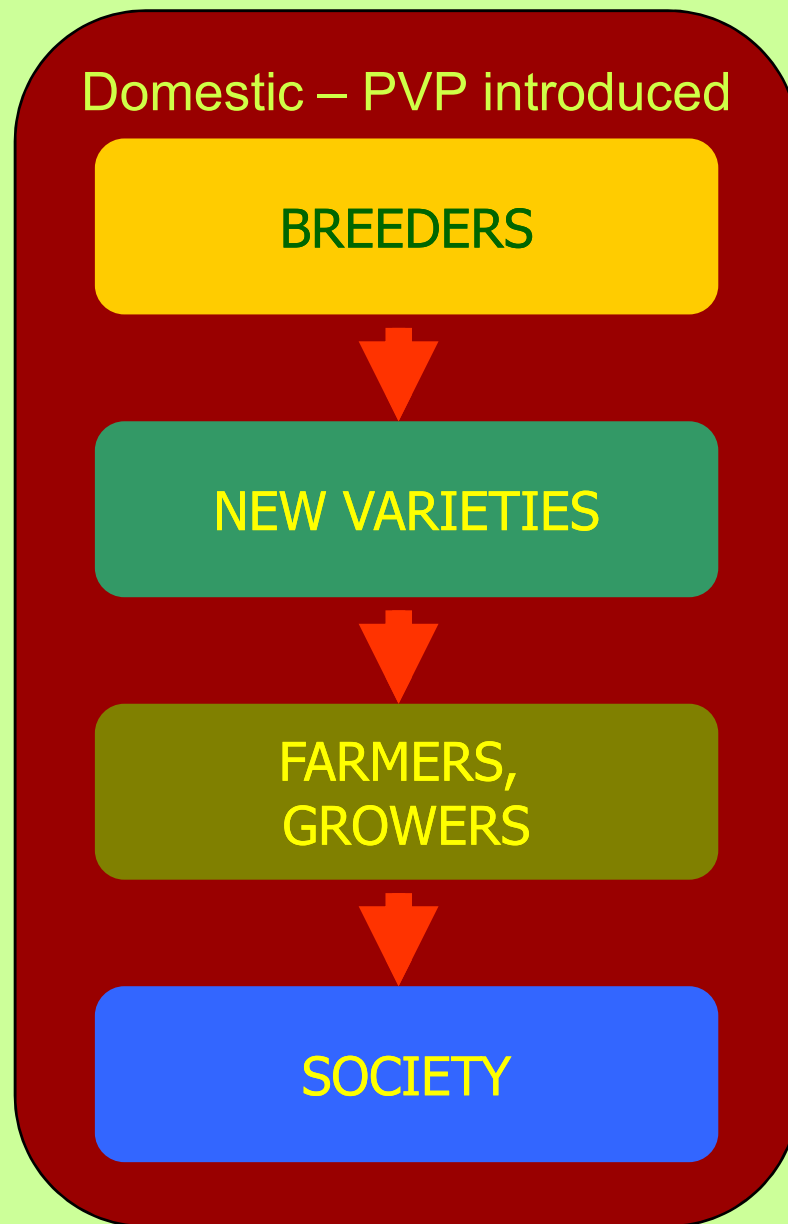
## **(c) Farmers, Growers, Consumers**

- Delivering improved varieties to farmers growers
- Delivering added value to consumers
- Income and Knowledge

