

**Expectation
of PVP in line
with UPOV
system in
Myanmar**



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Profile of Myanmar

The Republic of Union of Myanmar

Total area: 676,578 km²

Population: 54 million

Capital: Nay Pyi Taw

Currency: Kyats

Climate: tropical monsoon climate , high quality soil

Major industry : Agriculture

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- 🌽 **Seed Industry of Myanmar**
- 🌽 **Past & Present PVP system in Myanmar**
- 🌽 **Future PVP implementation / Expectation of PVP System well developed**





Introduction to Myanmar Agr: Sector



Introduction to Myanmar Agr: Sector Rationale

- ✓ the bulk of the population (70%) still depend directly and indirectly on agriculture for their primary livelihood and income.
- ✓ thus agriculture has a vital role in promoting inclusive growth and poverty reduction / also plays a key role in the country's food security.

Statistics: Agriculture in Myanmar (FAO 2018)

- ❖ GDP: 37.8%
- ❖ Total export earning :25-30 %
- ❖ Employs labour force 70%



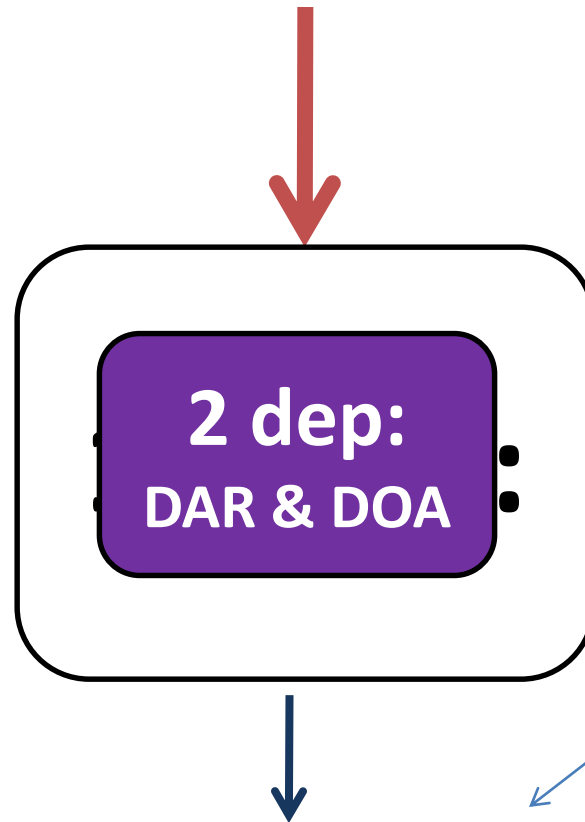
- Myanmar has a huge potential to become a **credible global food supplier**
- To attain this potential, Myanmar will need to intensify its agriculture and enhance **farm productivity and competitiveness / the development of a competitive seed industry**



- Development in agriculture sector will enhance the socio-economic development of the country
- Government is dedicating tremendous efforts to achieve greater progress in the agriculture sector

Ministry of Agriculture, Livestock and Irrigation (MOALI)

→ is mainly
responsible for
Agr: sector
development



DAR for research
DOA for Extension

- National seed industry development under the control of the related policy and laws(seed law & PVP law)

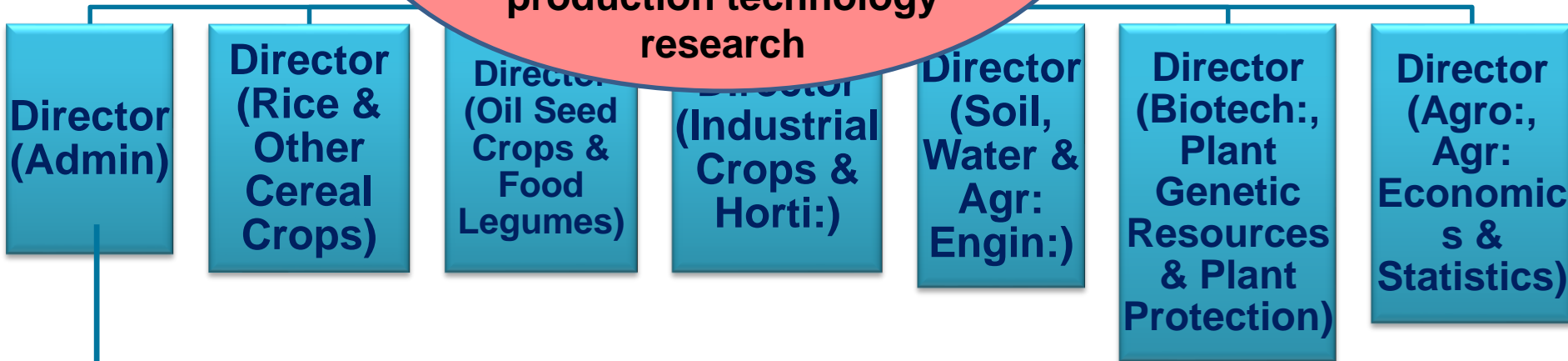


Seed Industry of Myanmar

Organization Structure of DAR

VISION

Food Security and nutrition with the impact of innovative advanced crops variety and production technology research



Total of 26 Sections & 25 Satellite farms are well set up

PVP Section

⇒ Set up in 2016 May contact for BR application to PVP section, DAR, Yezin, Nay Pyi Taw, MYANMAR

➤ PVP Law- enacted 20.1.2016

➤ Come into force commencing (20th January 2017)

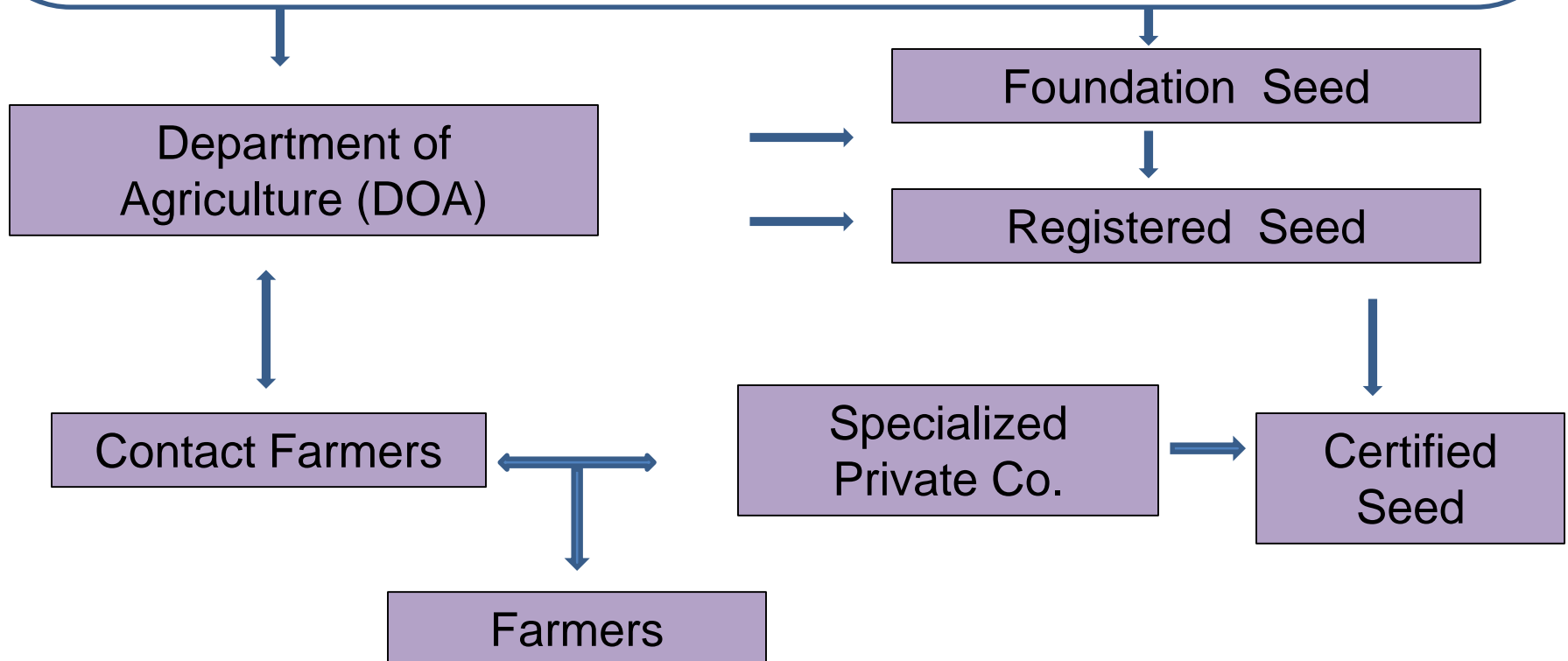
DAR Objectives:

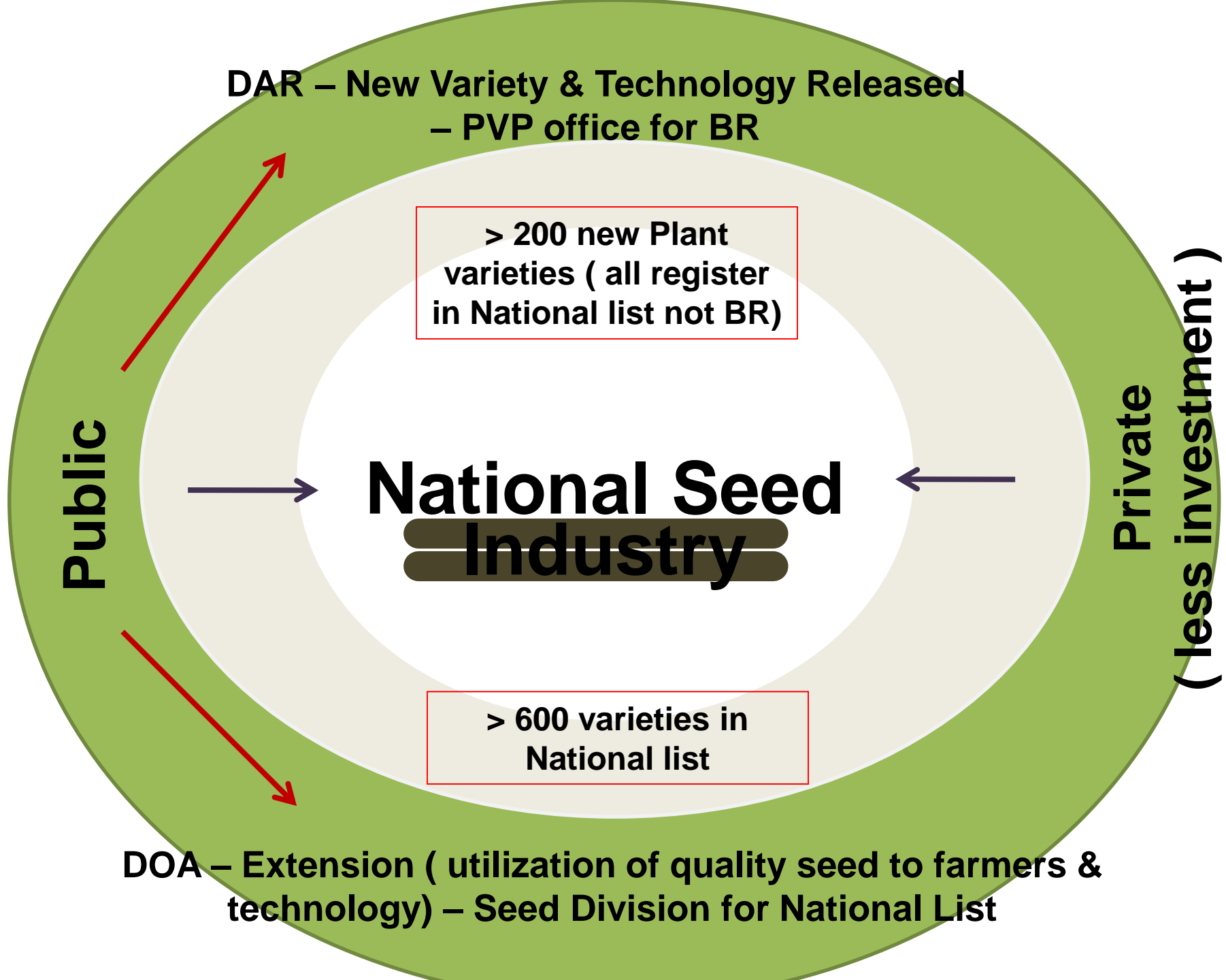


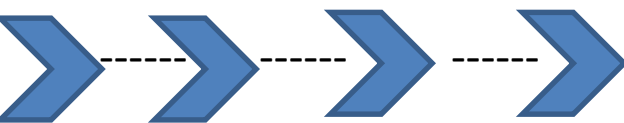
- **To develop high yielding improved varieties and hybrids with good quality and good regional adaptation.**
- **To generate profitable cropping system and production technology.**
- **To develop crop varieties and production technologies resilience to climate change and global warming.**
- **To develop agricultural technologies and biotechnology**
- **To disseminate research finding through Farmer Channel**

Agri-Policy relation with seed industry development

- the Production and provision of high-yielding quality seeds (**Main Objectives**)
- Utilization of good quality seeds to produce quality product with higher prices (**Key factors**)



