

# Progress in Accession to UPOV for 10 years: Impacts and Challenges for Agriculture in Viet Nam

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**MYANMAR - December, 2016**

# OUTLINE OF THE PRESENTATION

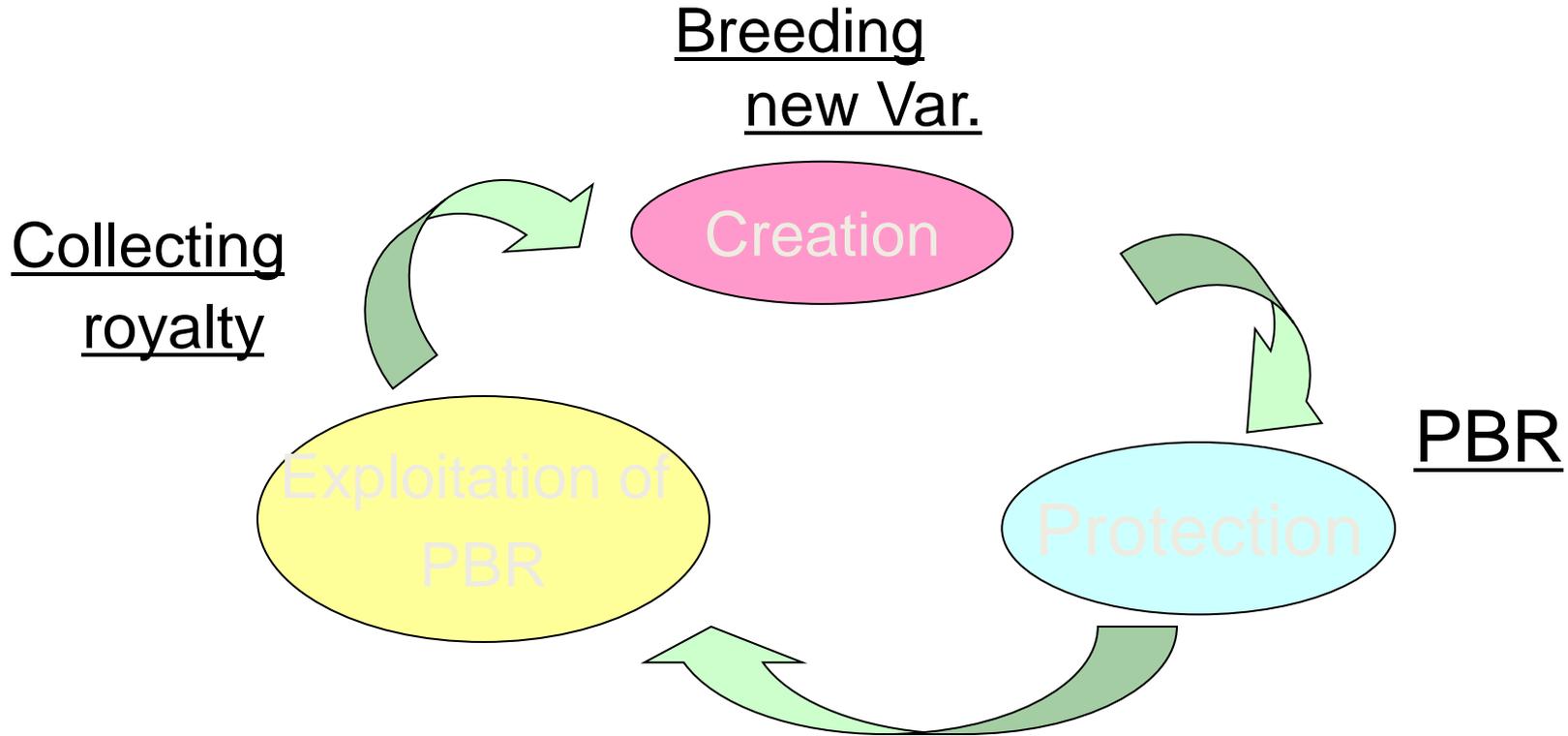
- DEVELOPMENT OF PVP IN VIETNAM
- MAIN POINTS FOR PVP LEGISLATION IN VN
- IMPACT TO AGRICULTURE IN VIETNAM
- CHALLENGES MEASURES TO SOLVE

# Background

- Agricultural country.
- High density of population
- **Improve living standard of the people** – The current main purpose of VN's Government
- Seed Sector play an important role for the purpose – big contribution of new plant varieties



# Vietnam decided to establish PVP system

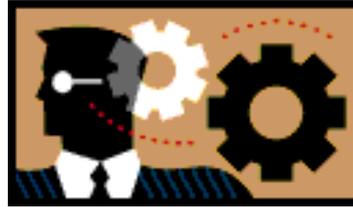


- PVP encourage of breeding and introduce new plant varieties with good features to the farmer – Benefit for farmer and consumer – benefit for society

# DEVELOPMENT OF PVP IN VIETNAM

# The development of PVP in Vietnam

- ✓ Operating the system under UPOV Convention
- ✓ Exploit the benefits from PVP system



**Implementing PVP System under UPOV Convention**

2007-NOW

- ✓ Organizations to implement: PVPO/DUS Test Office
- ✓ Drafting Legislation Document

**Establishing National PVP system and Preparations to join UPOV**



2000-2006



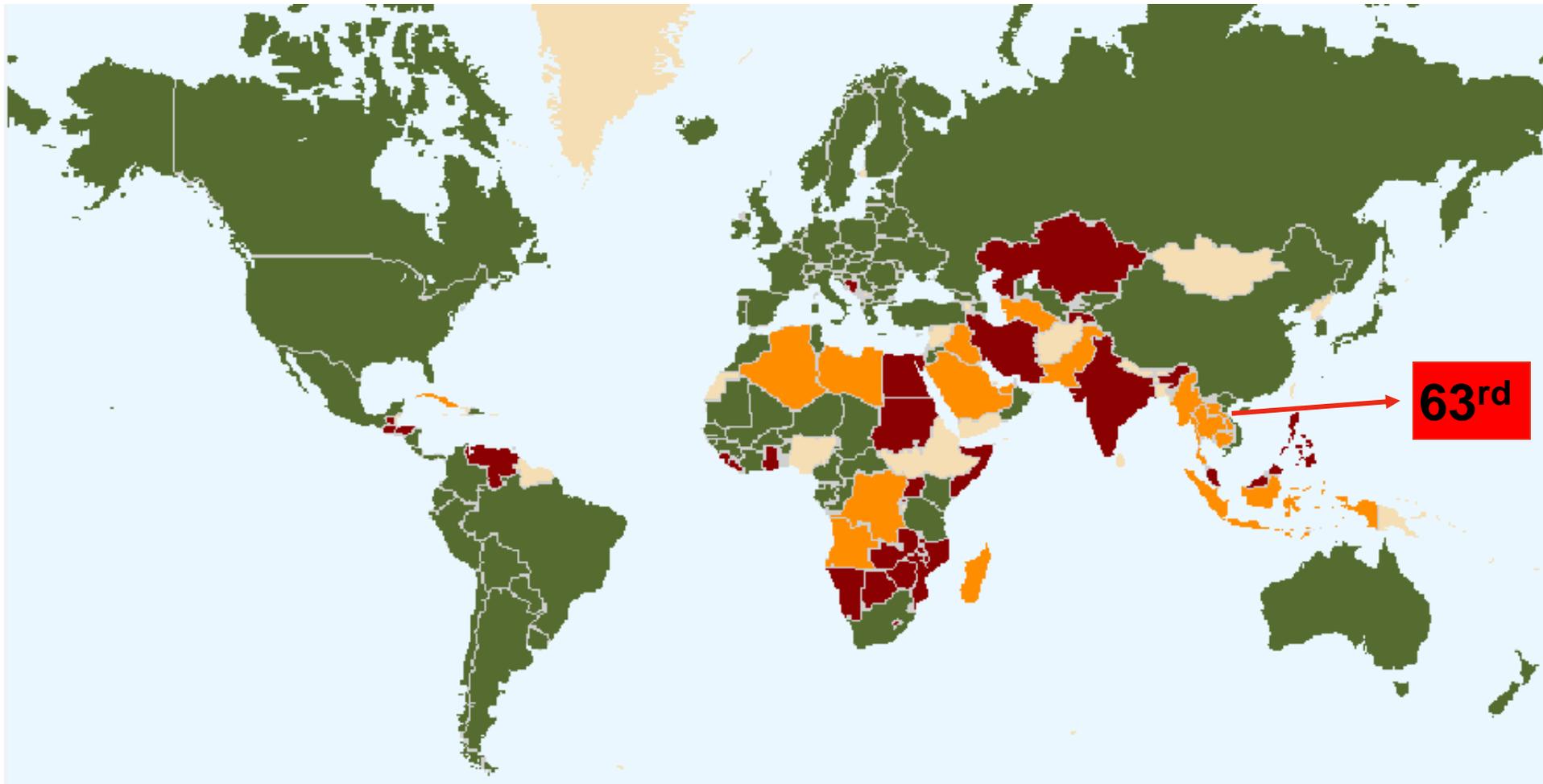
**Study the real conception of PVP**

1995-2000

- ✓ Dispatching staffs to Overseas
- ✓ Invite Experts from experienced countries and UPOV
- ✓ Seminars/Workshops on PVP for relevant persons



