

# Country Report on the Progress of PVP System in [ MALAYSIA ]



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Presented during The 10<sup>TH</sup> East Asia Plant Variety  
Protection Forum Meeting, Myanmar

# NATIONAL PVP MILESTONE

(2016)



2016

- **January:** Legal Advisory Session with UPOV (endorsed in the 8<sup>th</sup> EAPVP Forum Meeting)



- **13 – 14 January 2016, Putrajaya, Malaysia**
- **UPOV's comments are taken into account**

**NATIONAL  
PVP  
MILESTONE**

**(2017 - now)**



- **Still reviewing and amending Malaysia's current Act**
  - To smoothen the implementation of PVP System in Malaysia
  - To be in line with UPOV 1991

# OBSTACLES AND CHALLENGES

- ▶ Concerns by NGO
  - ▶ Against Malaysia joining UPOV
  - ▶ Ministry of Agriculture and Agro-based Industry is reviewing the proposal to become UPOV member
    - ▶ Various aspects and will obtain feedback from various parties before final decision is made
    - ▶ Press release: 22 February 2017

# TARGET

- ▶ Final draft: February 2018
  - ▶ Circulation to related ministries, department and agencies
  - ▶ Stakeholder consultation with association's and NGO's (Target month: August – September 2018)



# THANK YOU

For further information, please visit to our website:

<http://www.doa.gov.my>

[http://pvpbkkt@doa.gov.my](mailto:pvpbkkt@doa.gov.my)



# REFERENCE





# 1

## MILESTONE OF PVP SYSTEM IN MALAYSIA





# NATIONAL PVP MILESTONE

(1994 – 2008)



**1994**

- Drafting of PNPV Act began

**2004**

- Gazette of PNPV Act 2004

**2005**

- Establishment of PVP Registration Office

**2008**

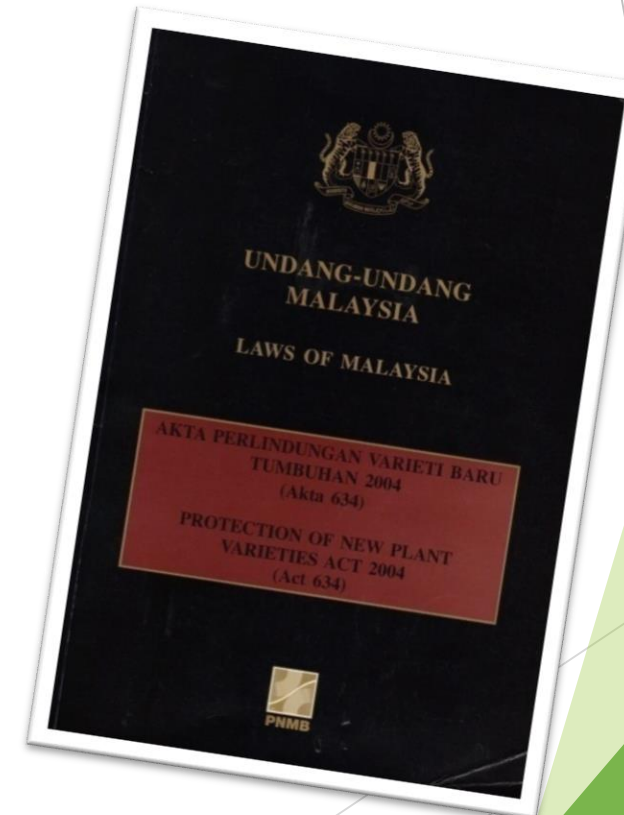
- Gazette of PNPV Regulations 2008
- PVP system in place for operation
- Received 1<sup>st</sup> application



# 1994 – 2004 (Drafting of PNPV Act)

## Protection of New Plant Varieties Act 2004

- ▶ modeled after
  - ▶ UPOV 1978 model law;
  - ▶ provision of CBD; and
  - ▶ IPR system of other countries  
(India, Thailand, Japan)
- ▶ *Sui Generis*
- ▶ Legislated – 25 April 2004
- ▶ Royal Consent – 1 July 2004