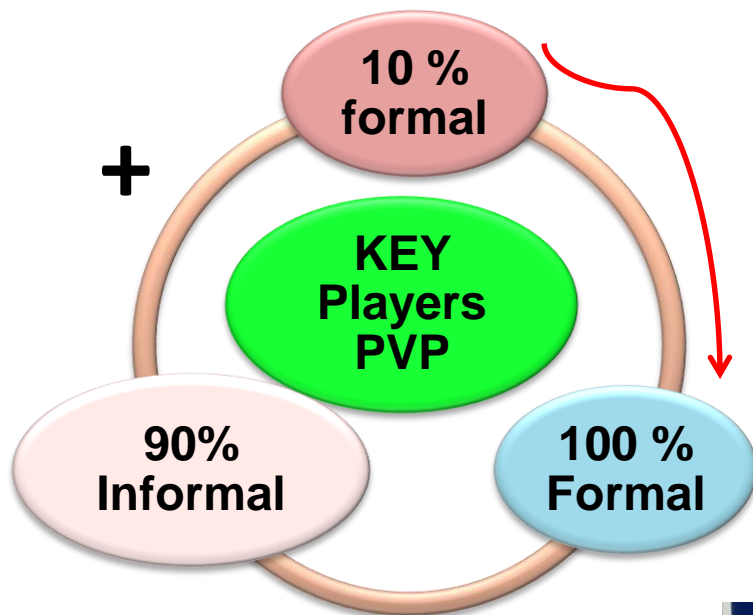




Moving of Seed Industry

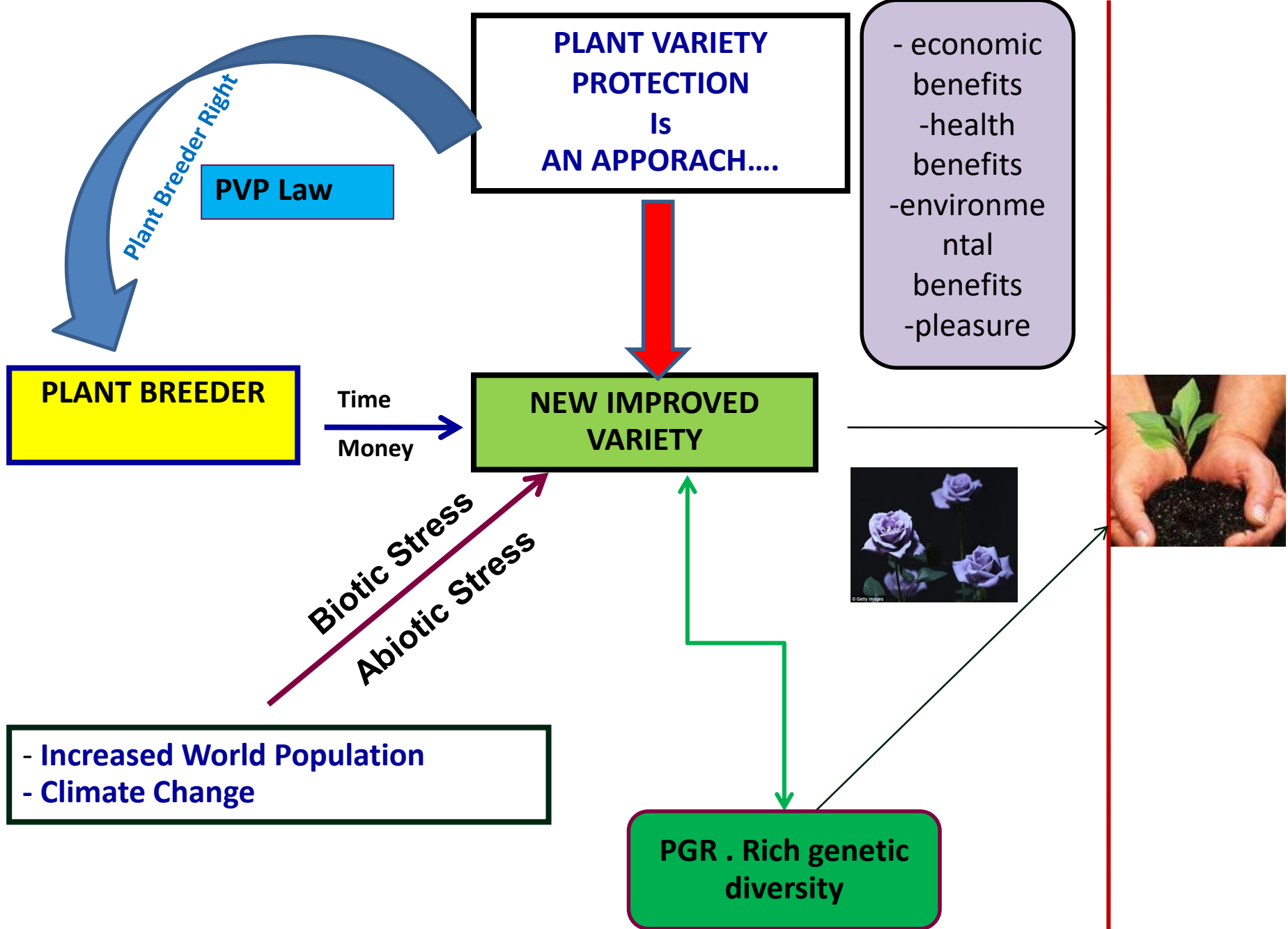


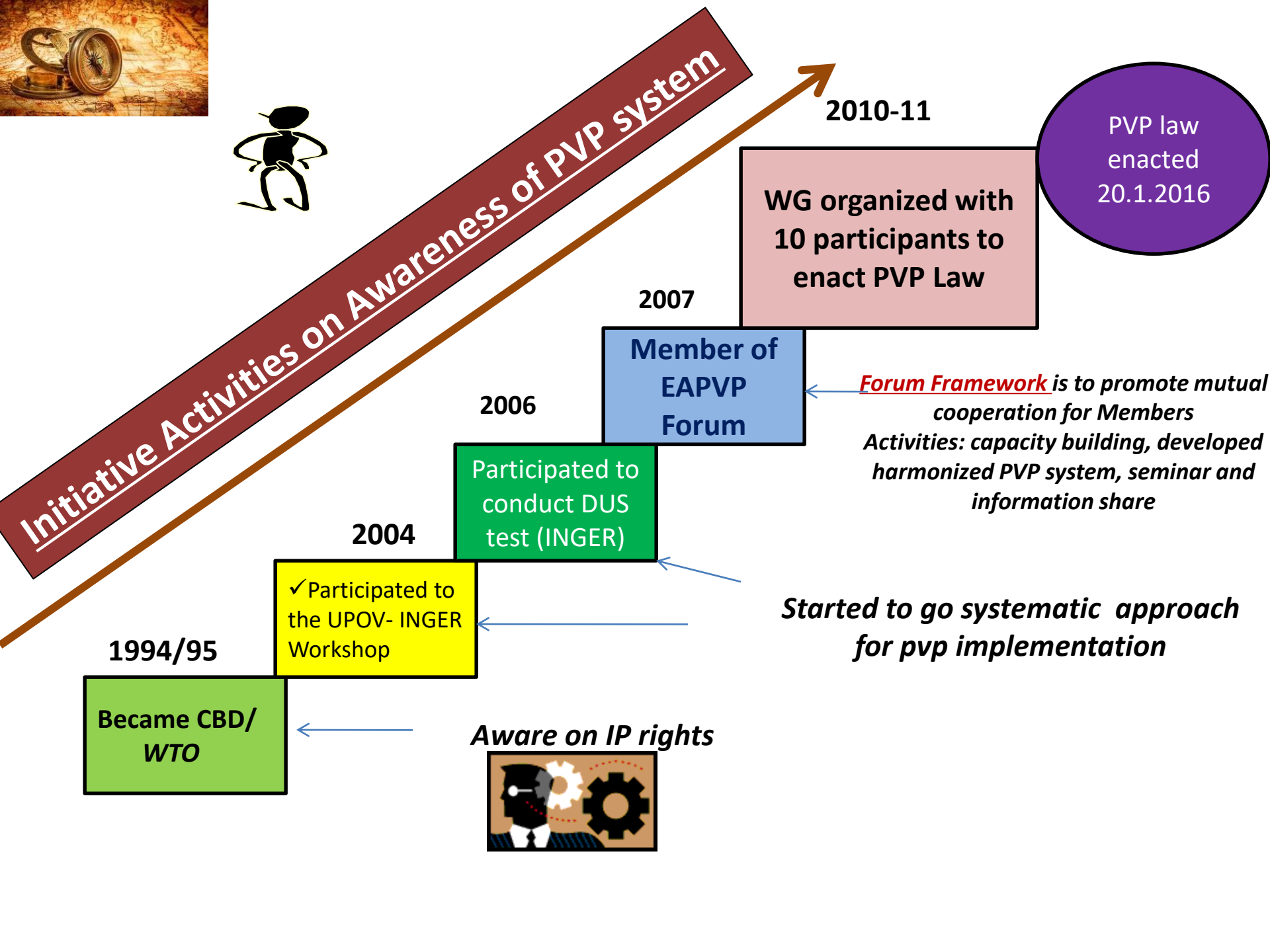
Integrated Seed Sector Development





Past & Present PVP system in Myanmar





Objectives of PVP Law

- to protect the right of the plant breeders
- to develop plant breeding activities
- to improve local and foreign investment in the plant breeding activity
- to assist the development of the agricultural sector by breeding of new plant varieties

The essential requirements to protect as New Plant Variety

The breeder's right shall be granted where the proposed variety for granting of breeder's right is completed with

- ❖ new
- ❖ distinct
- ❖ uniform
- ❖ stable and
- ❖ appropriate denomination according to PVP rules and regulation

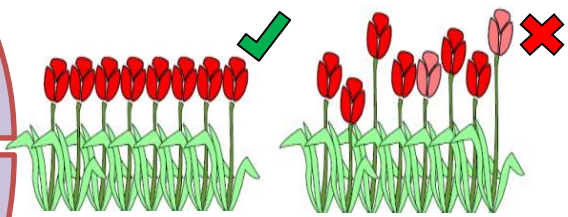
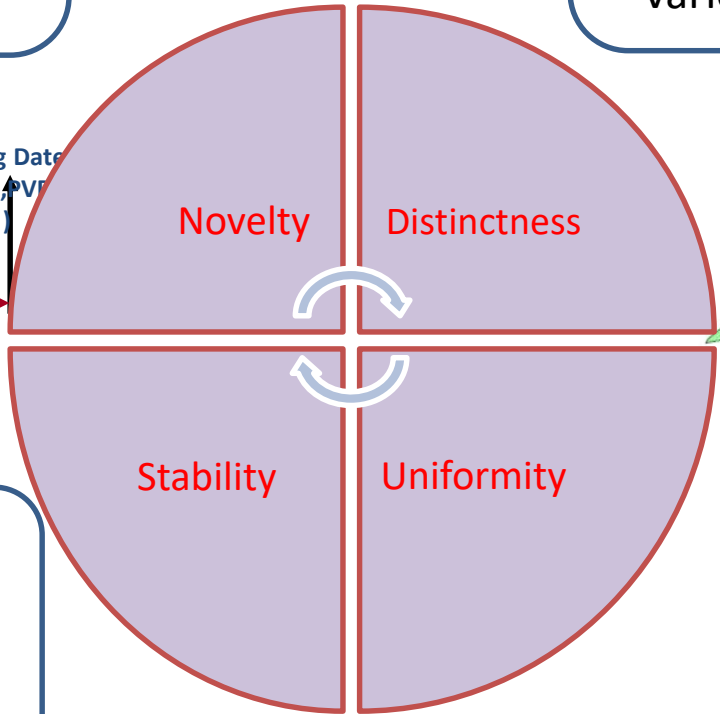
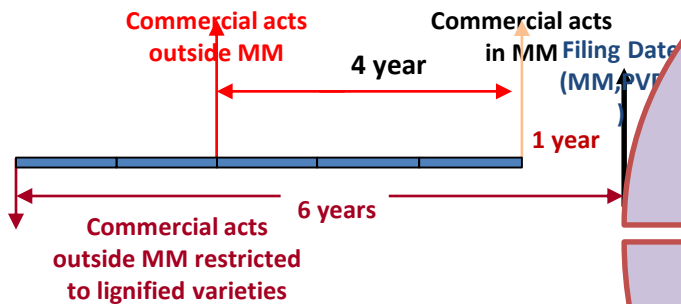
Existing PVP law (acts inline with UPOV)