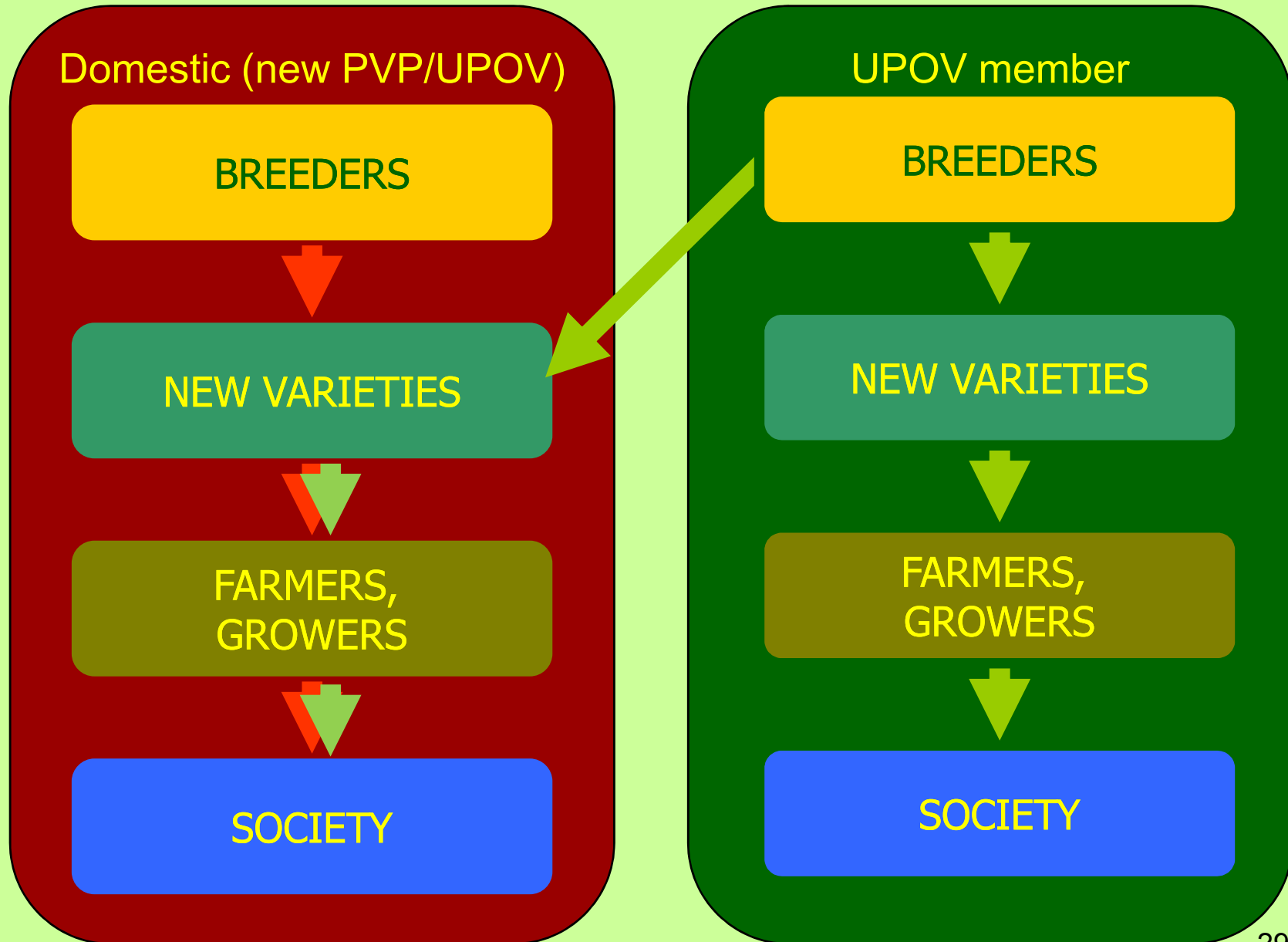
## **(d) International dimension**

- Development of new industry on foreign markets