# Members of UPOV (24<sup>th</sup> Dec, 2006)

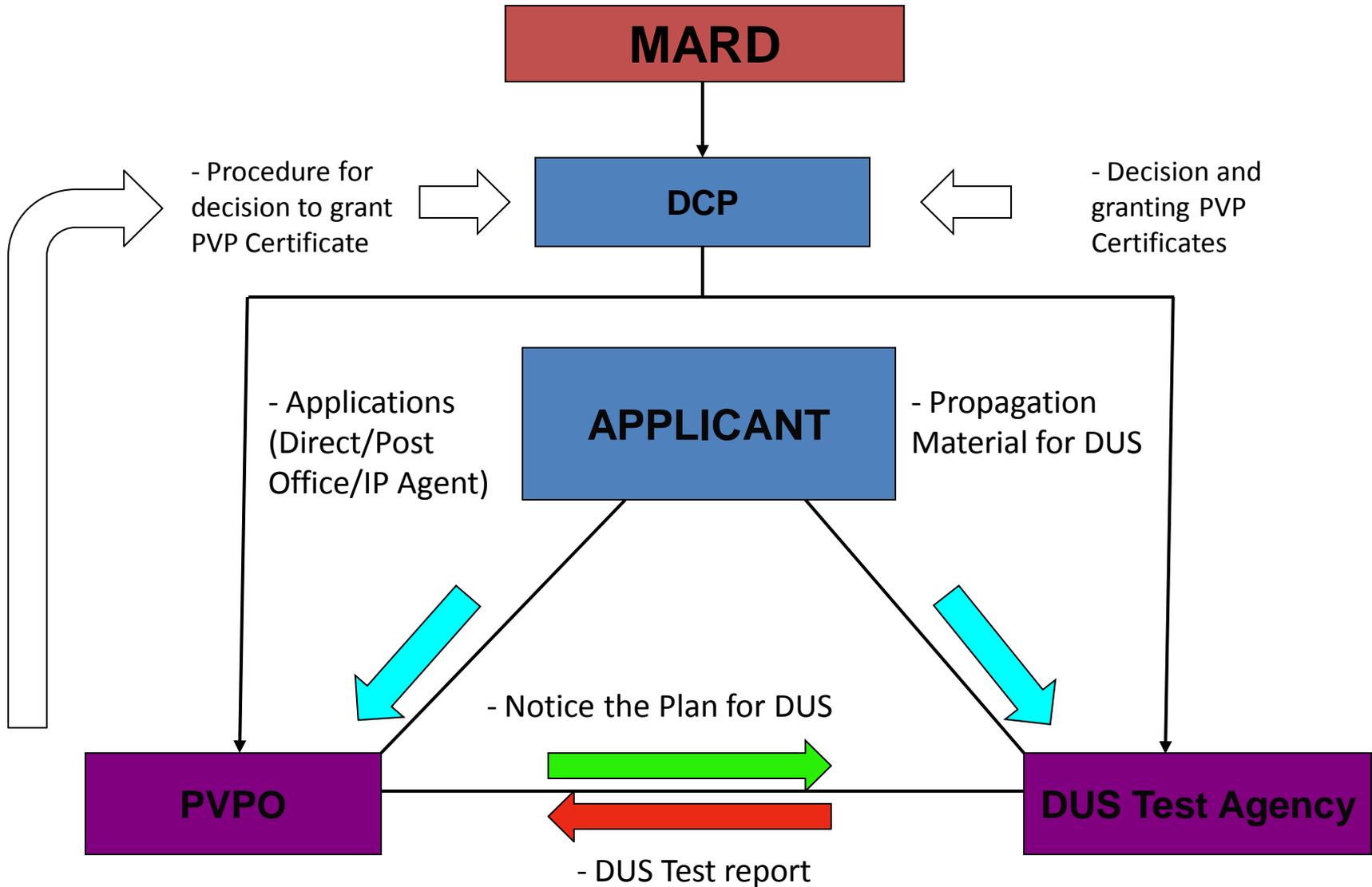


**Members of UPOV (74)**

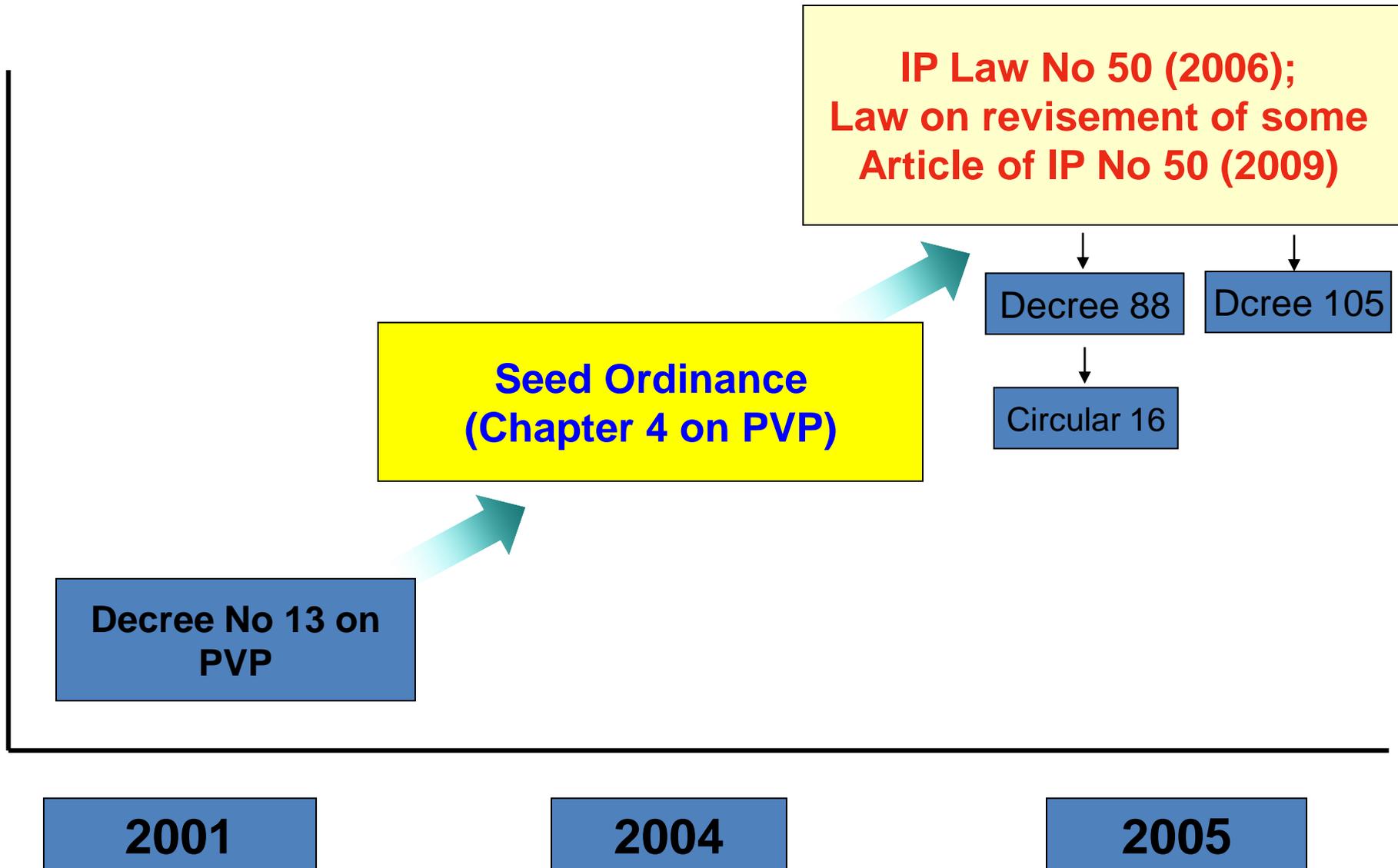
**Initiating States (15) and Organization (1)**

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

# Organization System



# Legislation on PVP



# MAIN POINTS FOR PVP LEGISLATION IN VN

# Applicants

- Vietnamese Organizations, Individual; Foreigners who are citizen or resident of UPOV Members or the country which have agreement on PVP with Vietnam or foreigners which register a permanent residence in Vietnam:
  - ✓ Bred or discovered and develop a new variety;
  - ✓ Invested to the breeding or discovered and develop a new variety;
  - ✓ Has lawful right of PVP
- Pay the fees.

