



In-country Training Course on TG for Maize organized by
New Plant Variety Protection Section, Department of Agricultural Research (DAR),
Ministry of Agriculture, Livestock and Irrigation, Myanmar
in cooperation with
Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan



PVP system in Myanmar

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22.1.2018



Introduction

- Agriculture-based country

➔ Agriculture sector is the backbone of its economy

Statistics: Agriculture in Myanmar

(2013-2014)

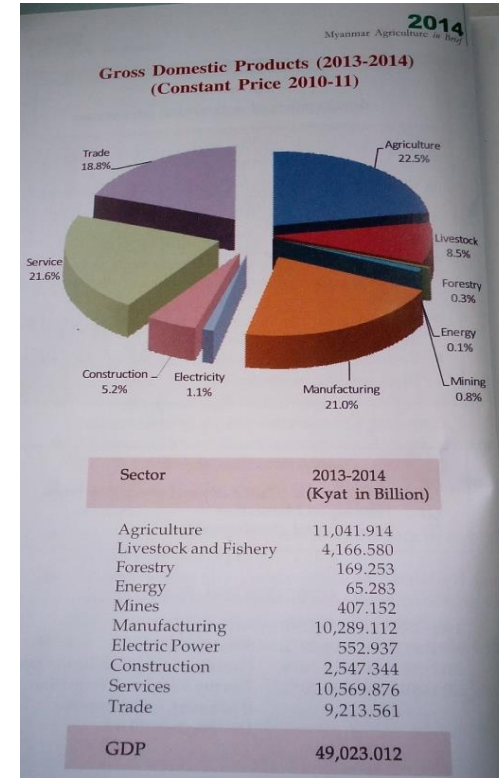
- ❖ GDP: 30%
- ❖ Total export earning :13.7%
- ❖ Employs labour force 61.2%

➔ 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

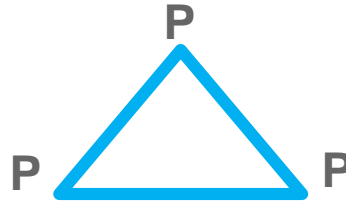
❖ **MOALI** ➔ **mainly Responsible**

↓
12 Depts:

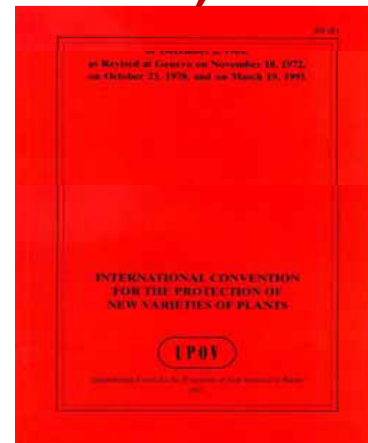
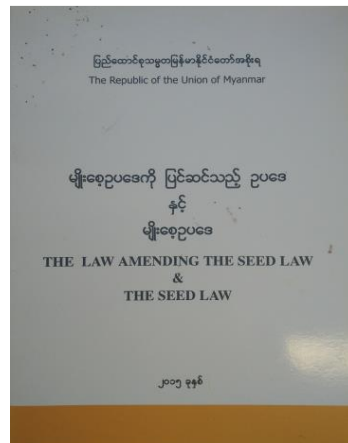
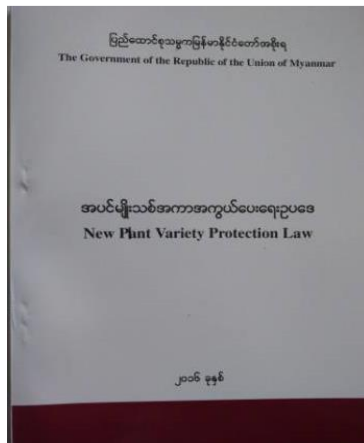


National Seed Industry - (PVP system)

- ✚ **Ver** **What is PVP? How to relate with the** **ar.**
- ✚ **So,** **development and utilization of New Plant** **with local and**
- ✚ **fore** **Variety for our society.**
- ✚ At present, the seed industry is leading role in government sector.
- ✚ Not enough (eg: about 10% of rice growing fields covered by formal seed system)
- ✚ **Informal seed system**