# NATIONAL PVP MILESTONE

(1994 – 2008)



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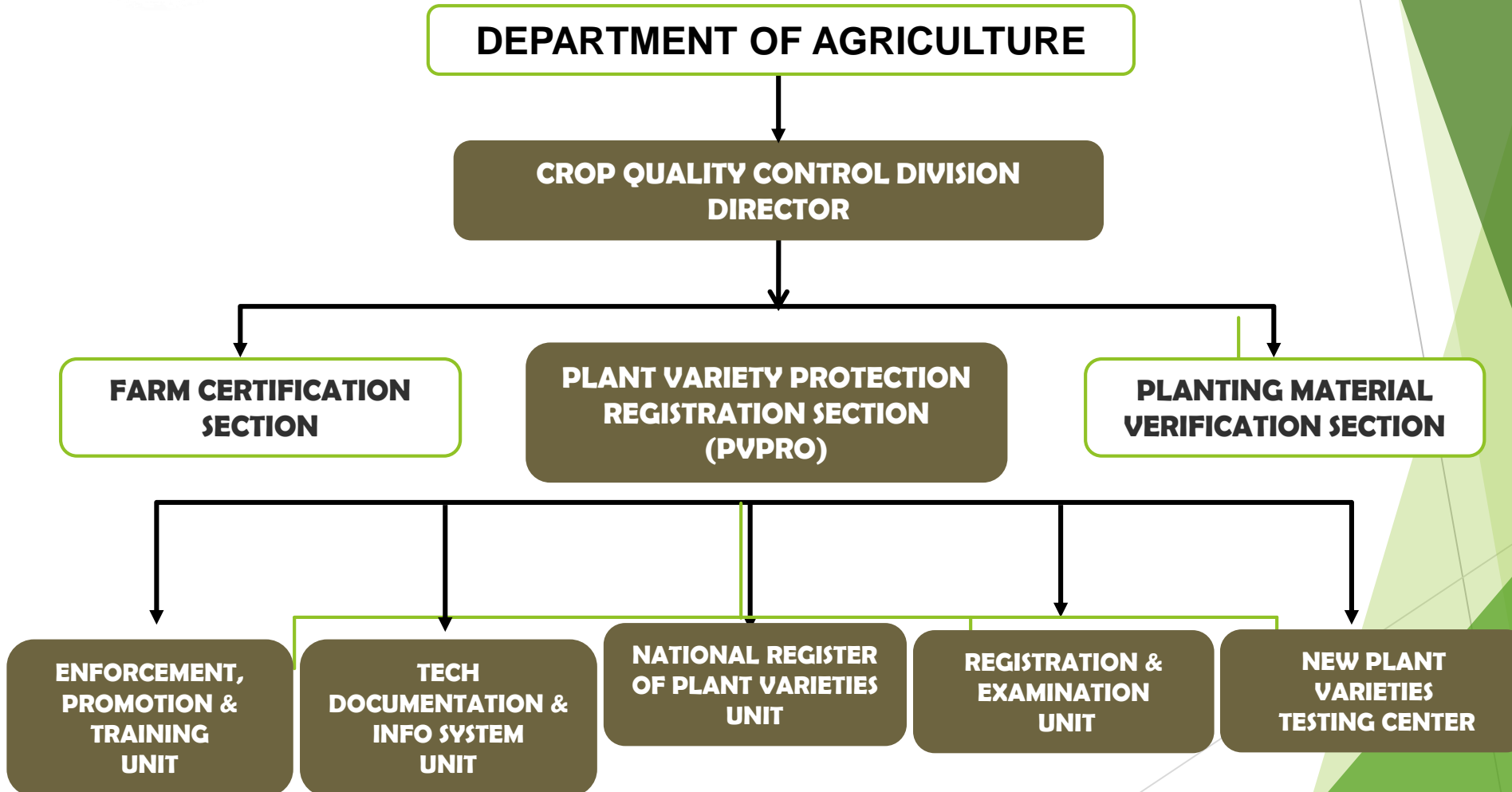
**2008**

- Gazette of PNPV Regulations 2008
- PVP system in place for operation
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2005

# (Establishment of PVP Registration Section under DOA)



# NATIONAL PVP MILESTONE

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# 2008 (1<sup>ST</sup> PVP APPLICATION RECEIVED ON 24 DEC 2008 FOR PAPAYA 'FRANGI')



# NATIONAL PVP MILESTONE

(2009 - 2011)



**2009**

- Rapid development of PVP documents, forms, admin system set-up.