Criteria for protection:



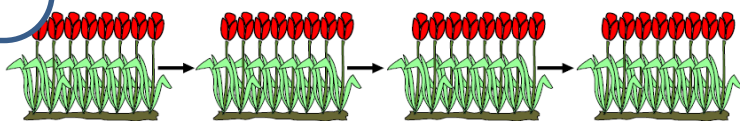
- The variety has not been sold in Myanmar for more than 1 year and elsewhere for 6 years (for trees and vines)
- For more than 4 years in every other case

- The variety is clearly distinguishable in one or more important characteristic from existing varieties



- The variety retains its relevant characteristics over a number of generations

- Show the same expression of that variety's relevant characteristics



Denomination (not in mother law in detail, in be 2nd law)

A person who can apply for Breeder's Right

This Law shall be applied to grant the plant breeder right to

(a) national plant breeders; Definition of Breeder (incomplete)

(b) plant breeders who are foreigners permanently reside within territory of Myanmar and their organizations;

(c) all organizations and individuals of new plant breeding form foreign countries which have been entered into an agreement on the protection of a new plant variety.

Scope of the Breeder's Right

The following acts in respect of the propagating material of the protected variety shall require the authorization of the breeder:

- **production or reproduction,**
- **conditioning for the purpose of propagation,**
- **offering for sale,**
- **Exporting to local and foreign markets,**
- **importing,**
- **storing for the activities of above**

Right of Priority (no in line due to lack of detail mention in mother law)

➤ An applicant of the right of a new plant variety protection shall be entitled to have the priority right provided in the rules if he/she applies a subsequent application for the same new plant variety in Myanmar after applying the right of protection in a foreign country which has been entered into an agreement on a new plant variety protection.

Provisional Right (no in line due to lack of detail mention in mother law)

- granting entitlement of the provisional right of protection in order to exploit such new variety for commercial purposes during the testing period after confirming the application of the right of a new plant variety protection;
- cancellation of the provisional right of protection if the application of the right of protection is invalidated during the period of the provisional right of protection