➔ Now, government sector is encouraging private companies for increasing crop production through the control of systematic approach under **Related Laws (Seed Law, PVP law)**



(PGRFA) -the part of the world's biological under the provisions of (CBD), special recognition within the framework of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGFRA)

- ◆ **Member of CBD (1994)**
- ◆ **Member of WTO (1995)**
 - bound to TRIPs Agreement



Rich of Myanmar genetic diversity is protected by
SMTA

Member of the East Asia PVP forum

- Not yet UPOV Membership
- Preparation Period of New Plant Variety Protection Law enacted at 20.1.2016

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**New Plant Variety Protection (PVP) law
enacted at 20th January 2016 by
Pyitaungsu Parliament Law No.15 and
enforced at 20th January 2017**



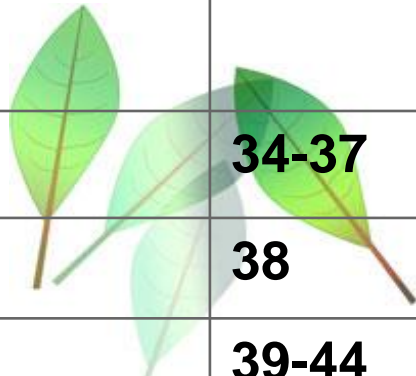
New Plant Variety Protection Law

- **Chapters (10)**
- **Articles(44)**



New Plant Variety Protection Law (draft)

<u>Chapters</u>	<u>Subjects</u>	<u>Articles</u>
Chapter -1	Title and Definition	1-2
Chapter -2	Objectives	3
Chapter -3	Formation of the National Plant Variety Protection Committee	4-6
Chapter -4	Functions and Duties of Committee	7-9
Chapter -5	The condition to grant the plant breeder right	10-14
Chapter -6	The application of new plant variety for the grant of the plant breeder 's right	15-22
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Chapter -9	Offences and Penalties	38
Chapter -10	Miscellaneous	39-44



Objectives of PVP Law

- **to protect the right of the plant breeders**
- **to develop the activities of plant breeding**
- **to contribute the more investments in plant breeding by local and foreign**
- **to assist the agricultural sector by producing and cultivation of the new improved varieties**



The main contents in PVP law



The plants to be protected by Myanmar PVP law

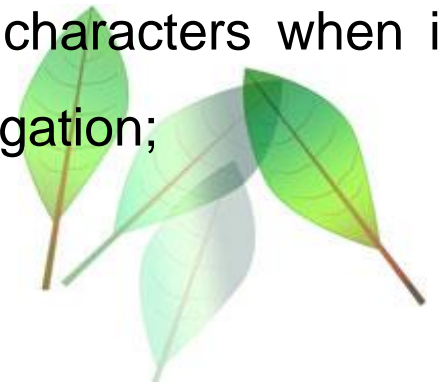
- **“Plant” means any living organism in the plant kingdom but excludes any micro-organism;**



Some definitions of PVP law

“variety” means a plant grouping within a single botanical taxon of the lowest known rank, which grouping, irrespective of whether the conditions for the grant of a breeder’s right are fully met, can be defined by the expression of the characteristics resulting from a given genotype or combination of genotypes, distinguished from any other plant grouping by the expression of at least one of the said characteristics and considered as a unit with regard to its suitability for being propagated unchanged;

“new plant variety” means the variety which expresses at least one characteristic and feature from the existing variety, reveals uniformity in characters when it is cultivated and there is no change in characters through propagation;



“breeder” means

- a. the person who bred, or discovered and developed, a variety,
- b. the person who is the employer of the aforementioned person under sub paragraph (3-a)
- c. the successor in title of the (first or second) aforementioned person under sub paragraph (3-a) and (3-b), as the case may be;

“breeder’s right” means the right of the breeder provided for in this Law;

“recognition certificate” means the certificate issued under this Law recognizing to produce or to introduce new plant variety;



The essential requirements to grant 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**



- **Novelty**

The variety shall be deemed to be new if, at the date of filing of the application for a breeder's right, propagating or harvested material of the variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder, for purposes of exploitation of the variety in the territory of the Republic of the Union of Myanmar earlier than **one year** before the date of filing of the application and in a territory other than that of the Republic of the Union of Myanmar earlier than **four years** or, in the case of trees or of vines, earlier than **six years** before the said date.

