

Procedure in Viet Nam for becoming a UPOV member

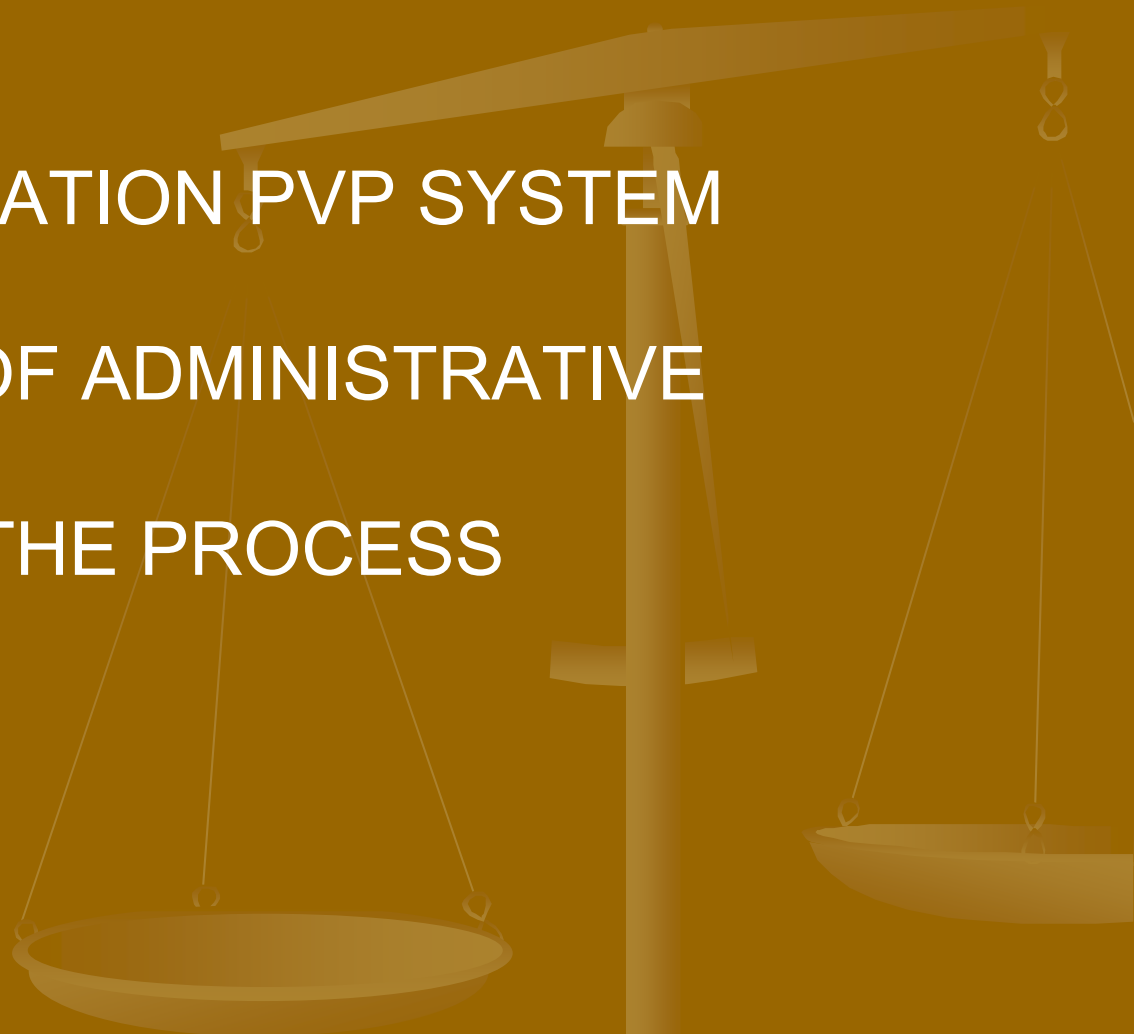


NGUYEN THANH MINH, PVPO, DCP – MARD/VIETNAM

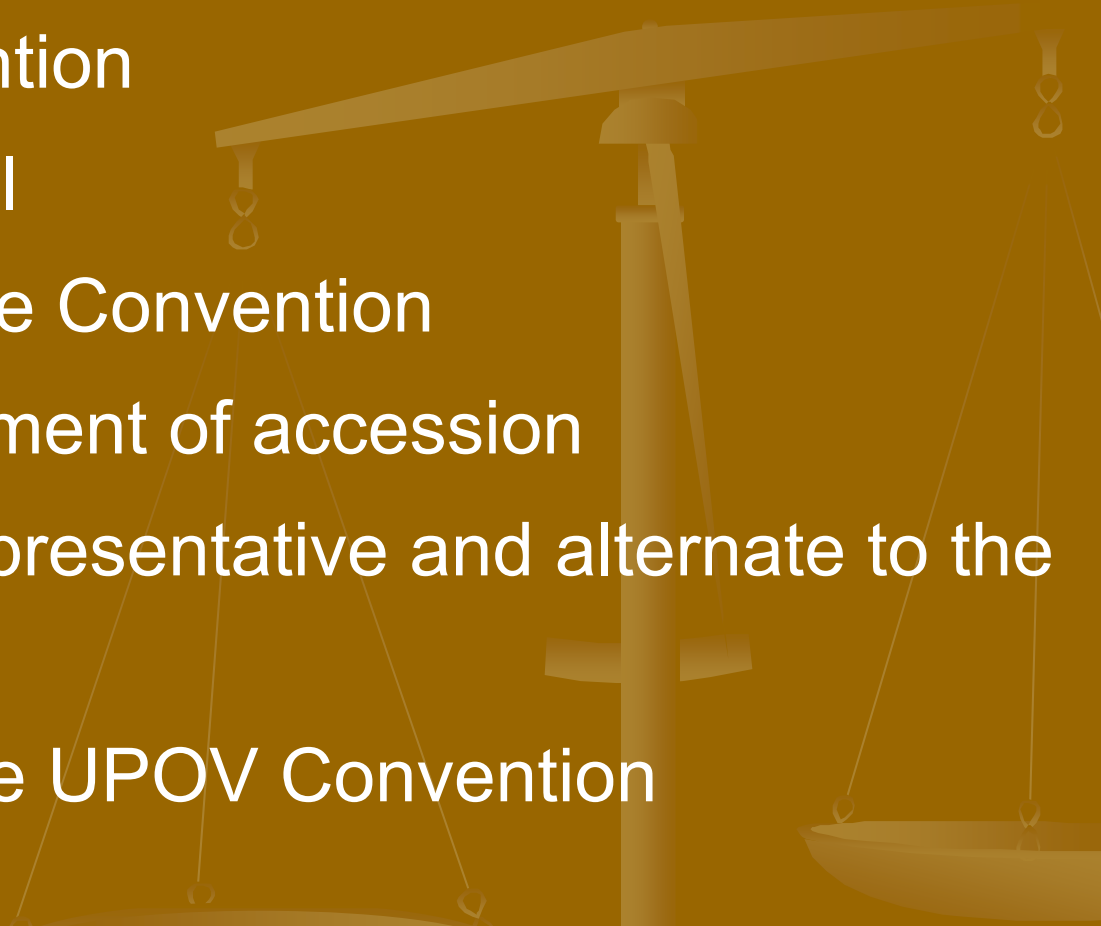
CAMBODIA - December, 2015

OUTLINE OF THE PRESENTATION

- BUILDING THE NATION PVP SYSTEM
- PREPARATION OF ADMINISTRATIVE
- CHALLENGE IN THE PROCESS



How to become UPOV Member (UPOV/INF/13/1)

- Development of a law in conformity with the 1991 Act of the UPOV Convention
 - Advice of the Council
 - Implementation of the Convention
 - Deposit of the instrument of accession
 - Notification of the representative and alternate to the Council
 - Entry into force of the UPOV Convention
 - Finances
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BUILDING THE NATION PVP SYSTEM