# Conditions for a variety can be protected in Vietnam

## ➤ When it is

- ✓ New
- ✓ Distinct (D), Uniformity (U) and Stability (S)
- ✓ Suitable denomination
- ✓ Belong to a species in the List of protected species

## The List of protected species in VN

- |  |  |  |
|--|--|--|
| <ol style="list-style-type: none"><li>1. <i>Oryza Sativa</i> L.</li><li>2. <i>Zea mays</i> L.</li><li>3. <i>Glycine max</i> (L.) Merrill</li><li>4. <i>Arachis hypogea</i> L.</li><li>5. <i>Lycopersicon esculentum</i> Mill</li><li>6. <i>Solanum tuberosum</i> (L)</li><li>7. <i>Rosa</i> L.</li><li>8. <i>Chrysanthemum spec.</i></li><li>9. <i>Citrullus lanatus</i> (Thunb) Matsum et Nakai</li><li>10. <i>Cucumis sativus</i> L.</li><li>11. <i>Cammellia sinensis</i></li></ol> | <ol style="list-style-type: none"><li>12. <i>Gossypium hirsutum</i> L. và <i>Gossypium barbadense</i> L.</li><li>13. <i>Vitis</i> L.</li><li>14. <i>Brrassica oleracea</i> L.</li><li>15. <i>Citrus</i> L. <i>Rutaceae</i></li><li>16. <i>Fragaria</i> L.</li><li>17. <i>Capsicum annum</i> L.</li><li>18. <i>Cucurbita maxima</i> Duch;<br/><i>Cucurbita pepo</i> L; <i>Cucurbita moschata</i> L.</li></ol> | <ol style="list-style-type: none"><li>19. <i>Zingiber officinale</i> Rosc.</li><li>20. <i>Mangifera indica</i> L.</li><li>21. <i>Gerbera</i> Cass</li><li>22. <i>Gladiolus</i> L.</li><li>23. <i>Lilium</i> L.</li><li>24. <i>Dianthus</i> L.</li><li>25. <i>Daucus carota</i> L.</li><li>26. <i>Saccharum</i> L.</li><li>27. <i>Hevea</i> Aubl.</li><li>28. <i>Citrus grandis</i> L.</li><li>29. <i>Malus domestica</i> Borkh</li><li>30. <i>Carica papaya</i> L.</li></ol> |
|--|--|--|

## The List of protected species in VN

**31.** *Musa acuminata* Colla; *Musa xparadisiaca* L.

**32.** *Momordica Charantia* L.

**33.** *Tagetes* L.

**34.** *Hylocereus* (Haw.) Britton &

Rose; *Hycleoreus Costaricensis* (F.A.C Weber); *Hylocereus Polyrhizus* (F.A.C Weber)

**35.** *Allium Cepa*;

**36.** *Allium Oschaninii* O.Fedtsch

**37.** *Coffea arabica* L. *Coffea canephora* Pierre ex.A.Froehner

**38.** *Ficus* L. (*Ficus costata* Ait; *Ficus benjamitina* L.; *Ficus carica* L.

**39.** *Pennisetum americanun* [L] Leeke; *Pennisetum purpuretum* Schumach;

**40.** *Ampelopsis cantoniensis* (Hook.et.Am) Planch.

**41.** *Ipomoea batatas* .L

**42.** *Prunus arminiaca* L.

**43.** *Lotus corniculatus* L

**44.** *Dimocartpus Longan* L.

**45.** *Litche chinensis* L.

**46.** *Cymbidium* Sw.

**47.** *Amaranthus* L.

**48.** *Lactus* sp.

**49.** *Psidium guava* L.

**50.** *Euphorbia pulcherrima* Willd.ex Klotzsch

**51.** *Raphanus sativus* L.

**52.** *Prunus persica* (L) Batsch)

## The List of protected species in VN

**53.** *Clerodendrum*

*kaempferi* (Jacq)

Siebold, ex Hassk

**54.** *Bauhinia* sp.

**55.** *Moringa oleifera* L.

**56.** *Anthurium* Schott.

**57.**

*Phalaenopsis* Blume.

**58.** *Persea*

*americana* Mill.

**59.** *Begonia* × *hiemalis*

Fotsch

**60.** *Kalanchoe*

*blossfeldiana* Poelln.

**61.** *Bougainvillea*.

**62.** *Calathea*

**63.** *Lactuca* sp.

**64.** *Brassica*

*oleracea* L. Convar

*botrytis* (L.) Alef.

Var. *botrytis* L.

**65.** *Solanum*

*melongena* L.

**66.** *Vigna unguiculata* (L)

Walp. *subsp. secquibedalis*

(L) Verdc. L.

**67.** *Pisum sativum* L.

**68.** *Phaseolus*

*vulgaris* L.

**69.** *Lagenaria*

*sincera* (Molina)

Stanley.

**70.** *Brassica*

*pekinensis* Lour. Rupr.

**71.** *Apium graveolens* L.

**72.** *Vicia faba* L. var.

*major* Harz

**73.** *Castanea sativa* Mill.

**74.** *Ananas comosus* (L.)

Merr.

**75.** *Abelmoschus*

*esculentus* (L.) Moench.

**76.** *Diospyros kaki* L.

**77.** *Helianthus annuus* L.

**78.** *Colocasia*

*esculenta* (L.) Schott

## The List of protected species in VN

**79.** *Dendrobium Sw*

**80.** *Mokara*

**81.** *Pyrus communis L.*

**82.** *Prunus*

*salicina Lindl.*

**83.** *Ipomoea aquatica*

**84.** *Manihot*

*esculenta Crantz*

**85.** *Nicotiana tabacum*

L.

**86.** *Dahlia Cav.*

**87.** *Crinum latifolium L.*

**88.** *Tulipa L.*

**89.** *Chumbera, Nopal tunero, Tuna và Nhom Xoconostles*

**90.** *Alstroemeria*

**91.** *Sorghum Bicolor L.*

**92.** *Sesamum Indicum L.*

**93.** *Curcuma zedoaria*

**94.** *Curcuma aromatica*

**95.** *Curcuma Longa L.*

**96.** *Macadamia integrifolia*

*Maiden et Betche,*

*Macadamia tetraphylla*

L.A.S. Johnson)

**97.** *Plukenetia Volubilis L.*

**98.** [\*Castanea crenata\*](#) Mill.

**99.** [\*Castanea dentata\*](#)

Mill.

**100.** *Aleurites fordii*

(Hemsl.).

**101.** *Quercus L.*

**102.** *Piper nigrum L.*

**103.** *Anacardium*

*occidentale L.*

**104.** *Theobroma cacao*

L.