**2009**

- Establishment of 1<sup>st</sup> New Plant Variety Testing Station in Serdang.

**2009**

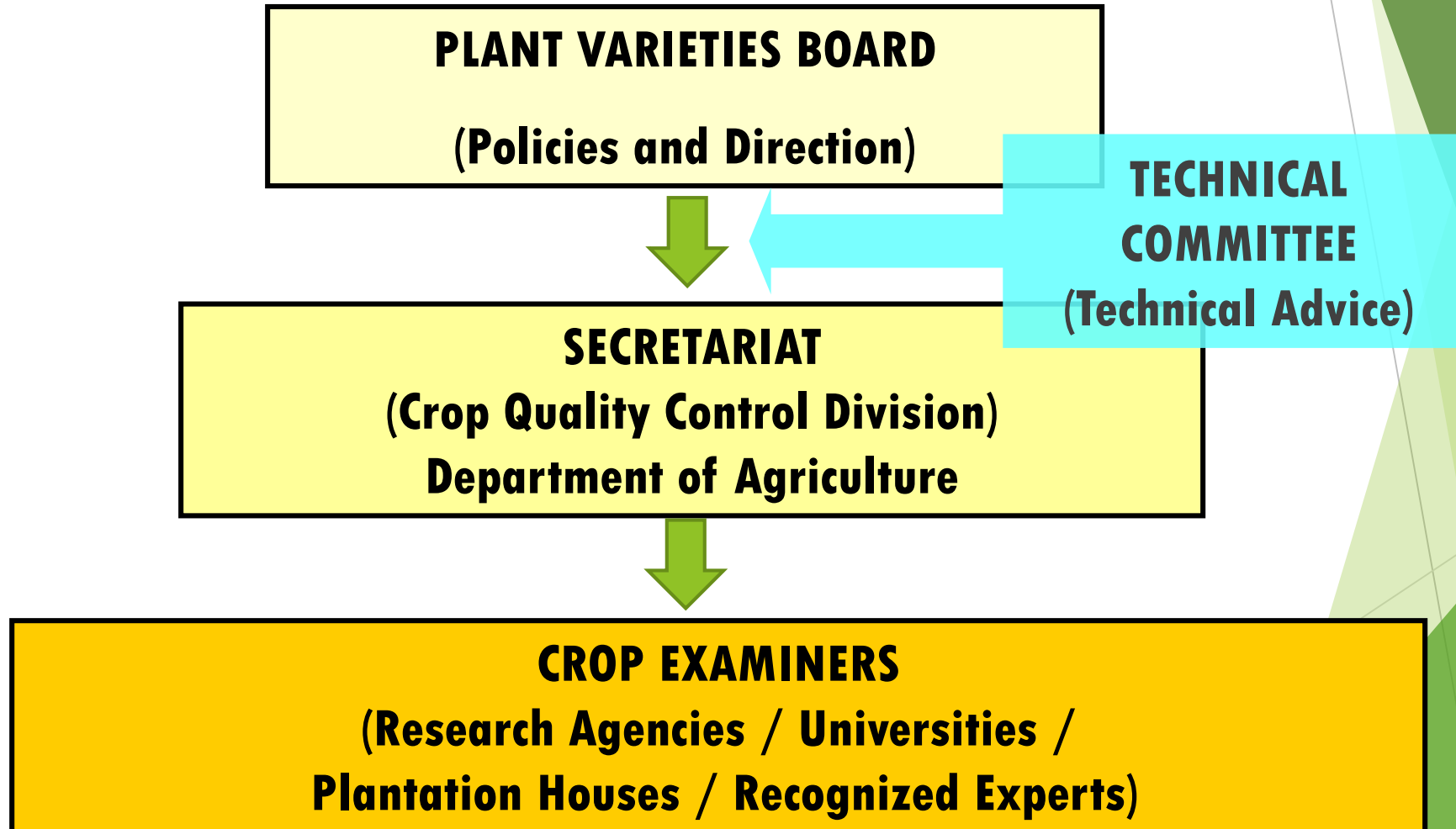
- 1<sup>st</sup> Plant Variety Board Meeting.