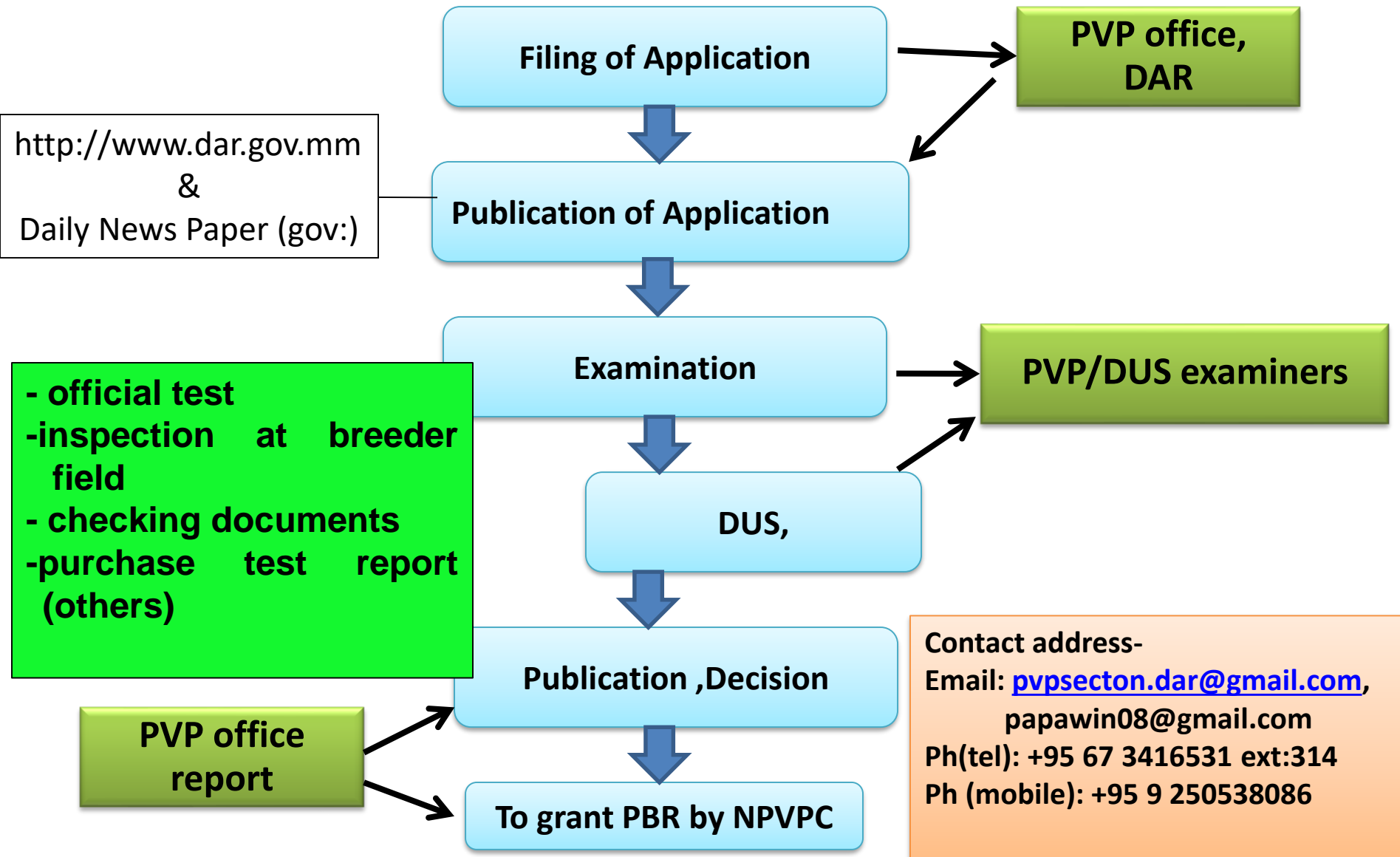
Exceptions to the Breeder's Right

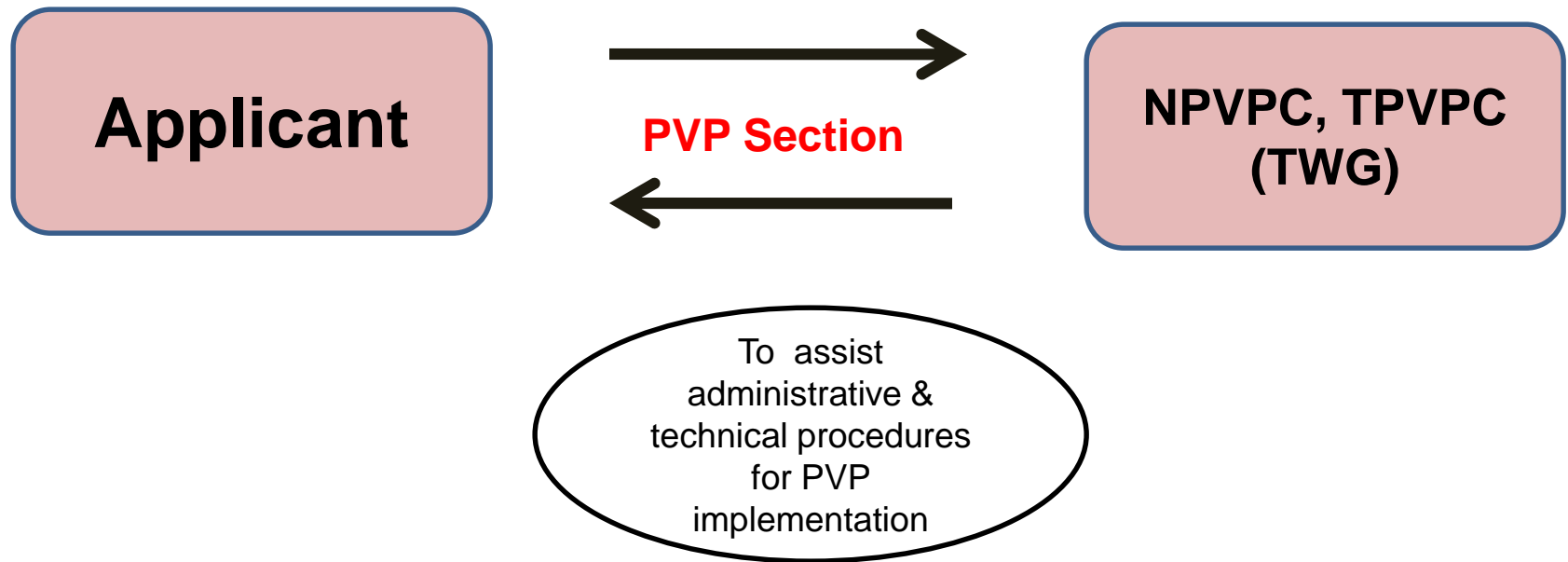
- acts done privately and for non-commercial purposes,
- acts done for experimental purposes and
- exchange of varieties between farmers according to the permitted amount in the rules;
- acts done for the purpose of breeding other varieties, and, except where the provisions of some Article in respect of such other varieties.

Duration of the Breeder's Right

- The breeder's right shall be granted for a period of **20 years** from the date of the grant of the breeder's right. For trees and vines, the said period shall be **25 years** from the said date.

Procedure for application of new variety to get BR





PVPO is not authorized only media/ agent for communication between NPVPC, TPVPC and applicants

Meeting for Plant Breeder Right Application

Blackgram Yezin-7

DUS testing growing at
(20.11.2017)

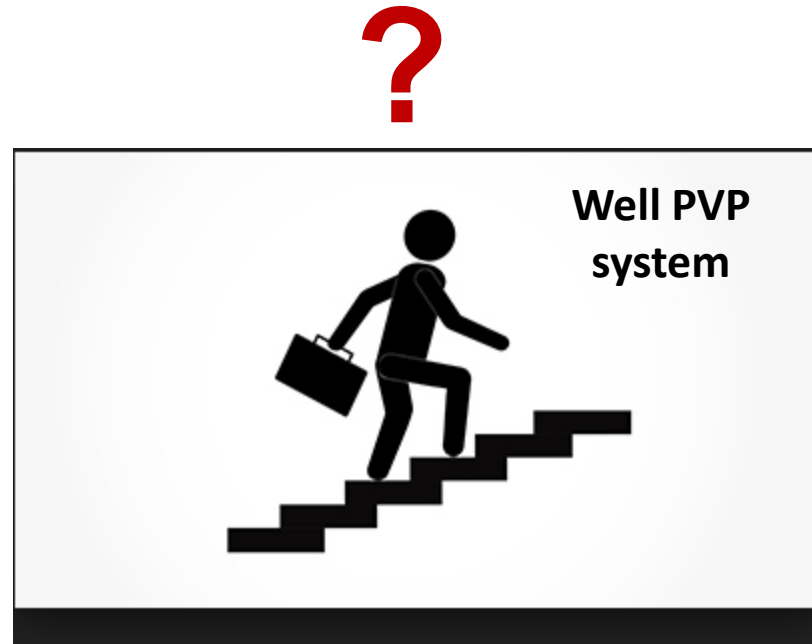
Two hybrid rice varieties





**Future PVP implementation / Expectation of
PVP System well developed**

Which – How model should we run for future seed business (PVP) mechanism in MM to develop National Seed Industry



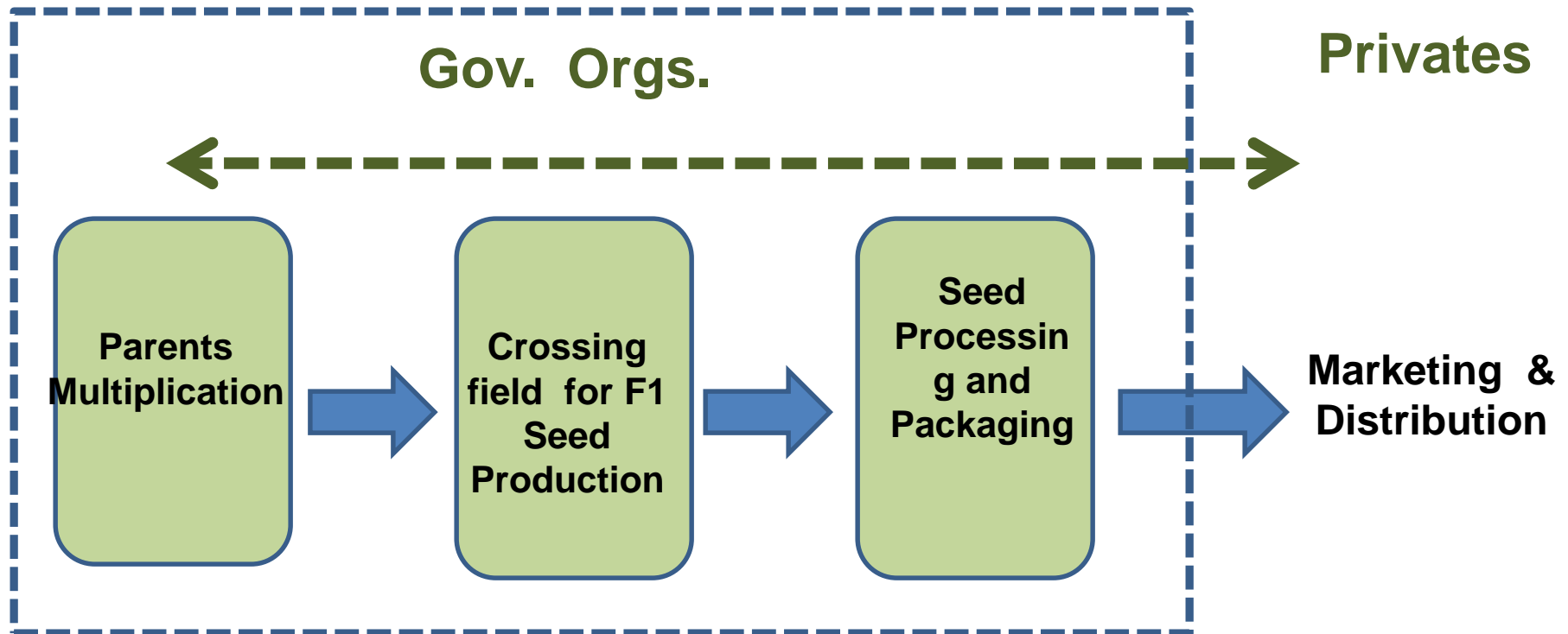
Step - Proposed “Should be COMBINED as ONE UNIT” national registration & PBR granting

Public-private business model to develop formal seed system

- ❖ Market oriented approach through PPP will be implemented to strengthening the seed systems
- ❖ Develop public-private business model on early generation seed (breeder, foundation and registered seed) system
- ❖ Develop demand driven, and professional local seed businesses to scale the seed production and dissemination to the farmers
- ❖ Promote alternative seed quality assurance systems and innovative seed storage systems to increase local availability of quality seed to the farmers.
- ❖ Develop innovative seed marketing system.
- ❖ Strengthen the linkages and collaboration with crop value chain and seed value chain actors through existing platforms and programmes.