**105.** *Cocos nucifera L.*

**106.** *Medicago sativa L.*

**107.** *Vigna radiata (L.)*

R Wilczek

# Fees for PVP (Circular 180)

Filing (Million VND)	For DUS - 1 Var./1Appli (Million VND)	Maintaining of Certificate (Million VND)
2	<ul style="list-style-type: none"><li>✓ Seasonal Crops: 8,3</li><li>✓ Annual crops: 11</li><li>✓ Perennial crops: 24</li></ul>	<ul style="list-style-type: none"><li>✓ The years from 1 – 3: 3</li><li>✓ The years from 4 – 6: 5</li><li>✓ The years from 7 – 9: 7</li><li>✓ The years from 10 – 15: 10</li><li>✓ From 16<sup>th</sup> to finish: 20</li></ul>

**(1 USD is about 22,300 VND)**

**\* *Way of payment:***

**✓ First year: when receive Certificate**

**✓ From next years: First day of the year for effective of Certi.**

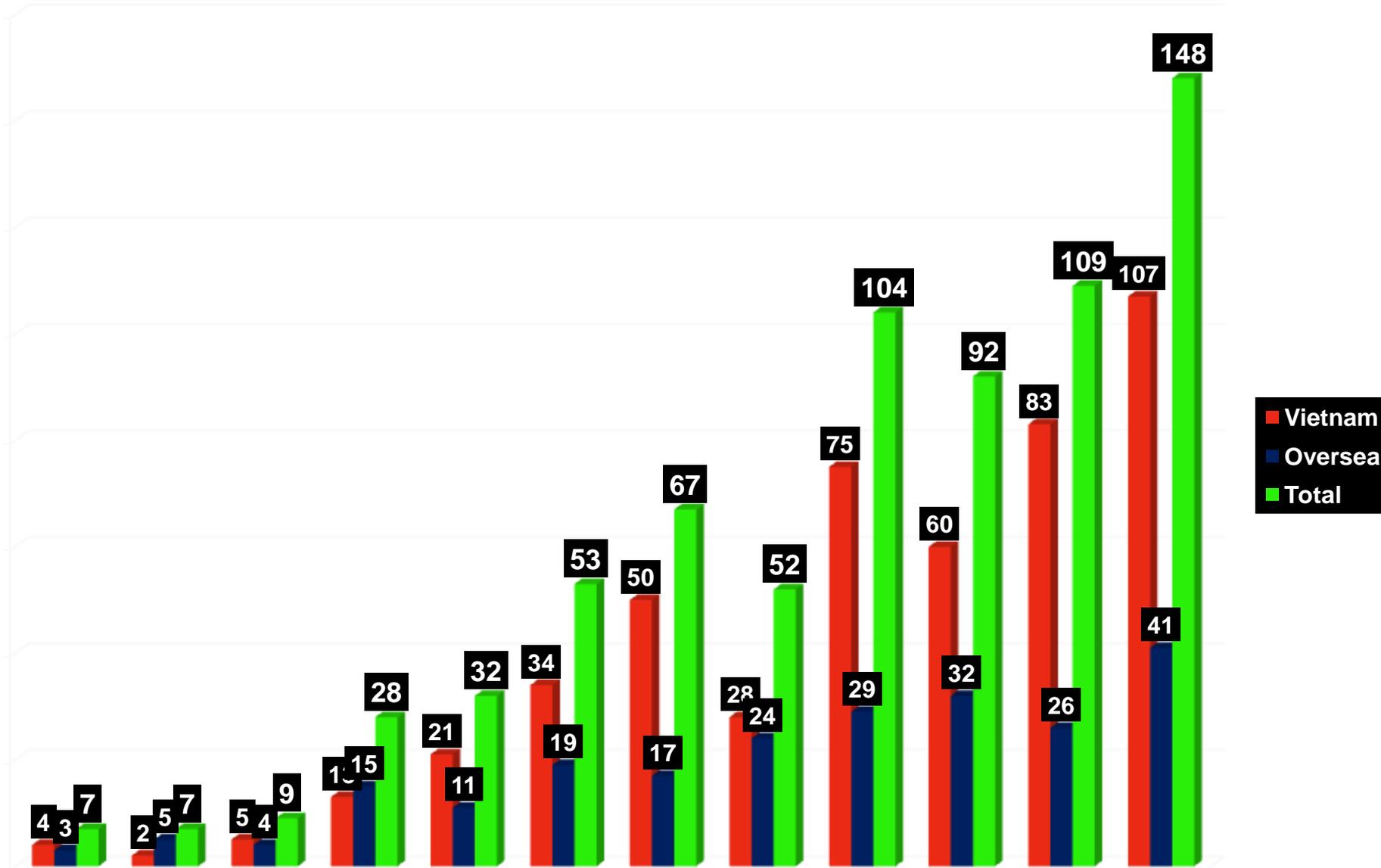
## Effectiveness of Certificate

Take effect from the granting date:

- ✓ 25 years for woody and grapevine
- ✓ 20 years for other crops

# IMPACT OF PLANT VARIETY PROTECTION

# To the Agriculture production



## To the Agriculture production

- Number of application increased – Many good new varieties and new species released for farmer
- Good new var. from oversea and new species - farmer have good income

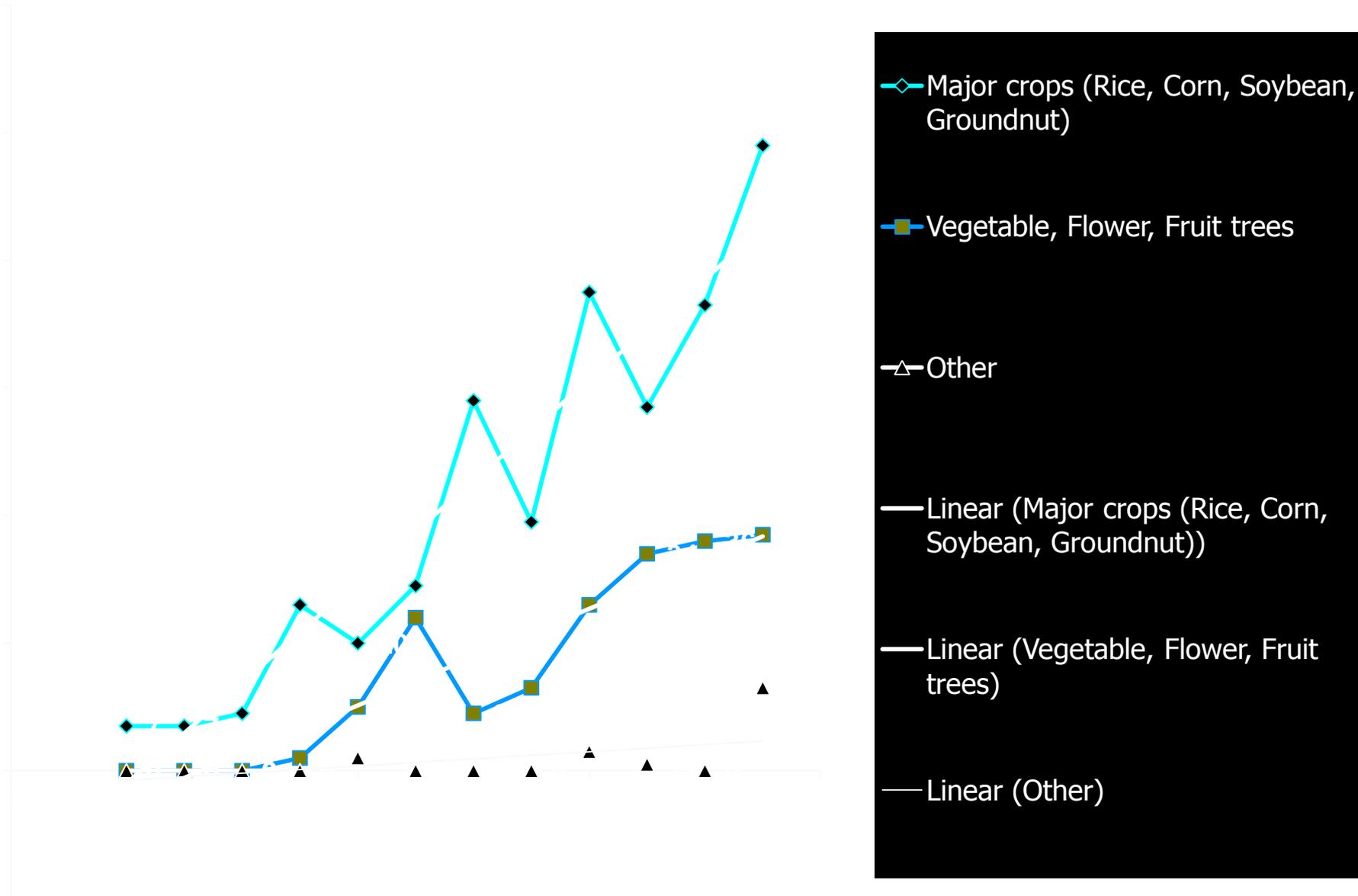


# To the Agriculture production

- Exporter on agriculture products
- For rice: 5/10 protected varieties are cultivated in biggest area for exporting
- New varieties of flowers (rose, cymbidium...) is introduced to VN by foreign countries