- Drafting of Legal document
 - ✓ 1999, Vietnam decided to establish PVP system.
 - ✓ 2000, MARD started to draft Legislation on PVP by Decree No13.
- Designating the Organization system - 2002
 - ✓ National Center for Variety Evaluation and Seed Certification (NCVESC) is designated for conducting DUS Testing
 - ✓ PVPO is established by Decision

BUILDING THE NATION PVP SYSTEM

- Issuing the List of protected species (5 species) with major crops
 - ✓ Rice, Corn, Soybean, Peanut, Tomato
 - ✓ Design the format of Application and Technical Questionnaire ... for receiving PVP application
- No any applications during 2002-2004 because:
 - ✓ There were some misunderstand of the Decree No13
 - ✓ Legislation document is not enough for implementation
 - ✓ Technical system is still weak

TỜ KHAI ĐĂNG KÝ BẢO HỘ GIỐNG CÂY TRỒNG MỚI

Điền chính xác và rõ ràng

Kính gửi: Ủy ban Bảo Hộ Giống Cây Trồng Mới

VĂN PHÒNG KINH ĐỘ GIỐNG CÂY TRỒNG MỚI
Cơ quan quản lý
Bộ Nông nghiệp và Phát triển nông thôn,
Số 2, Nguyễn Trãi, Hà Nội, Việt Nam

1. Người nộp đơn
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
Fax: _____

2. Tên giống
Họ và tên: _____
Đặc điểm: _____
E-mail: _____

3. Địa điểm sản xuất
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
Fax: _____

4. Các giấy tờ liên quan
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
Fax: _____

5. Các giấy tờ liên quan khác
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
Fax: _____

TỜ KHAI KỸ THUẬT

Mã số _____
(Điền 4 số phương thức bảo hộ giống cây)

1. Tên loài, Line (Cross control),
Tên phụ _____
Asteroid _____
Zinnia _____

2. Người nộp đơn:
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

3. Tên giống đã bảo hộ để đăng ký bản quyền
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

4. Thông tin về người gửi, địa chỉ và nhận giống
4.1 Người gửi (gửi về các giống cũ, mới): _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

4.2 Phương pháp chọn tạo (gửi về phương pháp và địa chỉ)
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

4.3 Cơ quan/ cá nhân chọn tạo
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

4.4 Thông tin khác (gửi về các giống cũ, mới):
Họ và tên: _____
Địa chỉ: _____
Điện thoại: _____
E-mail: _____

BUILDING THE NATION PVP SYSTEM

- Collecting the existing varieties of 5 crops in the List for description table
- Translation UPOV's TG of interesting species
- Upgrading the Decree into higher level by Seed Ordinance – PVP is in Chapter 4 of the Decree