- Access to foreign varieties and enhanced domestic programs

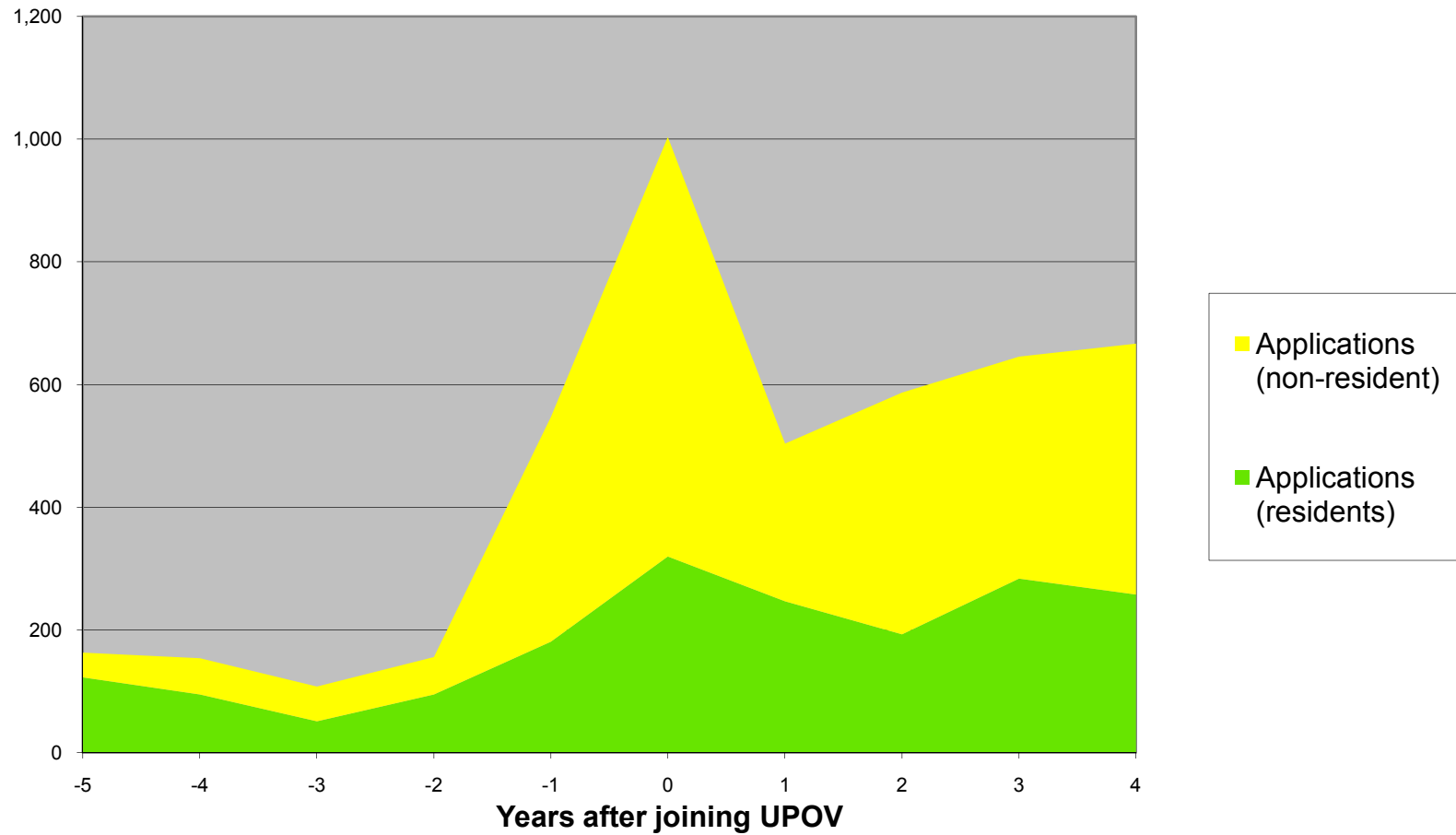
# Benefits of UPOV: the International Dimension