# To the diversity of crop structure





## To the Market and farmer's income

- A cuttings of new rose varieties may reach 10 – 15 times more expensive than old Var.
- New variety is introduced in VN
- Farmer have chance to increase their income



# To the Market and farmer's income



Farmer produce under license from Owners



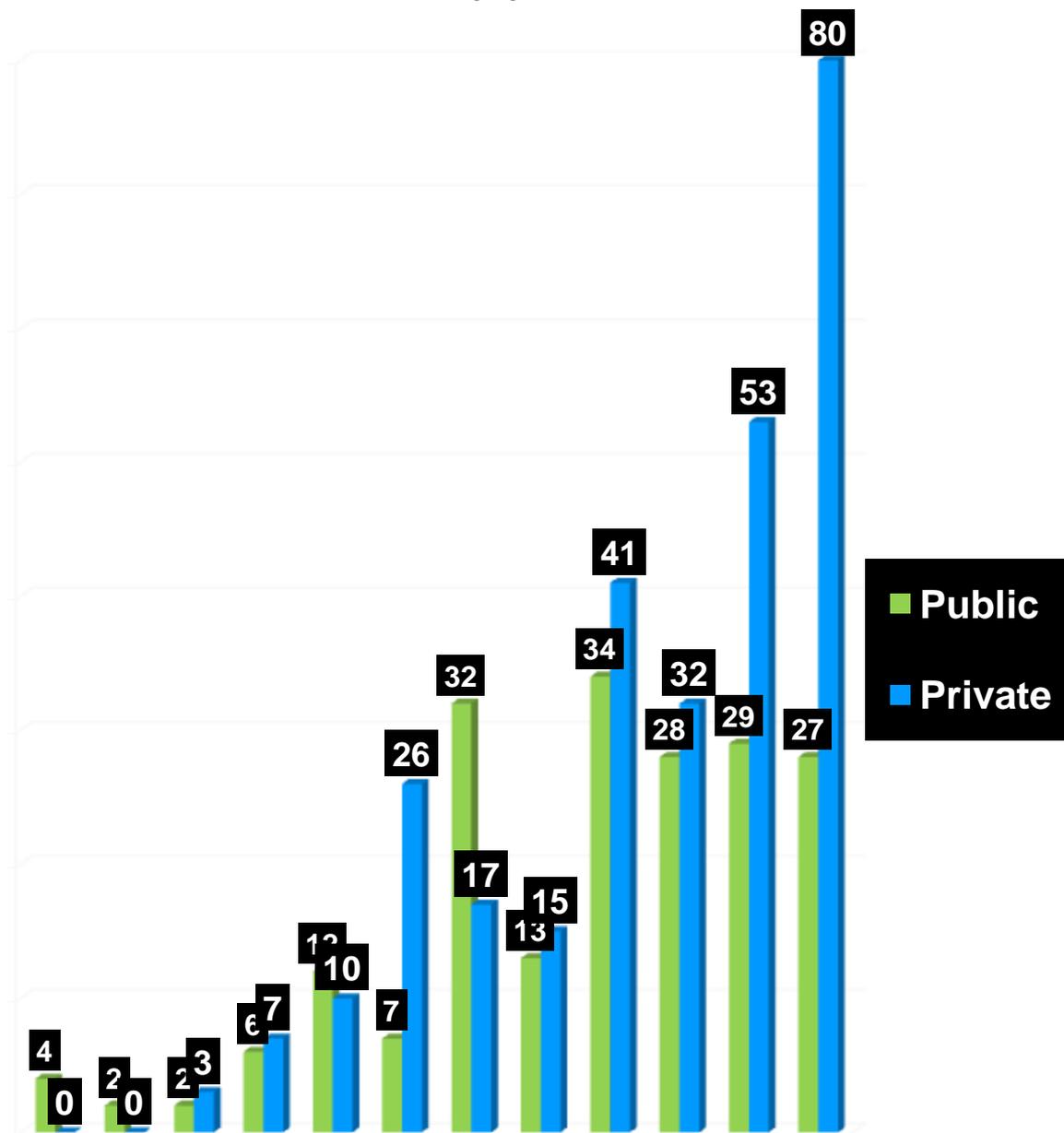
Waiting to  
the aircraft  
for  
exportation



# To the Research and Development

- For the Varieties from Research Institutes:
  - ✓ Transferred the right to seed companies
  - ✓ Establishing IP Division to exploit of the right in some Research Institutes
- The specialization in development new variety make more effective in exploiting new varieties
- Fair Competition in trade: Who invest to the R/D more, they have more benefits for re-investment to R/D

# Vietnam's applications: Private and Public sectors



➤ Public sector  
(Government Budget):

✓ Research Institutes

✓ Universities

✓ Research Centers

(Central Government  
and provincial level)

➤ Private sector:

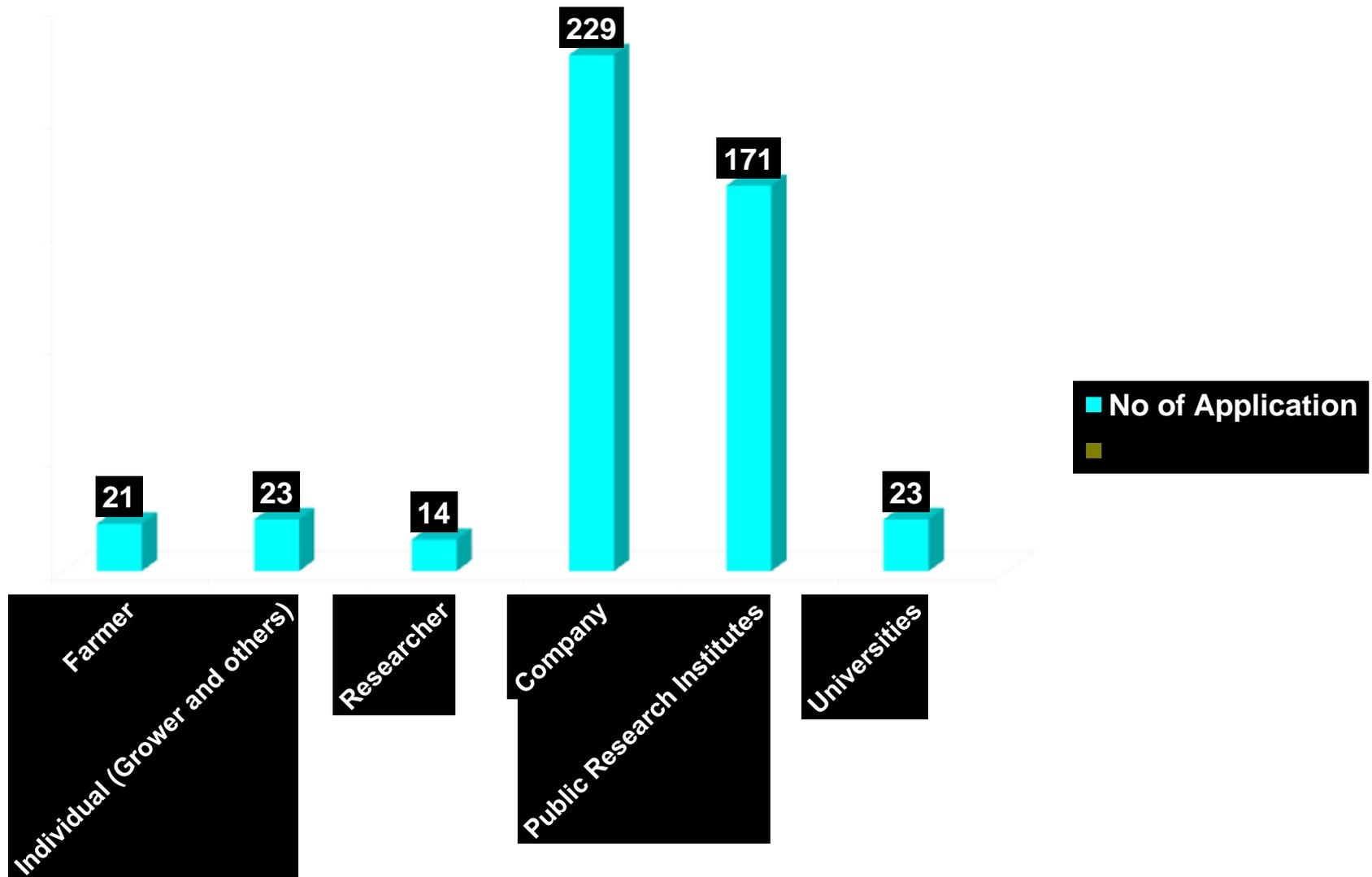
✓ Individual

✓ VN's Seed Company

➤ Recent years:

MARD did not invest  
to Public Sector for  
breeding by traditional  
methods

# Who are plant Breeders in Vietnam



# Positive impact to SMEs

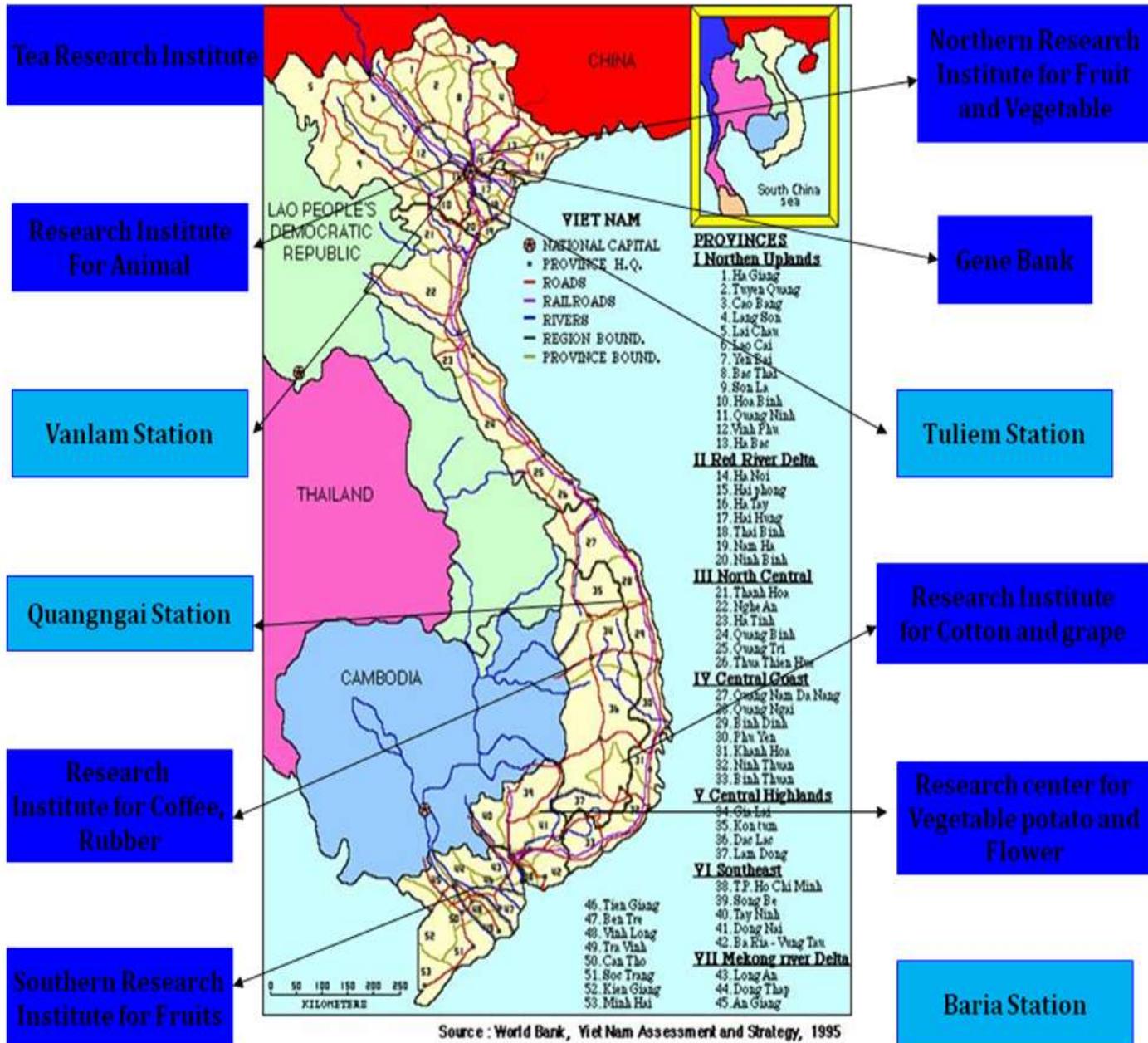
- Before PVP system established in VN: almost of them are trade company (not interested to RD)
- When PVP system is established:
  - ✓ Beginning: they are licensed to exploit PBR from owner (transferred)
  - ✓ They develop breeding facility
- Now many of them have own breeding facility
- Some of them become big with very good breeding facility.