BUILDING THE NATION PVP SYSTEM

➤ Collection of existing varieties



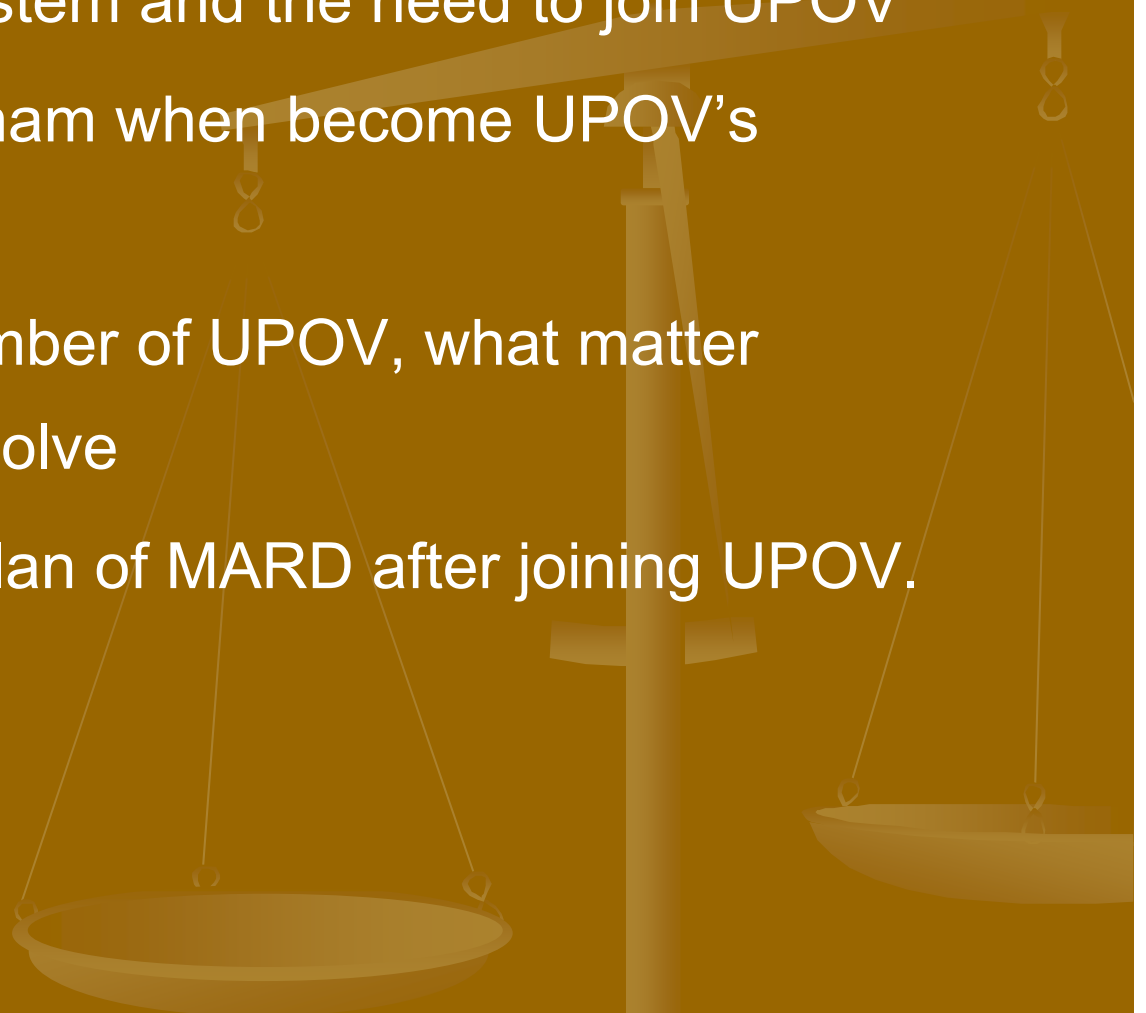
PREPARATION OF ADMINISTRATIVE

- 2003, Government considered to join UPOV
 - MARD is responsible:
 - ✓ Making the Report on Impact of PVP to agriculture production and benefit as obligation of becoming UPOV Member
 - ✓ Send to the other Ministries for comment (around 10 Ministries – MPI, MOF, MOST, MOFA...)
 - ✓ Send Seed Ordinance to UPOV for examination
 - Report to the Government and Parliament with attached all comments from other Ministries and UPOV