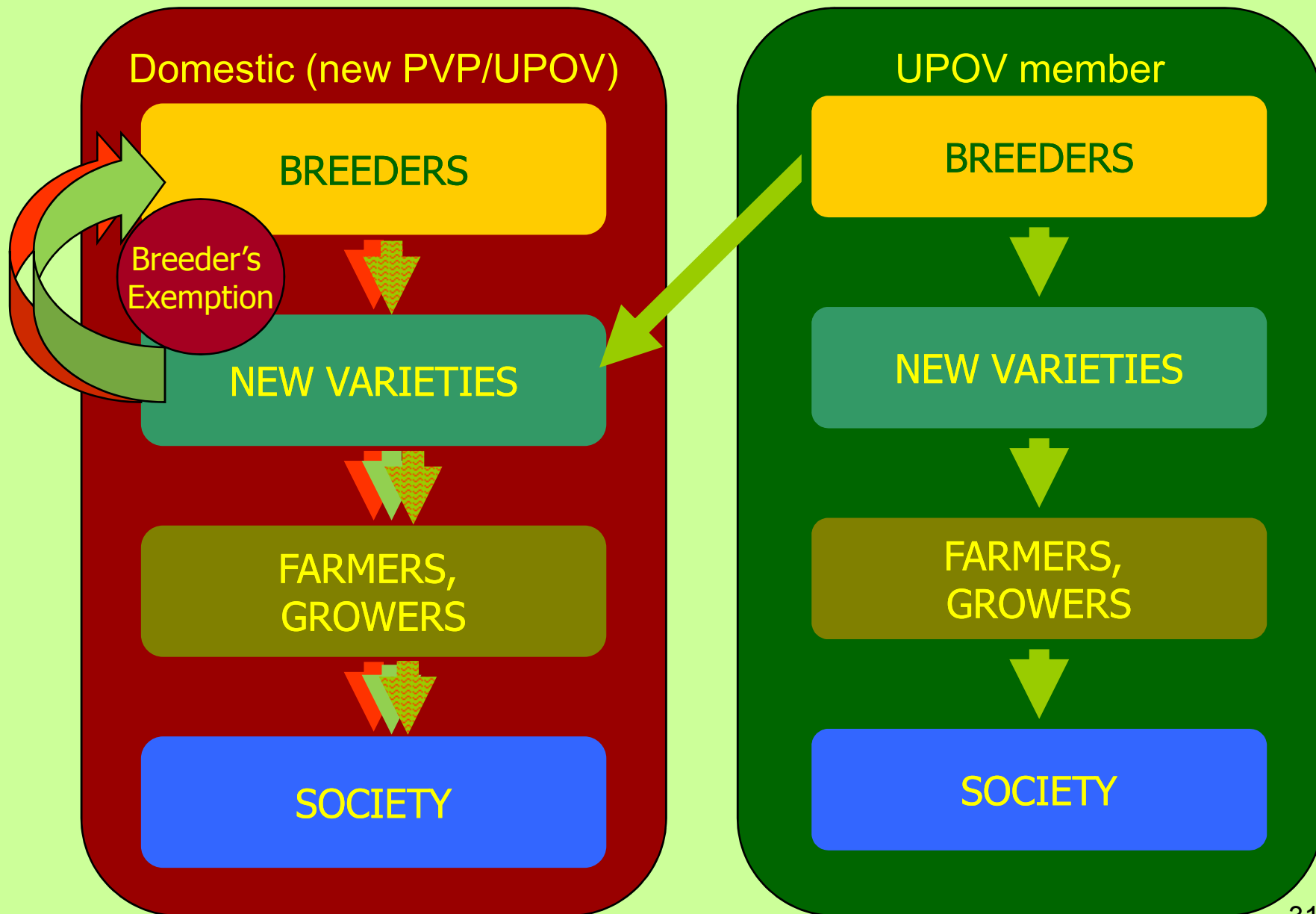
# Benefits of UPOV



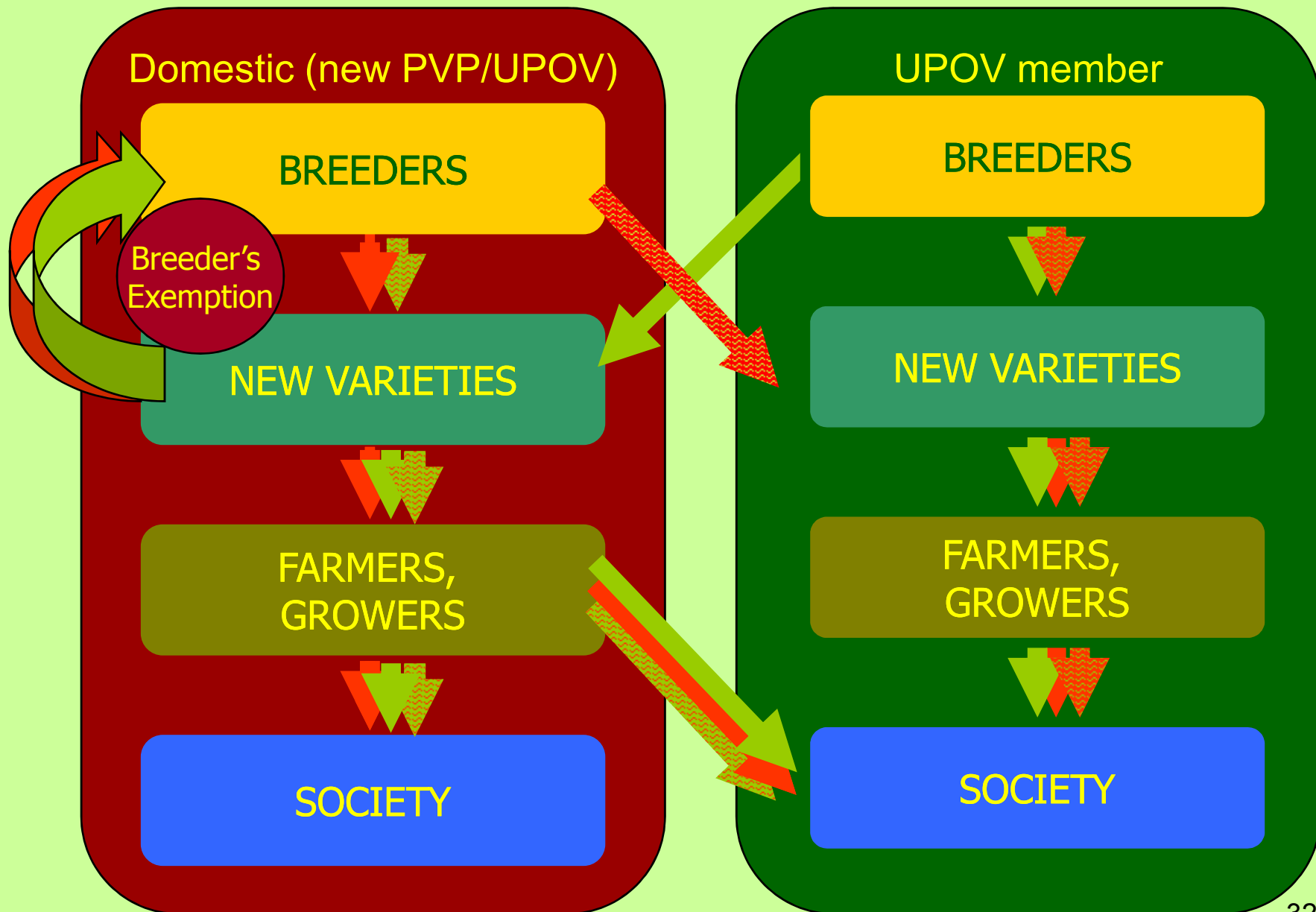
## Latin America Countries acceding to UPOV between 1994 & 2000