# CHALLENGES AND MEASURES TO SOLVE

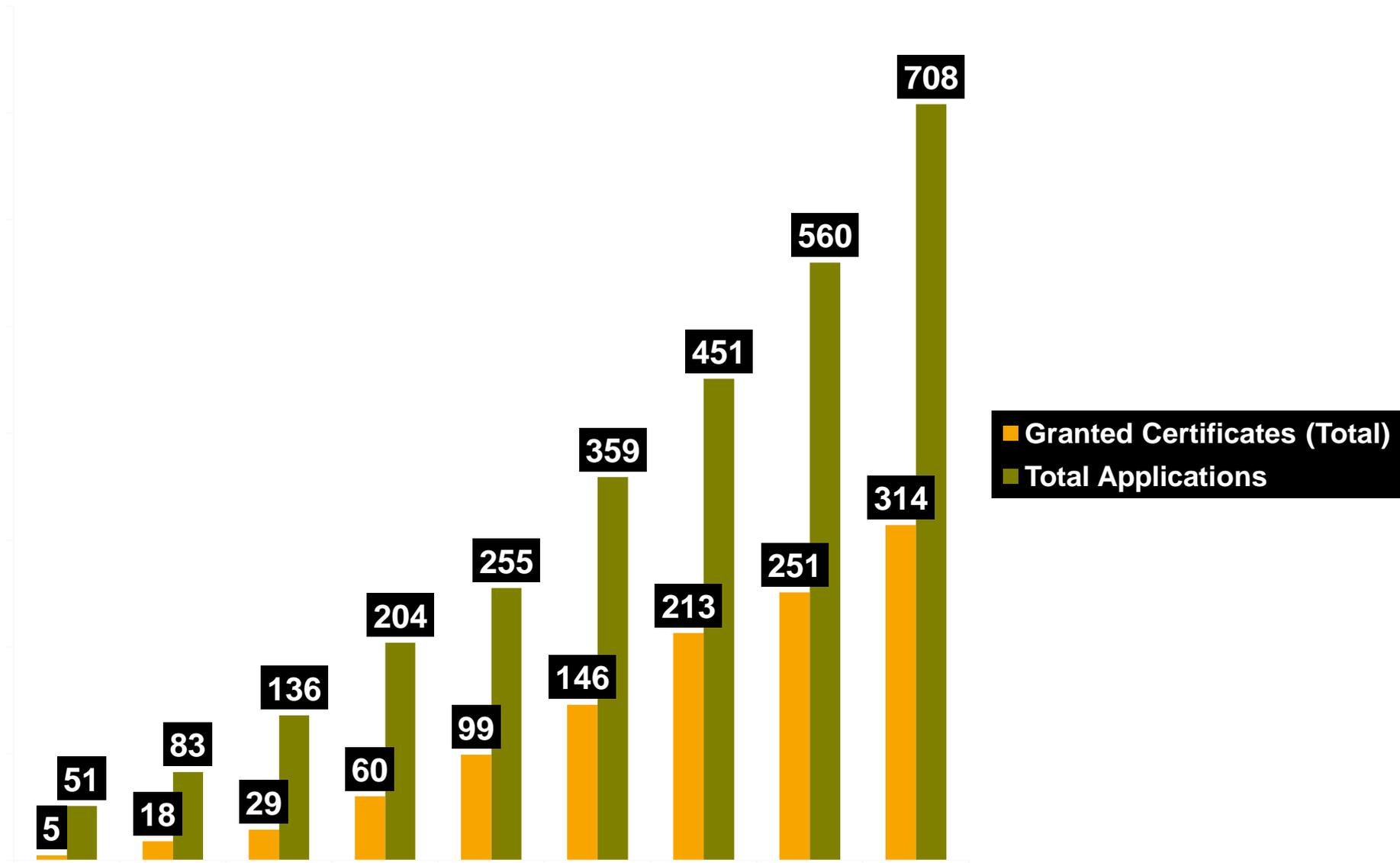
# Technical works

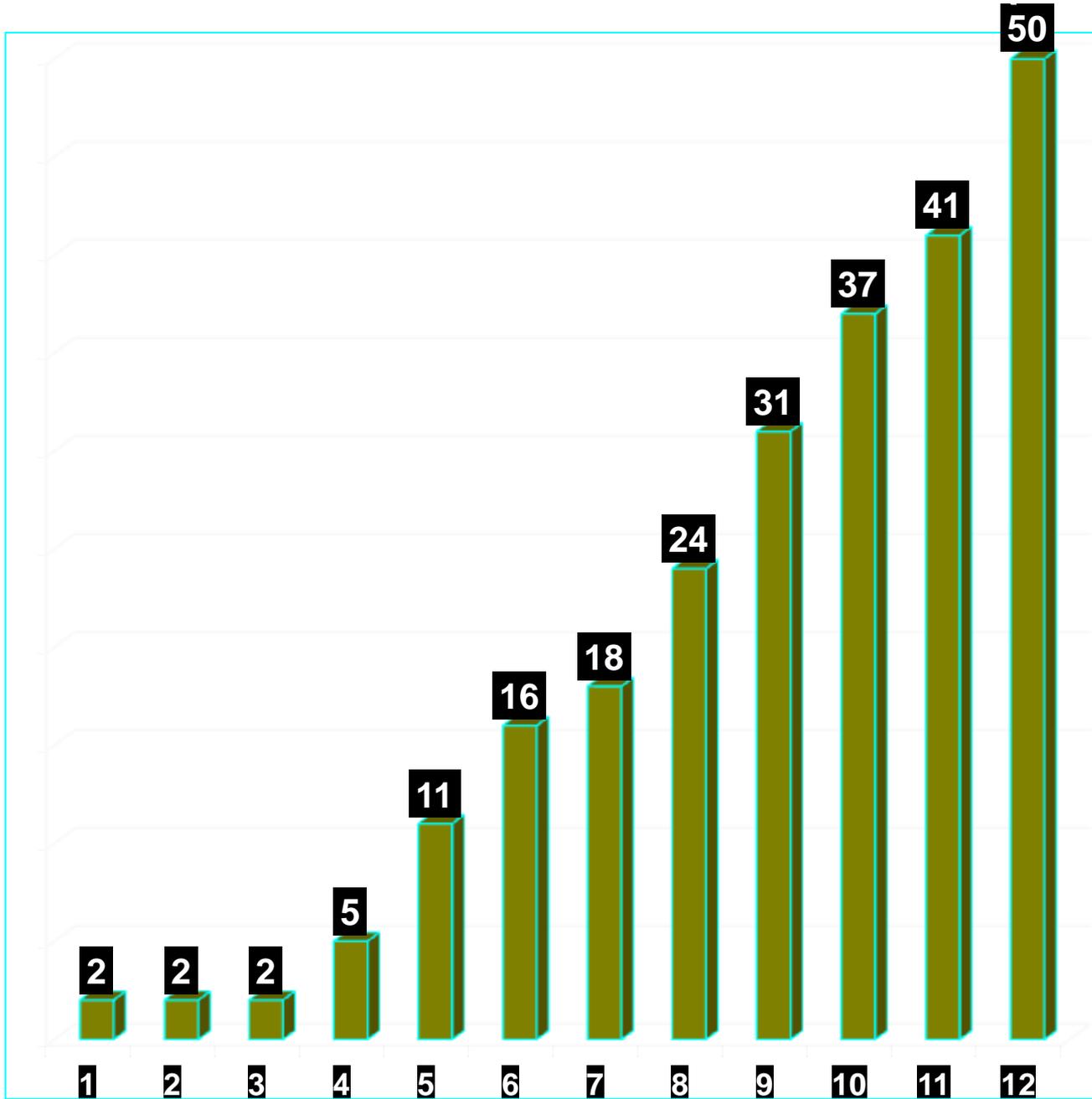
- Vietnam is rich of plant species
- Building a system for technical examination for all species is too expensive
  - ✓ Human resource – trained technical staffs
  - ✓ Investment to build infrastructure
  - ✓ Drafting the Guidelines for Technical examination

# DUS Test Agencies in Vietnam



# No of PVP Certificates per total applications





■ No of species until the year

# Activities for the measures

## ➤ Legislation document

- ✓ Revise some stipulations for reducing administrative procedures
- ✓ Improving the aware for the relevant persons on IP in general and PVP particularly

## ➤ Training the human resource

- ✓ Dispatching staffs to attend the course on PVP oversea
- ✓ Self-trained by sharing experience on PVP with other Countries

## ➤ Strengthening the International Cooperation

- ✓ Acceptance of examination results from other countries
- ✓ Exchanging the experts on PVP: host PVP events/

# To promote of International Cooperation

- To receive the assistance from advanced countries
- Cooperation on examination of application – To make more effective system
- Sharing experiences with region countries

# Donors and activities

Country	Content	Time
UPOV, USA,EU, Japan, France	Training in abroad, Workshop (VN and oversea)	2000 - 2005
Denmark, Japan, France	Equipment, training, workshop/seminars	2004 – 2007
EAPVP, the Netherlands Australia	Training (Oversea and in-country), equipment, Seminar/workshop	2008- 2011
Japan (JICA), GNIS (France)	Training (Oversea and in-country), equipment, Seminar/workshop	2010 - 2014
UPOV, EAPVP	Training (Oversea and In – country), Seminar/Workshop	2014 - ...





**Japan - August.2007**



**France Jan.2011**

Agreements  
on mutual  
accepting  
the DUS  
Test reports



**The Netherlands Feb.2011**



**EU May.2011**

# Regional Training course by the assistance from UPOV and other Members under EAPVPF

## PURPOSE

- Harmonization on method of observation for DUS of selected crops
- Mutual understanding among regional countries for the cooperation

## ➤ Contents of the course

- General Introduction for DUS (TG1/3)
  - Conducting the DUS Test for selected crops under UPOV rules
  - Lectures and practical
  - Introduction the situation of the crop in each country.
- Participants: ASEAN and experienced UPOV Members (Japan, France), UPOV Experts

# Regional Training course for DUS test (VT)

Training course on DUS test for Corn in Vung Tau (VN, LAO, CAMBODIA) –  
Funded by GNIS, France (2012)



GEVES Examiner's lecture of Corn



Examining the char. with Lao's  
and Cambodia colleagues



Measuring some char. of Corn



Presentation on result of practical work

**Training Course on  
Distinctness, Uniformity and Stability (DUS) Test of Rice in Vietnam  
Under the Cooperation Activities of the East Asia Plant Variety Protection  
Forum  
30 Sept - 2nd Oct 2014, Hanoi Vietnam**



# DUS training course for Rice - 2014

LECTURES IN THE ROOM

PRACTICE





# Under EAPVP Forum and UPOV

- Seminar in Myanmar and Lao PDR
- Those Seminar funded by UPOV and Japan under EAPVP forum

# Training course for tomato – 2015 (UPOV,Japan)



# DUS Test for corn – 2016 (UPOV, Japan)



# Vietnam – Lao cooperation on PVP (2011-2013)

High level delegate visit VN, 2012



Technical staffs in TL, 2013



Practice on rice, VL, 2013



## For more effective of technical system

- Re-organize the Technical system
- Improving capacity by the International Cooperation in region and others:
  - Sharing Experience
  - Host international PVP events in VN
  - In-country training with the participation from other countries