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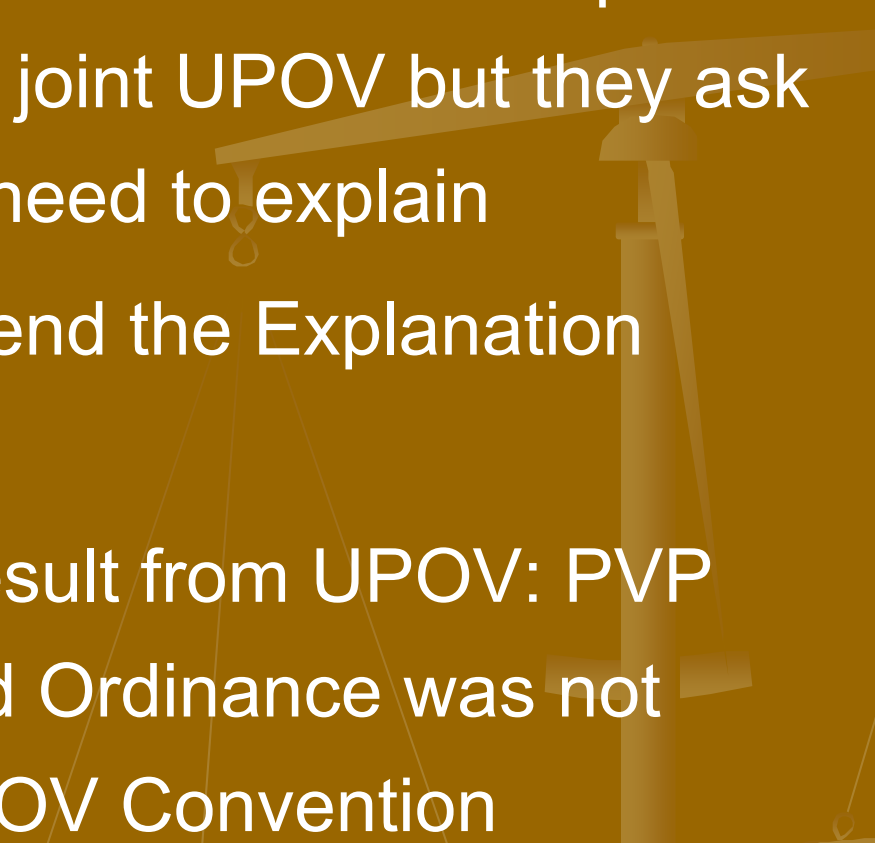
PREPARATION OF ADMINISTRATIVE

➤ Content of the Report

- ✓ Benefit of PVP system and the need to join UPOV
- ✓ Obligation of Vietnam when become UPOV's Member
- ✓ In order to be Member of UPOV, what matter Vietnam need to solve
- ✓ Explain detailed plan of MARD after joining UPOV.
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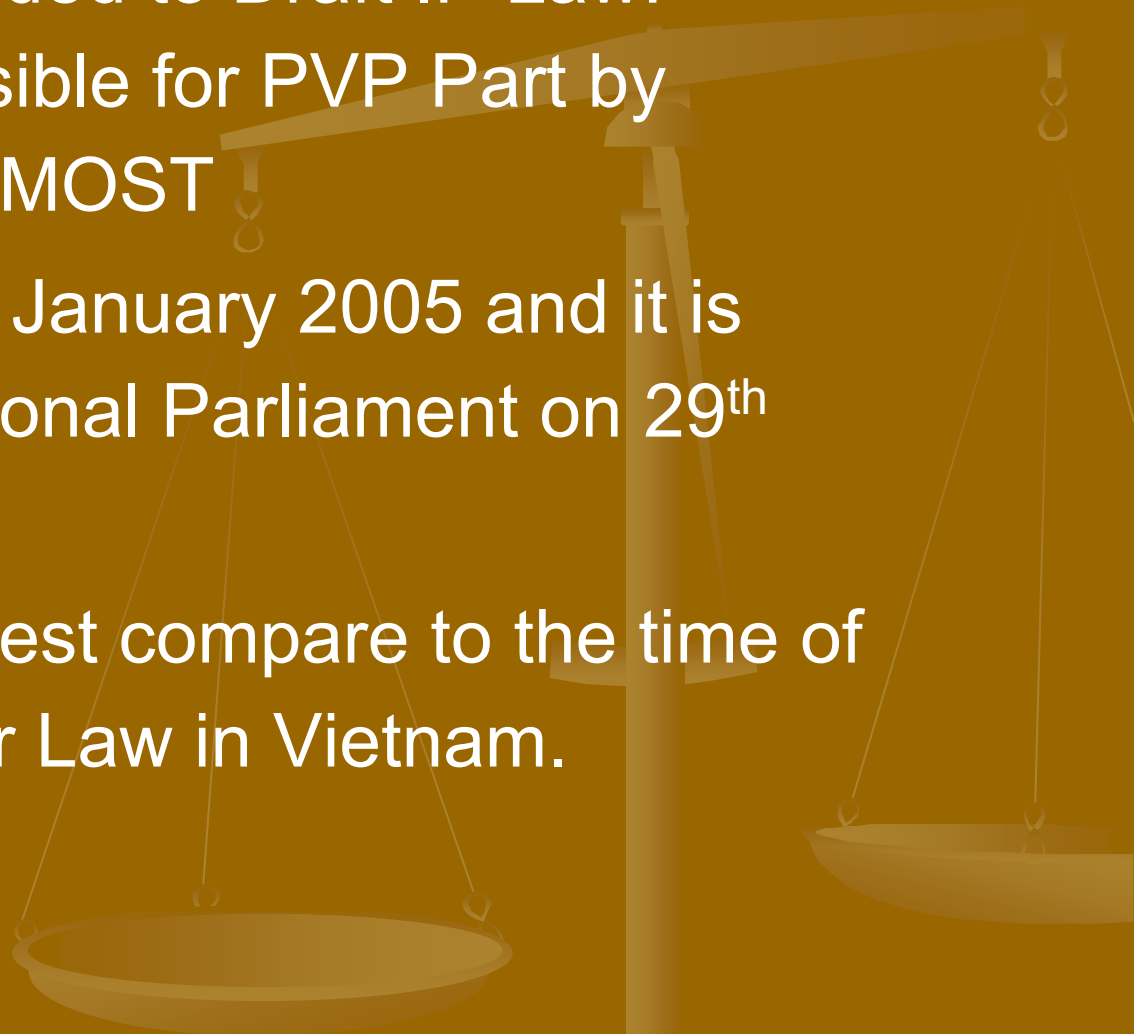