# Benefits of UPOV



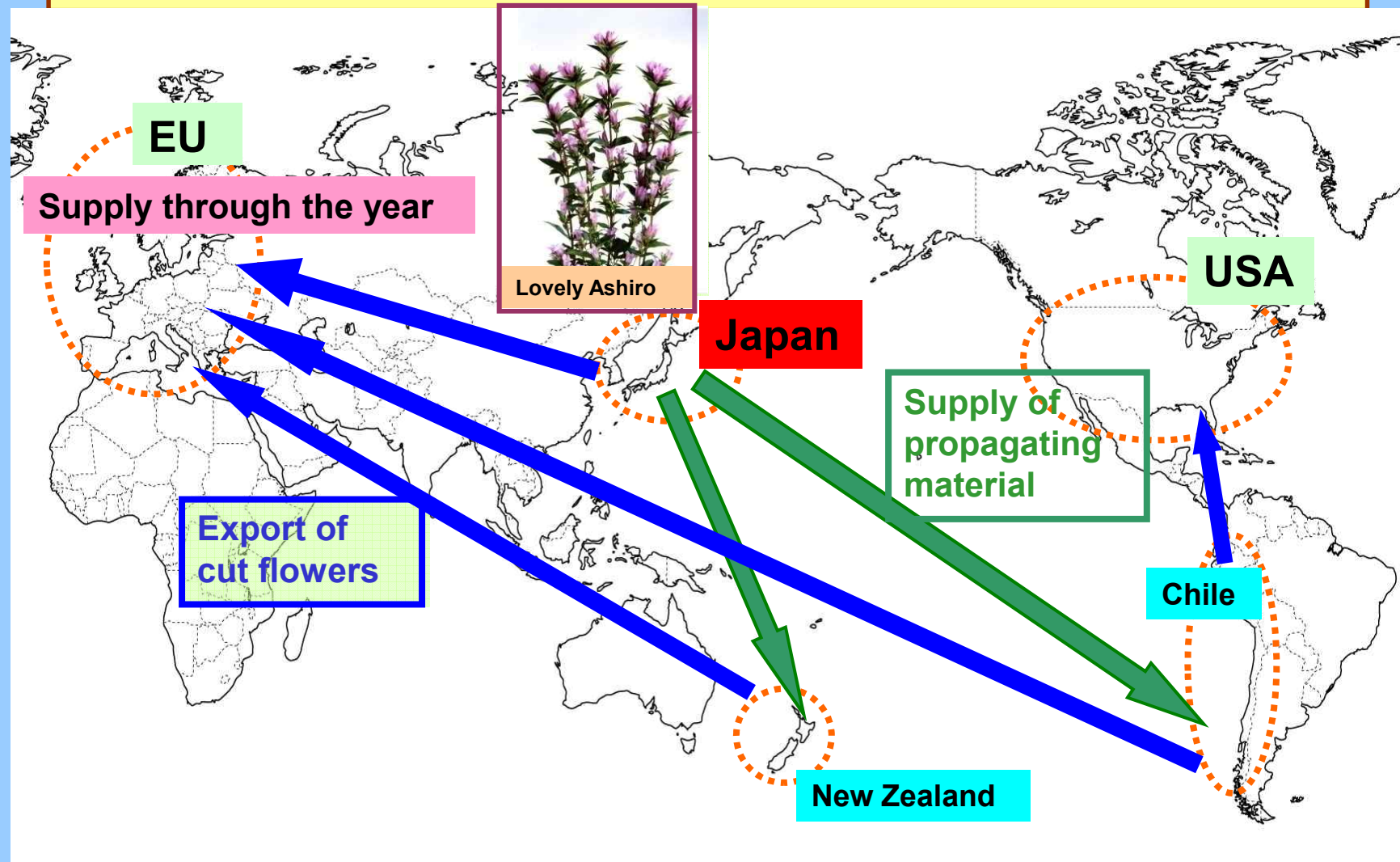
# Benefits of UPOV





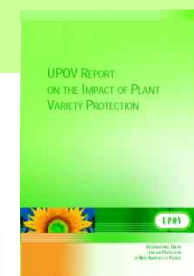
# International Market Development