**2011**

- Public Awareness Programs



# STRUCTURE OF ORGANISATION





# NATIONAL PVP MILESTONE

(2012 - 2015)



**2012**

- **1<sup>st</sup> Plant Breeder's Right granting : 25 varieties**

**2013**

- **Internal Act review instructed by Plant Varieties Board**

**2014**

- **SWOT Analysis Study on UPOV Membership**
- **Internal Act review**

**2015**

- **Aug: Establishment of Drafter Team**
- **Dec : 1<sup>st</sup> draft of Amendment**



# 2012 (1<sup>st</sup> PBR Certificates Granting)



# CURRENT STATUS

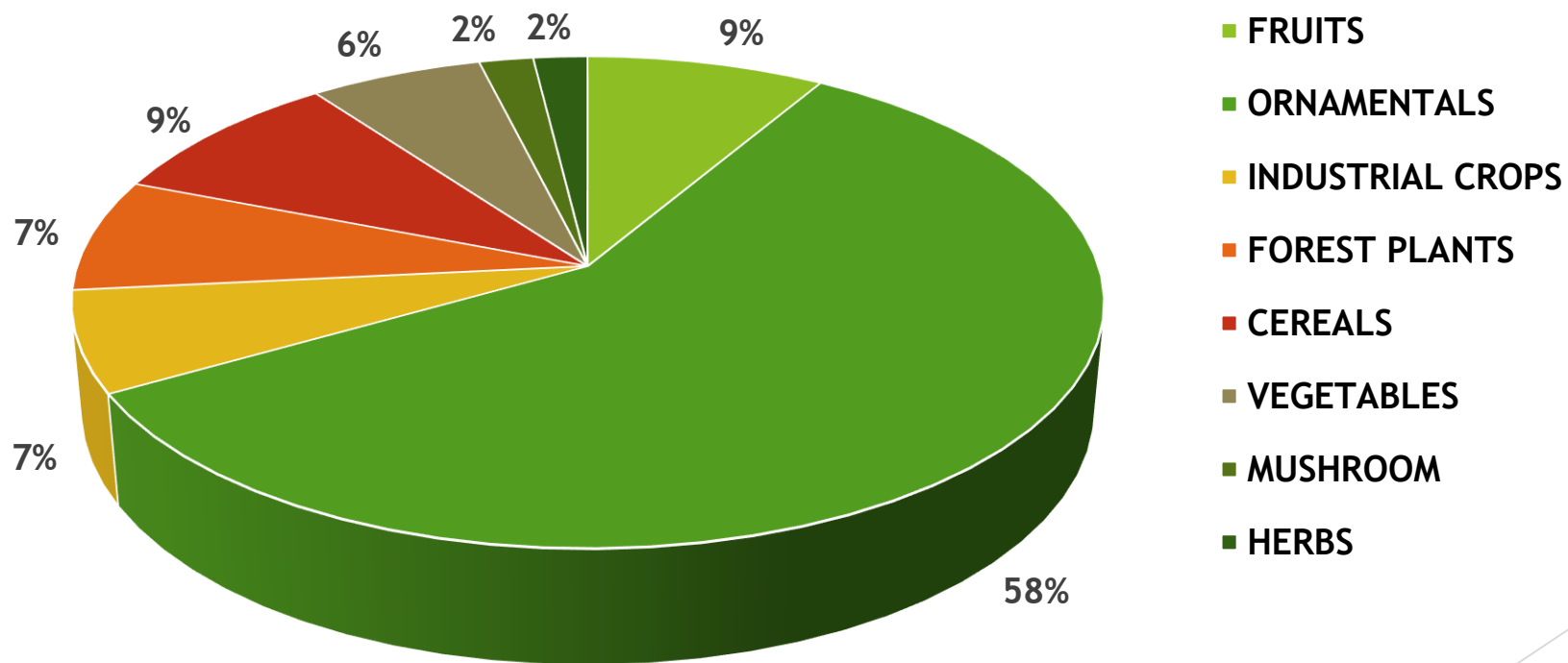
## Number of Applications Received From 2008 – July 2017 (by Crop Type)