PREPARATION OF ADMINISTRATIVE

- Comment from other Ministries is positive: They support to joint UPOV but they ask many question need to explain
 - MARD had to send the Explanation Report
 - Examination Result from UPOV: PVP Chapter in Seed Ordinance was not comply with UPOV Convention
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PREPARATION OF ADMINISTRATIVE

- Government decided to Draft IP Law: MARD is responsible for PVP Part by cooperation with MOST
- IP Law started in January 2005 and it is approved by National Parliament on 29th November 2005
- This time is shortest compare to the time of drafting any other Law in Vietnam.



PREPARATION OF ADMINISTRATIVE

- April 2006 we attended the Council Meeting of UPOV for protection of the Law
 - October 2006 we deposit instrument of accession to UPOV:
 - ✓ IP Law; List of protected species (15 species)
 - ✓ Name of representative and alternate in Council
 - ✓ Declaration for the contribution unit of finance to UPOV
 - 24th December 2006 Vietnam became 63rd Member of UPOV
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CHALLENGE

- Opinions of not support
- Real understanding the meaning of 1991 act of UPOV Convention – put to Nation legislation
- Other issues:
 - ✓ Finance
 - ✓ Technical system



CHALLENGE

Opinion for not support

- Big old Breeders (Leader of Public Institutes):
 - ✓ They used to be Breeder of many varieties – No royalty
- Nation Breeding Sector will be weak when new good varieties from oversea coming.
- There is other PVP system in the world – VN need refer

Protest Argument

- This is Government Varieties – Breeder's Right belong to Government. They receive subsidy from Gov. (house, other regime). Young generation have nothing
- Nation Breeding Sector will be strong when they faced the competition
- Almost advanced countries is Member of UPOV - Majority

