

Records of discussions (Q & A)

There were many questions asked by the participants during the Seminar.

Day 3 (Jan 9) Workshop on breeding for new plant varieties and DUS test.

Summary by Zheng Yongqi:

Today, very interesting presentations were made by our breeders from the Netherlands, Japan, and China. Participants have discussed about the breeding of new varieties and the marketing of the new varieties.

The foreign breeders are always focusing market demands, developing and controlling of the market of the new plant varieties. And they also make adequate preparations at the preliminary stage. However, the breeders from China, including those from research institutes and universities, are always considering the division of labor based on specialization in terms of the commercialization chain, research institutes should focus on breeding and industries should focus on marketing and commercialization. And the breeders do the breeding only, as well as the enterprises concern the market.

1. Q:

JIA tao, A research and development manager from a Chinese seeding enterprise named Mingpin Color-leaf Co. Ltd., asked the research and development manager ZHAO Qiangmin from Palm Eco-town Development Co. Ltd, who made the presentation *Breeding for Camellia varieties for all seasons and models for commercialization*.

The question is about the first enterprise founded recently named Zongke, specialized the application, protection, development and utilization of PBR. He asked how the enterprise would do to protect and utilize the PBR, if we two companies cooperate in the future.

A:

“Actually, we noticed the market need for PBR management. Currently there was an increasing demand for specialized company to help breeders to manage their own PBR in China. In the company, there are different teams. We can apply the PBR for you. And we can also help to popularize your new plant varieties. And when your PBR is infringed, our legal team also can engage in a lawsuit! So, the above is the basic of the strategy for the protection and utilization of the PBR.

2. Q: I want to ask the specialists from Japan that, if there are any agents to help breeders for the application of PBR in Japan?

A :

In Japan, there are many good cooperative partners like the agents in China.

My advice is that, maybe you should make a cooperation with a seedling company in Japan. And actually, the Japanese companies always do like this in China.

3. Q: I want to ask the CEO of the Moerheim Roses & Trading India PVT Ltd., India, Theodorus Ruijs. As the owner of company, which is a “century-old shop” and one of the most famous breeding companies in the world, you have mentioned 3 times that the Chinese breeders solve the problems of customers rarely. So, the question is that during the century what problems the plants you company developed have solved?

A: OK. I have an example. We want to see the greens, the plants, the flowers on the ground. But the greenbelt must be renewed every two years. The company developed a variety of Rose, which can be used as the ground cover. And it can be treated by machines instead of manpower. Also, the Rose only need be renewed once in five years. So, I think this example can explain that the company always be a problem solver.

Day 4 (Jan 10) Workshop on PVP policies

Today, the presentations were made by some officials, lawyers from the government and organization including the UPOV, MAFF Japan, MOA of China, SFA of China, USPTO, PVP Office of Vietnam.

1. Q: I found the names of the new plant varieties were bewildering. For example, the first day at the place we visited, many plants in there, we could not distinguish which was NPV. And the name on the tag is also bewildering. So, do you have any advises, when the new plant varieties from western countries are sold in China.

A: Yes, it is. Actually, in essence, the name of new plant varieties in the UPOV system is different from the name of trading, but they can be the same. The name of a product can be protected by Trademark Act, the difference system with UPOV. And the localized name is also prerequisite in many countries. UPOV now is working towards allowing authorities to use their own languages. And also, the trade name will be recipient on the consumer side.

2. Q: I want to ask Ms Wu (From USPTO). If I can do like this, in US? Package together the new plant varieties with the relevant products including the flowerpot, cultivation techniques and so on, as one product. And apply the right for the product.

A: No. You should apply the right singly. In USA, the patent law covers a wide range of areas. And always, the cultivation techniques are really the necessary of NPV, which also should be protected. But, they must apply the right singly.

3. Q: One friend of mine, a breeder of the Peony, has got PBR in China. Can he automatically get the right without application in other country which is the member of UPOV?

A: No! He can't. But not always, it will be depending on the protocol between the two countries. And normally he should apply again. He can make an annotation of the condition, which would make him get the right easily.