<b>Crop Type</b>	<b>Total Applications</b>	<b>Rejected</b>	<b>Withdrawn</b>
Ornamentals	149	1	4
Cereals	23	6	0
Forest Plant Sp.	19	0	0
Fruit	22	0	5
Industrial Crop	17	0	0
Vegetables	16	0	1
Herbs	5	0	0
Mushroom	5	0	2
<b>TOTAL</b>	<b>256</b>	<b>7</b>	<b>12</b>

19

# PVP APPLICATIONS by APPLICANT CATEGORIES (2008- July 2017)

## NUMBER OF PVP APPLICATION BY PLANT CATEGORIES



# PROTECTED VARIETIES

YEAR of GRANTING	Term	NUMBER OF TITLES
2012	April	25 (Acacia, Chrysanthemum, Papaya, Orchid <i>Dendrobium</i> )
2014	May	14 (Rice, Chrysanthemum, Roselle, Durian, Capsicum)
2015	June	17 (Chrysanthemum, Dragon Fruit, Lemon Myrtle)
2016	Nov	53 (Rice, Chrysanthemum, Pandanus, Lime, Kiwi, Lettuce, Lime, cocoa, pineapple, pitaya)
<b>TOTAL</b>		<b>109</b>

# SOME VARIETIES WITH PLANT BREEDERS' RIGHTS

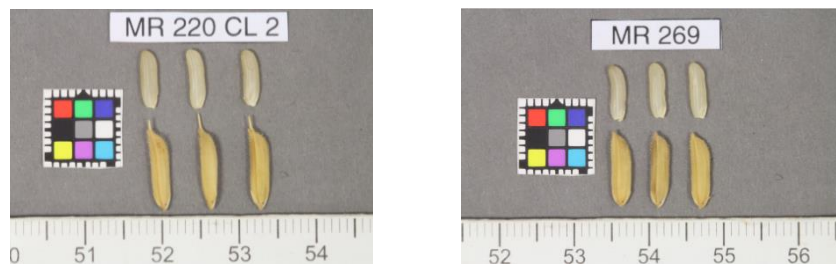
CHRYSANTHEMUM



KIWI



RICE



SALAD



# SOME VARIETIES WITH PLANT BREEDERS' RIGHTS

## COCOA



## PITTAYA



## PINEAPPLE





# **PROPOSAL MALAYSIA TO EAPVP FORUM**

# Seeking possible form of Cooperation in DUS testing

- ▶ Malaysia is facing the following constraints:
  - ▶ Received application that only want to seek protection in Malaysia
  - ▶ lack of experience
  - ▶ test reports are not available else where
- ▶ Suggestion: Access of Test Report, DUS Testing Service, Joint Testing



# New Applications Received (2014 – 2017)

NO	CROP	FILE NO.	REMARKS
1	Mushroom 'HO x 1'	PVBT 030/14	<ul style="list-style-type: none"> <li>Protected in Japan</li> </ul>
2	Chrysanthemum 'Sei Green Needle'	PVBT 020/15	Under Substantive Examination in Korea
3	Chrysanthemum 'Sei Lorca' Chrysanthemum 'Sei Rubeus' Chrysanthemum 'Sei Honey Bee' Chrysanthemum 'Sei Brio' Chrysanthemum 'Sei Groove' Chrysanthemum 'Sei Melenus'	PVBT 013/16 PVBT 014/16 PVBT 015/16 PVBT 016/16 PVBT 017/16 PVBT 018/16	Not been tested in any DUS Stations
4	Mushroom 'Hoksy 8 gokin' Shiitake	PVBT 005/17	<ul style="list-style-type: none"> <li>Protected in Japan</li> </ul>