CHALLENGE

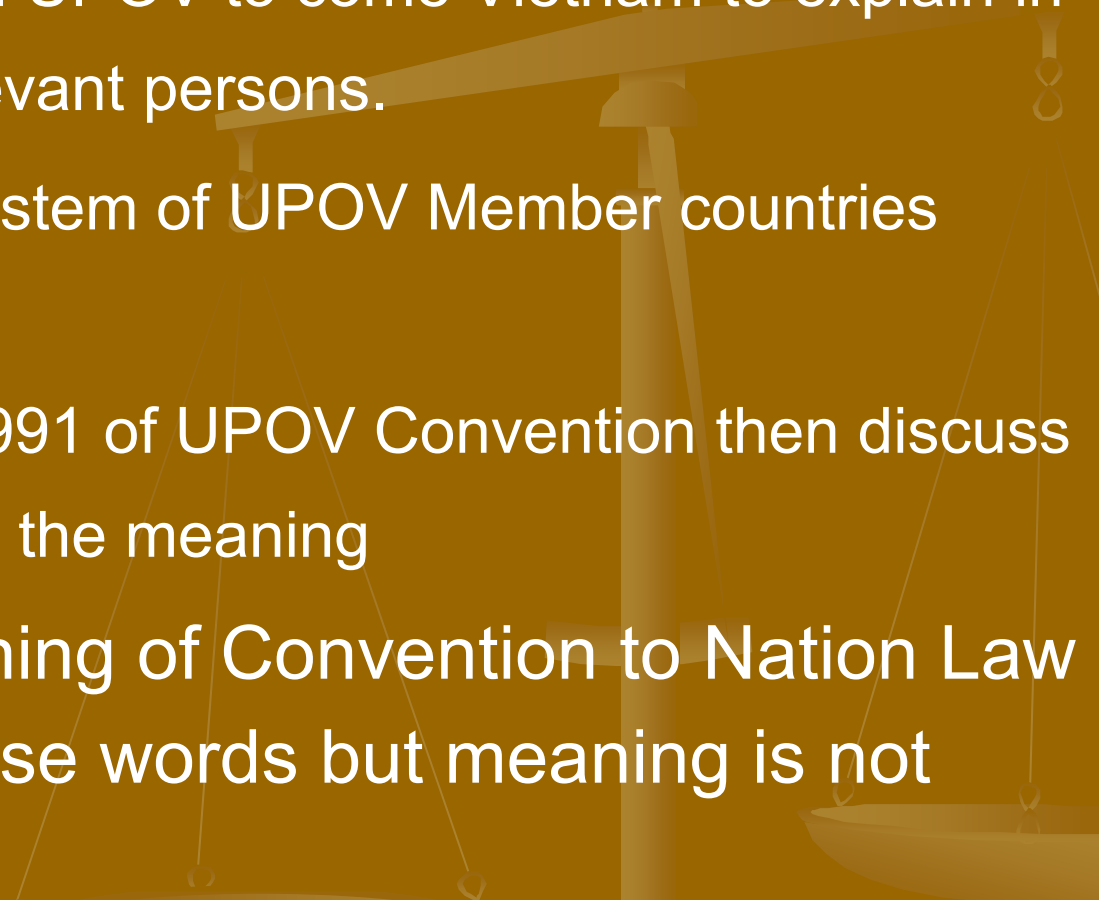
Opinion for not support

- IP in general and PVP specific benefit for Advanced countries only
- Diversity of plant genetic is become poor
- Technical system can not meet the demand

Protest Argument

- When we receive new techniques and new good varieties, we can learn from them
- PVP and PGR are parallel exist and mutual support – Biodiversity become rich
- The International Cooperation is important for this issue – Join UPOV for this purpose

CHALLENGE

- For real understanding on the UPOV Convention
 - ✓ Invite the expert from UPOV to come Vietnam to explain in the workshop for relevant persons.
 - ✓ Study-tour to PVP system of UPOV Member countries which successful
 - ✓ Translated the Act 1991 of UPOV Convention then discuss with Lawyer to clarify the meaning
 - To transfer the meaning of Convention to Nation Law (IP Law) – Vietnamese words but meaning is not change
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The Netherlands