## World Branding Strategy of "Ashiro" based on PBR

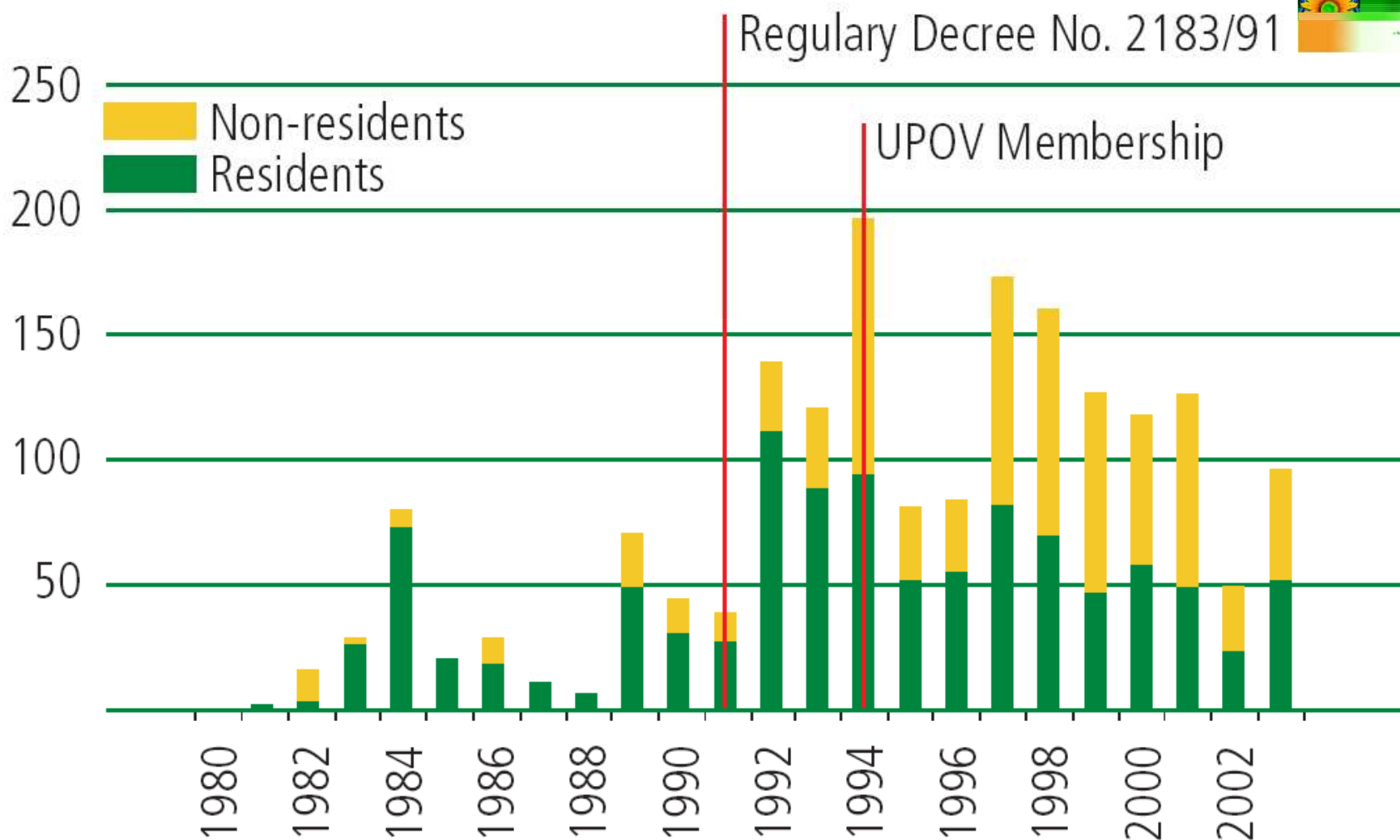


Yasunori Ebihara, International Symposium (Seoul, August 2009)