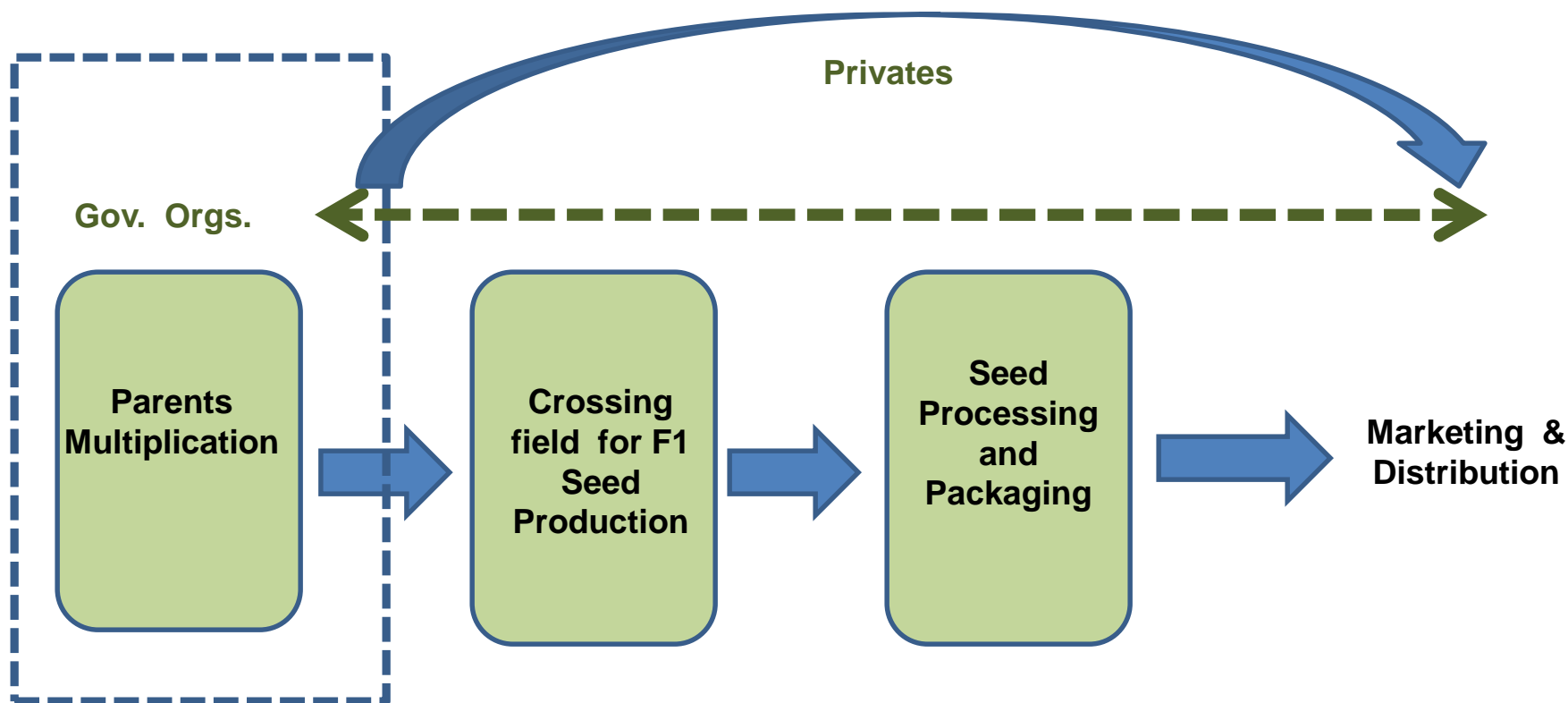
Hybrid Seed Production Partnership Models

Model 1 : Government organization produced hybrid seed and private cooperation for seed distribution



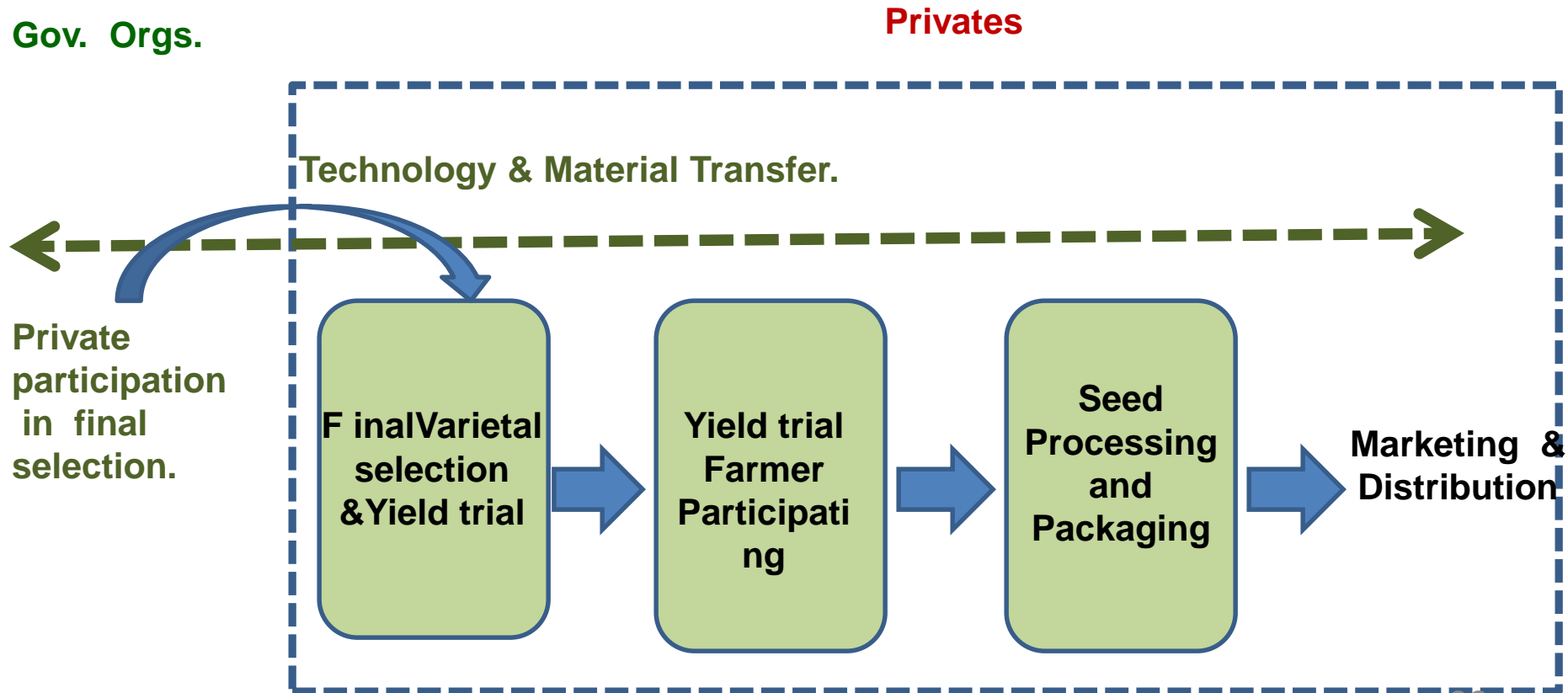
Hybrid Seed Production Partnership Models

Model 2 : Government organization produced for parents' seeds and Private Sector Produced and Distribute hybrid seed