France



USA



Australia



JAPAN

CHALLENGE

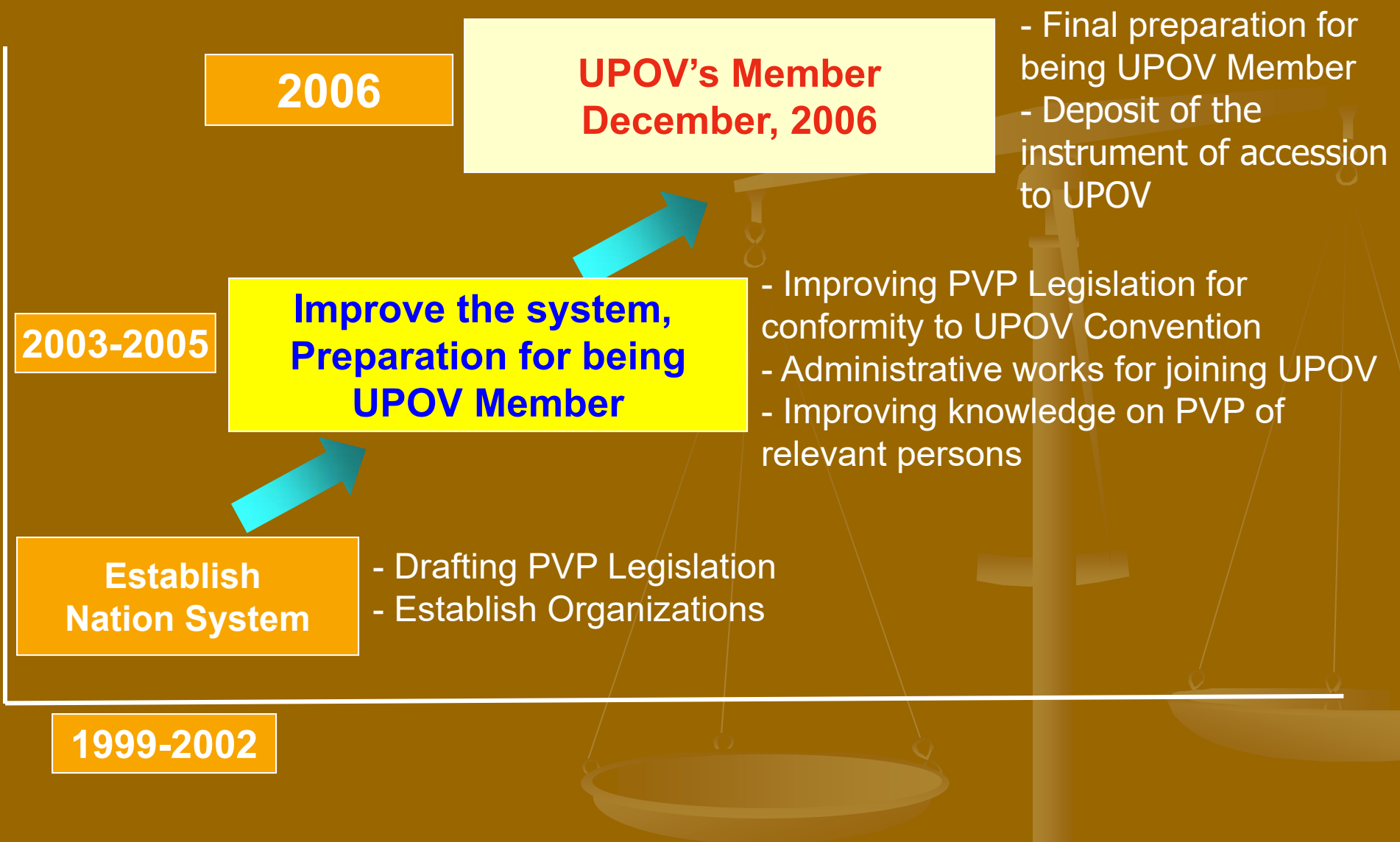
➤ Finance issue

- ✓ An effective PVP system to bring benefit to social by introduce new good varieties – uncountable by money
- ✓ Nation PVP system is only effective when it is in the cope of International level – Join UPOV

➤ Technical System

- ✓ No any countries in the world have enough the capacity for a technical system to implement for all species
- ✓ Joining UPOV is best way for the cooperation in examination so VN can protect all species.

PROCEDURE FOR UPOV MEMBER OF VIETNAM



Thank you for your attention

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✓ Fax: 7342844

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