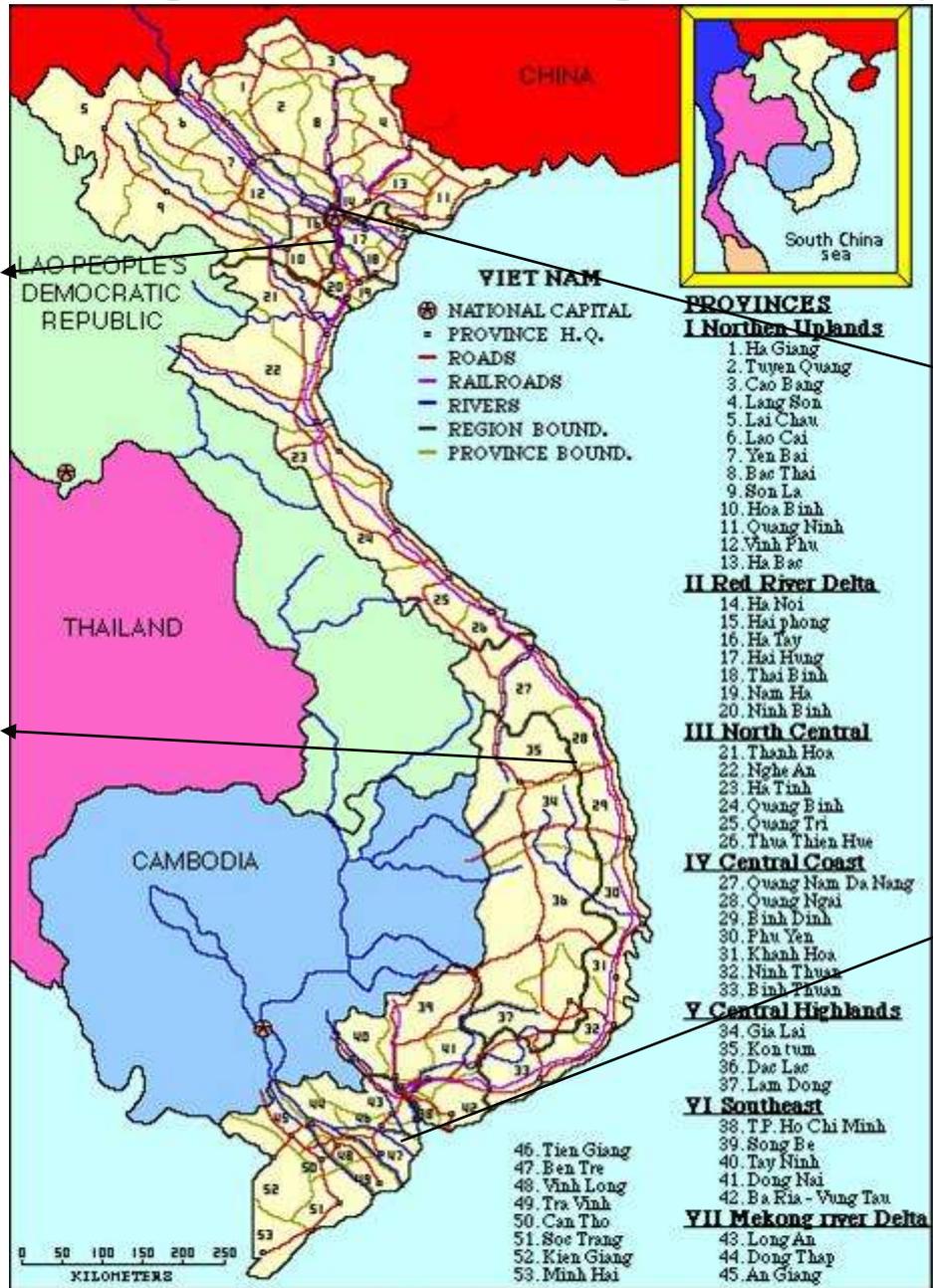
# DUS Test agencies designated by MARD

Vanlam Station

Quangngai Station

Tuliem Station

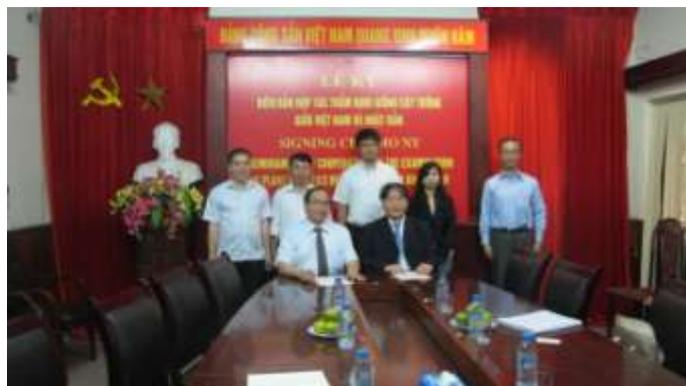
Baria station



# Agreements on mutual accepting the DUS Test reports



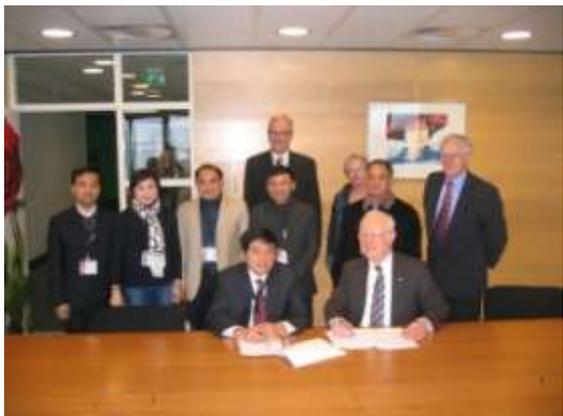
**Japan - August.2007**



**Japan – 4.2016: Free of charge to Provide examination results**

- ✓ Negotiation: Email
- ✓ Signing by each side then exchange through Post mail.

**Singapore: 7.2016**



**The Netherlands Feb.2011**



**EU May.2011**



**France Jan.2011**

# To promote of International Cooperation

- Cooperation on examination of application (UPOV and EAPVP Members) – To make more effective system
- Sharing experiences with region countries
- Harmonization on technical and administrative procedures
- Same application in region – agreed in 9<sup>th</sup> EAPVP Meeting by the Members of EAPVPPF



**9<sup>th</sup> Meeting of EAPVP  
(Hanoi 6<sup>th</sup> September 2016)**



# PVPO' Website

The screenshot displays the PVPO website interface. At the top, the browser address bar shows the URL <http://pvpo.mard.gov.vn/Default.aspx>. The main header features the logo of the Ministry of Agriculture and Rural Development (BỘ NÔNG NGHIỆP VÀ PHÁT TRIỂN NÔNG THÔN) and the text "NEW PLANT VARIETY PROTECTION OF VIETNAM". A navigation menu includes "Home", "About", "Contact", "Search application, certificate", "Online Form", and "Statistics".

The left sidebar contains a "List Category" menu with the following items:

- Vietnam PVP
- UPOV Overview
- News
- Legal document
- UPOV Documents
- List of protected species
- Test guidelines
- Announcements
- PVP representative organization

The "Home" section features a "Home" header and a list of news items:

-  For cancellation the effectiveness of PVP Certificates for rice variety ĐT9 (VPBH - 08/07/2015,07:43:32)
- For cancellation the effectiveness of PVP Certificates: GKG1; XL 94017; B265; Đắc ưu 11; TK 96.1; N-ưu 69; SD268;ĐT26; DEKCATALINA
- For cancellation of effective for PVP Titles of: LÚA LAI VIỆT LAI 20; HƯƠNG CỐM; FLAMENCO; PANAMERA; COLOMBA; EVORA;NAVIGATOR; CRISPS4ALL; TAURUS
- Granting PVP Titles for 05 varieties of flower: 01 Athurium andreanum: ANTHKINAQ; 04 Phalaenopsis: ANTHCASDIK; PHALDAMDAP; PHALDIMXAP; PHALFMWAO

The right sidebar contains an "Announcements" section with a "NEW" badge, listing certificates: GKG1; XL 94017; B265; Đắc ưu 11; TK 96.1; N-ưu 69; SD268;ĐT26; DEKCATALINA. Below this is a "Filing an application" section with a "NEW" badge, listing "Online registration", "Application Form", and "PVP Fees".

The bottom of the page shows a Windows taskbar with various application icons and a system tray displaying the time as 2:27 PM on 8/21/2015.

# Thank you for your attention

## ➤ Detail Information:

### ➤ PVP Office

✓ Room No 105, A6 Build.

No 2 Ngocha Badinh, HANOI

✓ Tel: (844)8435182;

✓ Fax: 7342844

Website: <http://pvpo.mard.gov.vn>