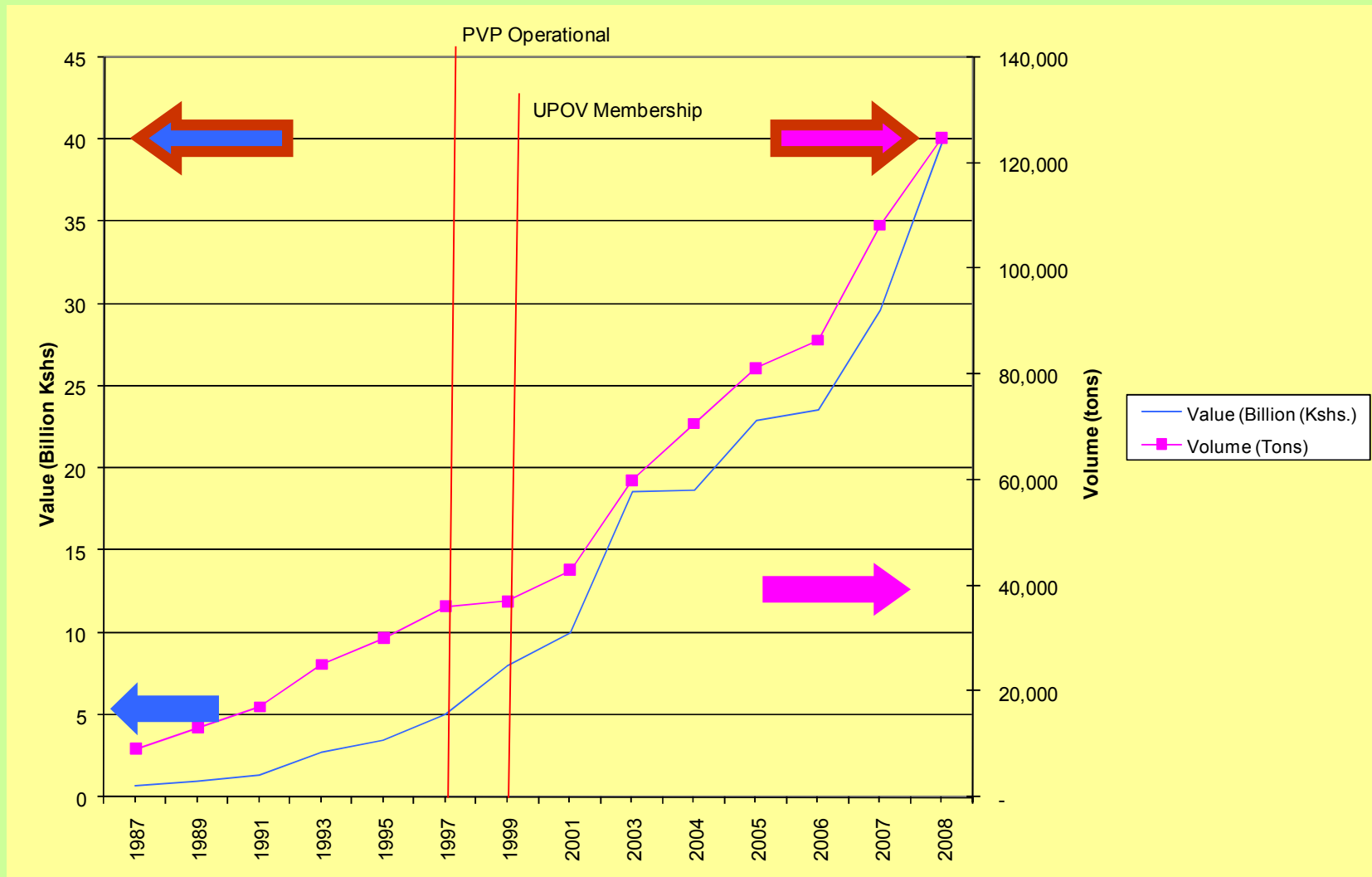
# Foreign New Varieties



## Figure 13. Argentina: Number of Titles Granted

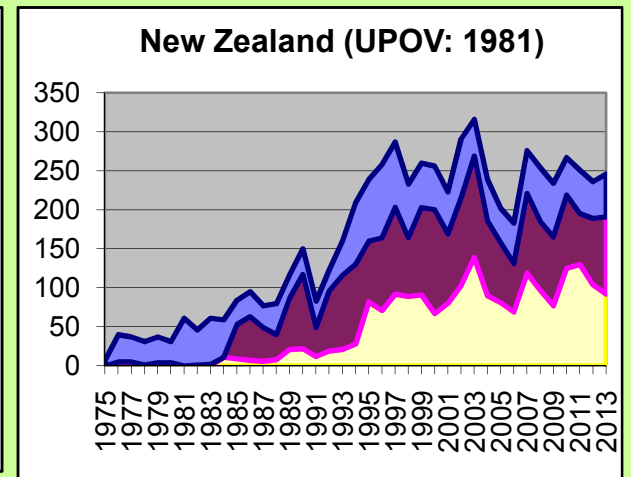
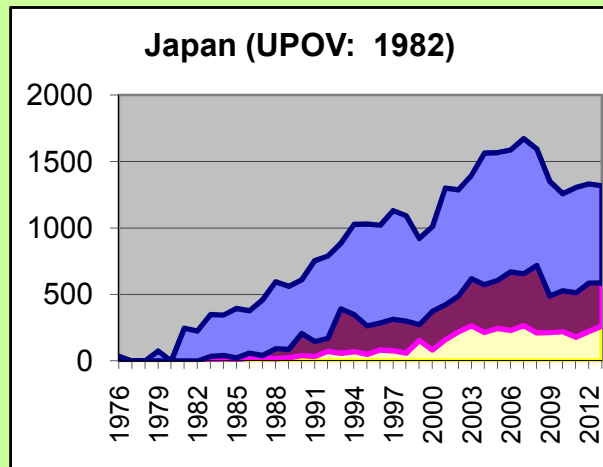
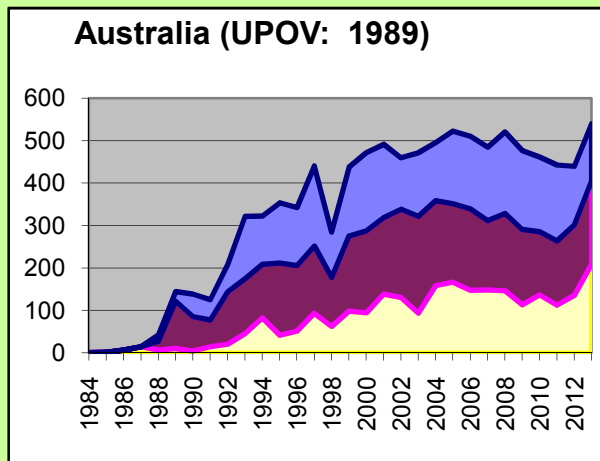
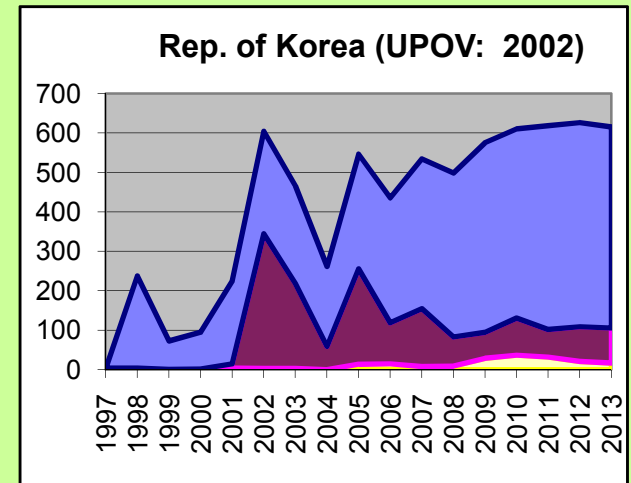
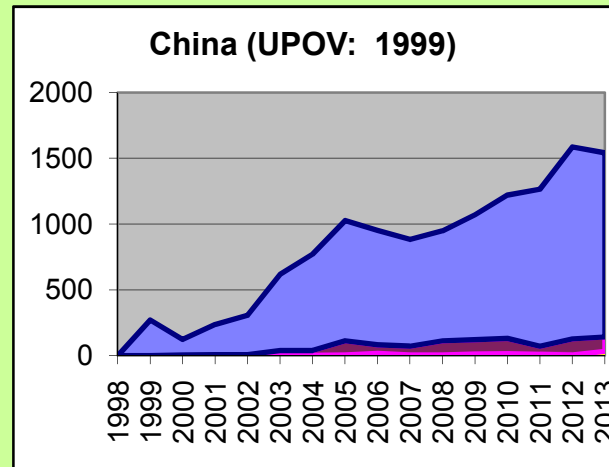
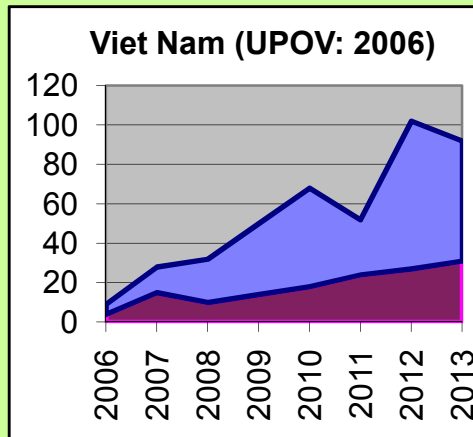


# Export of Kenyan Cut Flowers



Evans Sikinyi, Second World Seed Conference

# International Perspective



# Preview

1. **UPOV System of PVP**
2. **Benefits of UPOV membership**
3. **Cooperation**

# Harmonization, Resources and Assistance

		Harmonization	Resources	Training & assistance
	PVP Law			
IMPLEMENTATION	➤ Application			
	➤ Variety Denominations			
	➤ DUS Testing			

# COOPERATION



*Number of  
genera/species for  
which varieties  
protected by members  
of the Union: > 3,372*

*(>14,000 titles granted  
/annum)*

*Practical DUS  
experience  
offered for >3,305  
genera and  
species*

*Agreements for  
cooperation between  
members of the  
Union: > 2,000*

# Cooperation between Authorities

Cooperation between Authorities can involve:

- **purchase of DUS Test Reports** from other Authorities
- **bilateral arrangements** to remove the need for duplication of DUS Tests
- **centralized DUS testing** at regional or global level



# Cooperation between Authorities

Cooperation between Authorities is important for:

- **minimizing** the **time** for DUS examination
- **minimizing** the **cost** of DUS examination
- **optimizing examination of Distinctness** in growing trials
- **offering protection for all plant genera and species**



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### New member: Montenegro

### Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland).

UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991.

UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

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GENIE Database 

UPOV Lex

 Plant Variety Database (PLUTO)

### News & Upcoming Events

Benefits of UPOV

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