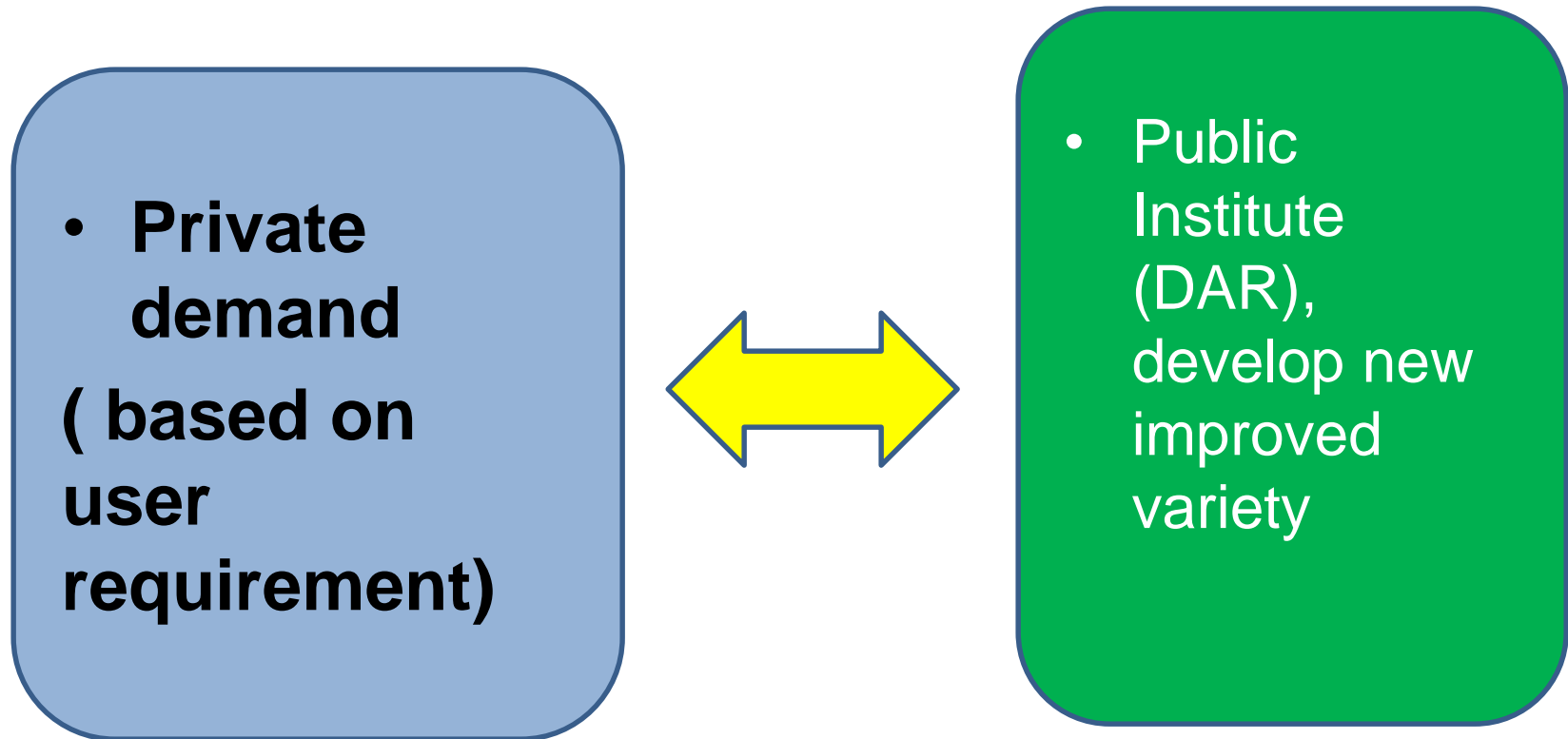


Seed Production Partnership Models

Model 4: Government organization transfer new improved varieties to Private Sector for their seed business under the contract with copy right and royalty fee



Model-5 Seed Production Partnership Models of New Improved Variety



+ + + + Impacts

- ❖ Increased area under improved cultivars
- ❖ Strengthened PPP for quality seed production of crops and increased supply of quality seed to farmers.
- ❖ Nutritional quality of diet improved in the farm families with the consumption of crops
- ❖ Additional income generated by farmers by cultivating improved cultivars
- ❖ Knowledge of farmers on efficient crop/seed management practices improved.
- ❖ Livelihoods of farm families improved through increased access to quality seeds.

For PVP Official Test

👉 **Knowledge sharing within TWG one time per week & assign to do**

👉 *Collection of Reference varieties of main crops*

👉 *Grow-out test & or evaluation of the 10 yrs data of research institute of known varieties for reference varieties and for data base.*

👉 *Training of station staffs on plant variety DUS characterization*

👉 *Continuous orientation of the staff on making data based of (the application procedure, use of UPOV PLUTO data based)*

👉 *PVP Administrative knowledge*

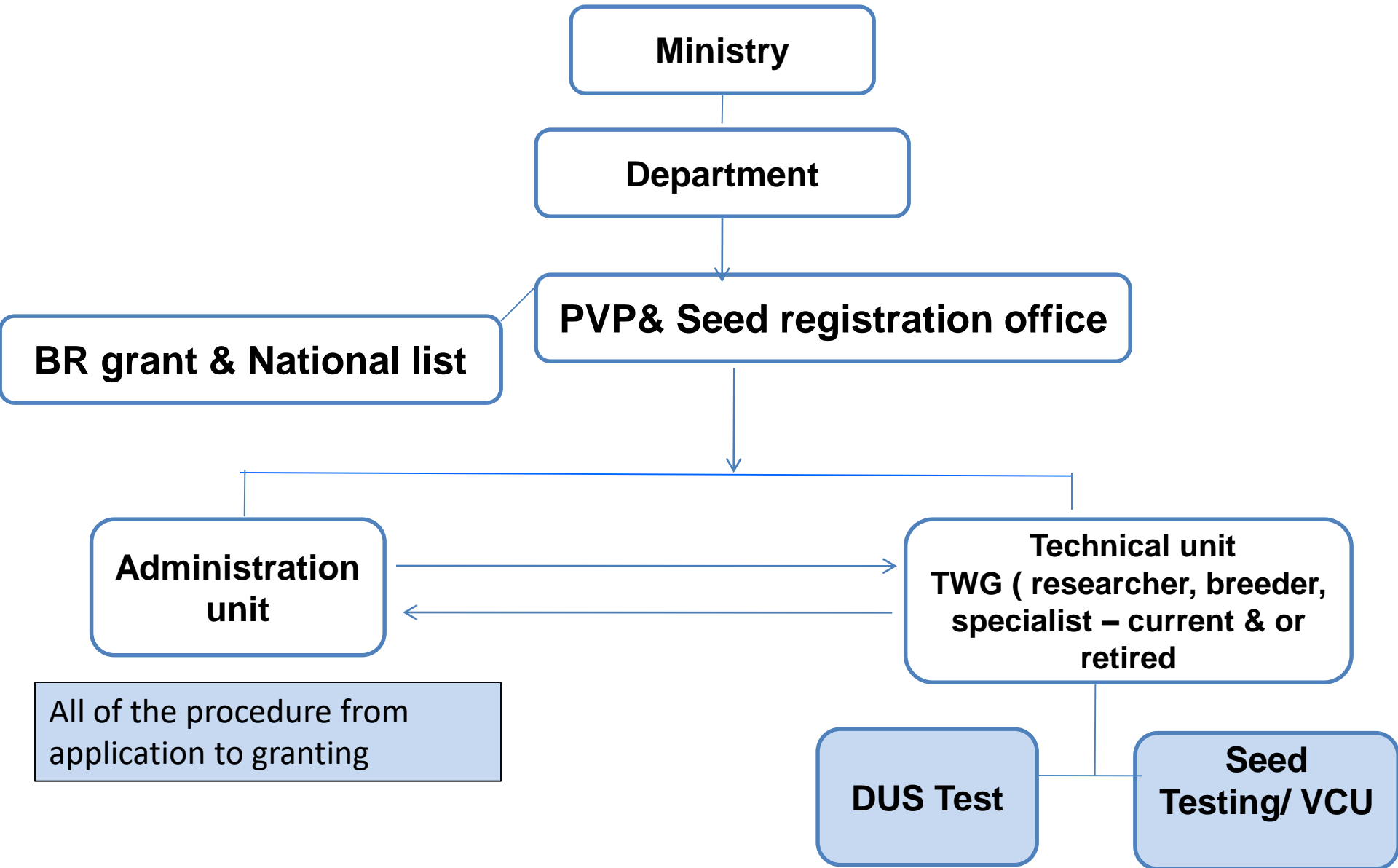
Purchase test report

👉 *participate the related “Project for building regional harmonized PVP mechanism in EASIA”*

Objective of the project:

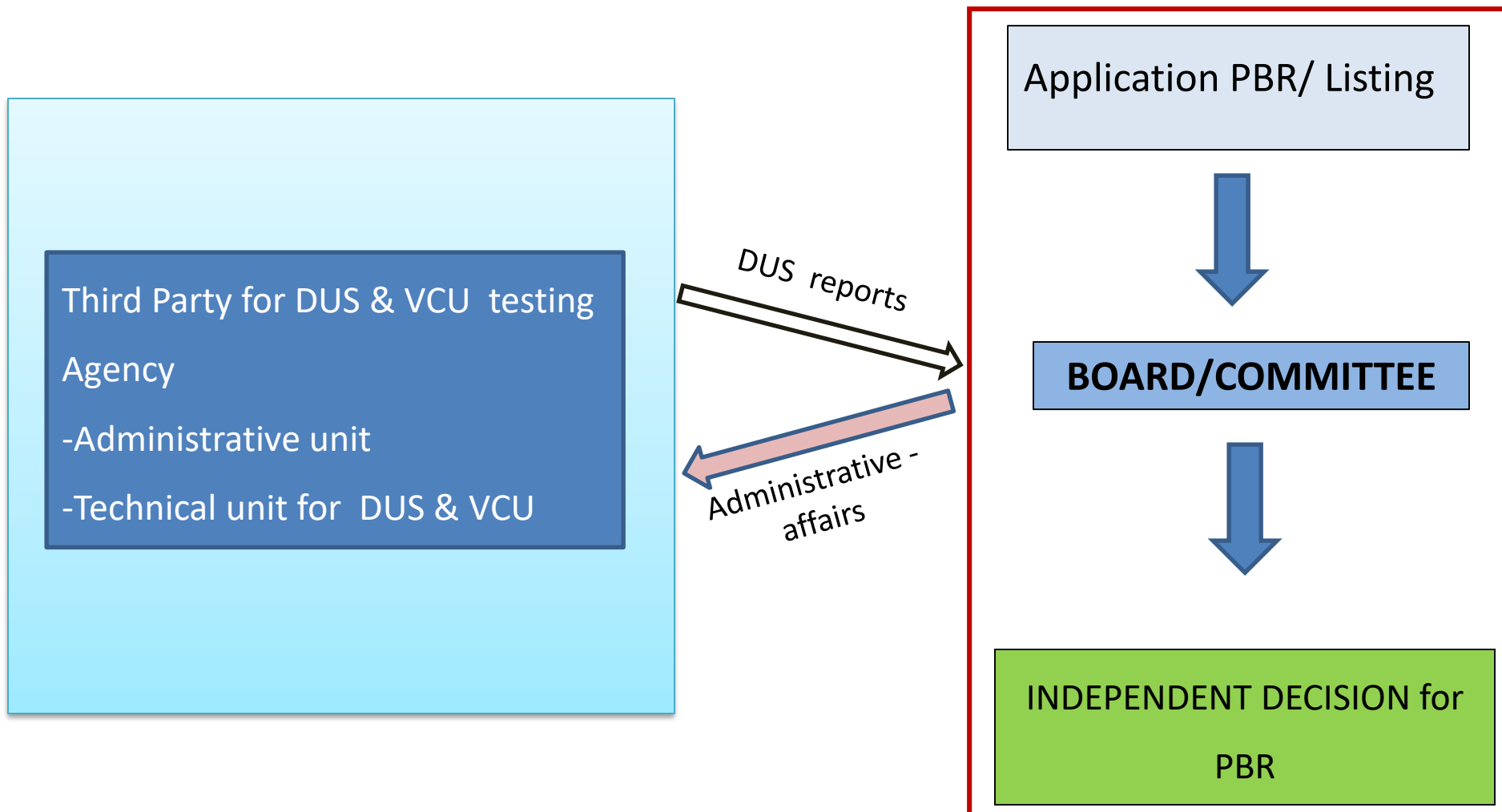
- to reduce the burden of the PVP authority in each country in conducting examination of PVP applications by mutual cooperation and sharing resources among UPOV members, which would demonstrates benefit to become UPOV members, and that inspires non-UPOV nations to become UPOV members.
- to reduce the expenditures (time and finance) on the introduction of prominent varieties
- The EAPVP member countries which have officially committed to join UPOV (Brunei Darussalam, Myanmar and Malaysia). A regionally harmonized PVP mechanism for UPOV members of the EAPVP Forum is established together with National PVPOs.

Model -1 Future PVP Organization Structure in Myanmar



Model - 2 Future PVP Organization Structure in Myanmar

Ministry of Agriculture, Livestock and Irrigation



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

Expectation of PVP law inline with UPOV



➤ **PVP Law Amendment meeting with experts from UPOV, lawyers from UAGO of Myanmar and experts from different Departments at 6.12.2016 & 17.1.2017**





Planned activities (for next 3 years)

2018

“For 2018, objective (1) ”

Preparation and battling to enact the New PVP law not too astray from showing of positive sign at UPOV

Council Meeting 94th session of the Consultative Committee & 41st ordinary session of the Council

through the formal way of Myanmar law enacting channel as much as quick. (only domestic) (from now to enact)

If possible and necessary, it will be carry out the making round table meeting with the UPOV legal council with

Myanmar lawyers, higher level of PVP administrative decision maker and agricultural policy men at September, 2018.



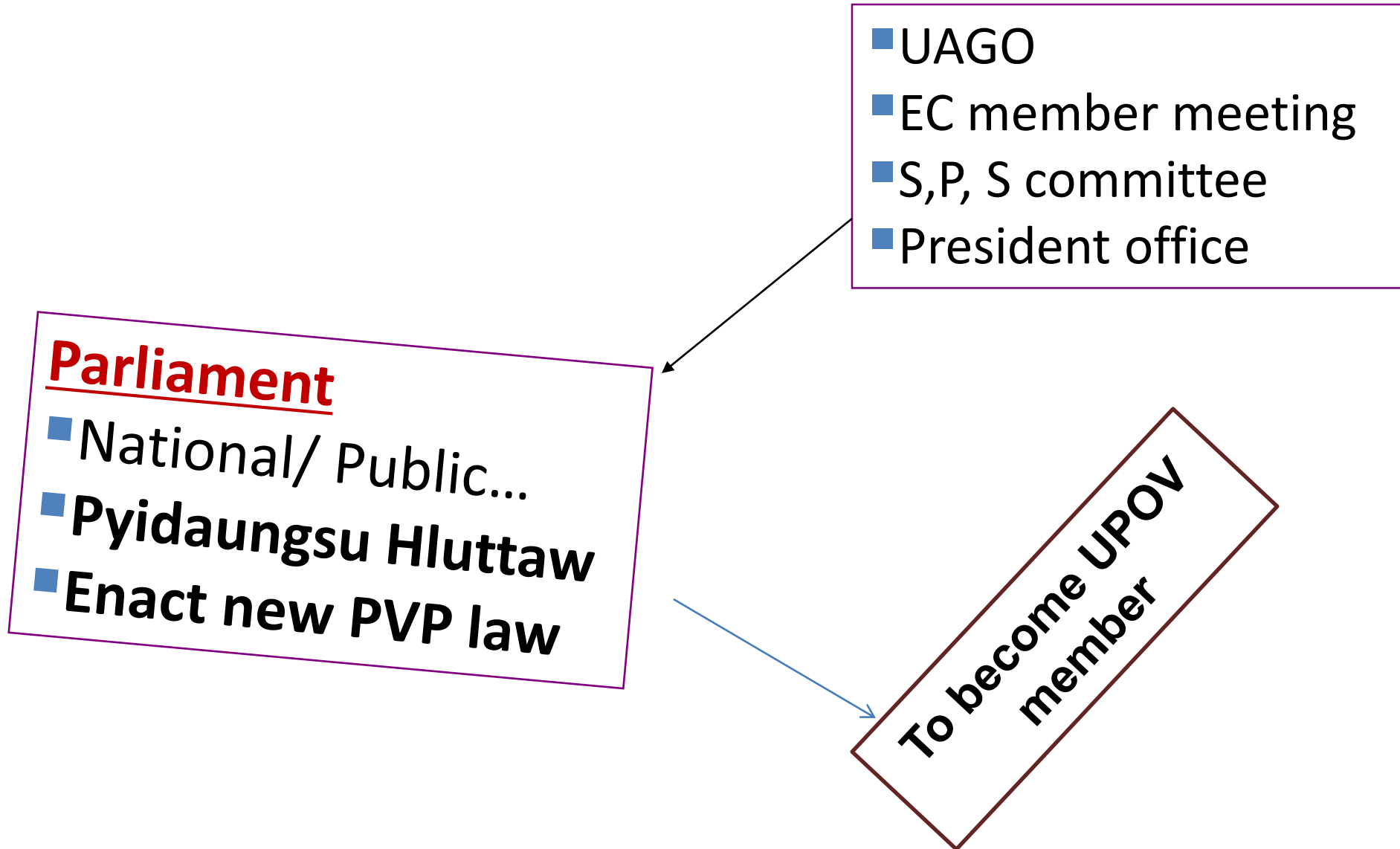
Work Flow of New Law to Enact

- UAGO
- EC member meeting
- S,P, S committee
- President office

Parliament

- National/ Public...
- Pyidaungsu Hluttaw
- Enact new PVP law

To become UPOV
member





Looking to the
way forwards

Future Collaboration Activities ?????? →



LET's KEEP in touch with each other
to construct together good PVP
environment for our society



Thank You & *Welcome from MM*