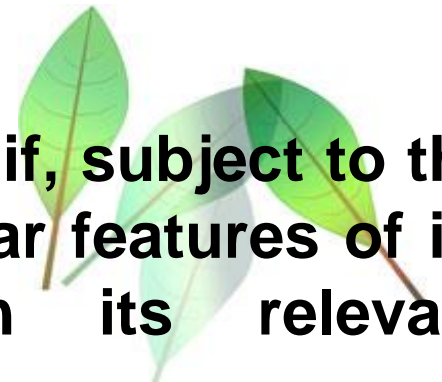


➤ Distinctness

The variety shall be deemed to be distinct if it is clearly distinguished from any other variety whose existence is a matter of common knowledge at the time of the filing of the application. In particular, the filing of an application for the granting of a breeder's right or for the entering of another variety in an official register of varieties, in any country, shall be deemed to render that other variety a matter of common knowledge from the date of the application, provided that the application leads to the granting of a breeders' right or to the entering of the said other variety in the official register of varieties, as the case may be.

➤ Uniformity

The variety shall be deemed to be uniform if, subject to the variation that may be expected from the particular features of its propagation, it is sufficiently uniform in its relevant characteristics.



➤ Stability

The variety shall be deemed to be stable if its relevant characteristics remain unchanged after repeated propagation or, in the case of a particular cycle of propagation, at the end of each such cycle.

➤ Denomination

the breeder's right shall be granted where the proposed variety for granting of breeder's right is completed with the conditions of denomination regarding PVP rules and regulations



A person who can apply for the Grant of the Breeder's Right

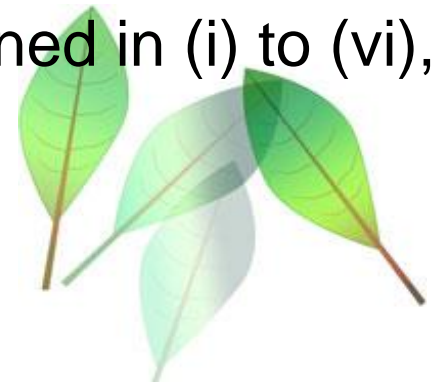
- This Law shall be applied to grant the plant breeder right to National or Organizations and individuals of foreign countries which enter into agreements on the protection of plant variety with the Republic of the Union of Myanmar, and foreign organizations and individuals which register a **permanent residence in Myanmar.**



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:

- (i) production or reproduction (multiplication)
- (ii) conditioning for the purpose of propagation,
- (iii) offering for sale,
- (iv) selling or other marketing,
- (v) exporting,
- (vi) importing,
- (vii) stocking for any of the purposes mentioned in (i) to (vi), above.



Exceptions to the Breeder's Right

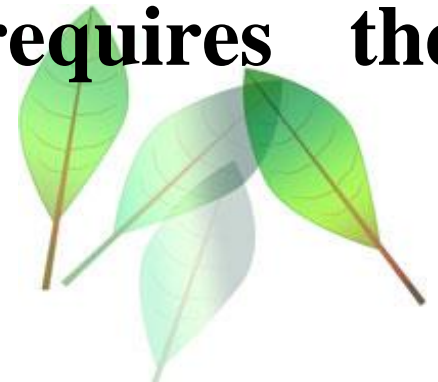
The breeder's right shall not extend in the following conditions:

- **acts done privately and for non-commercial purposes,**
- **acts done for experimental purposes and**
- **seeds exchange among farmers**
- **acts done for the purpose of breeding other varieties, and, except where the provisions of some Article in respect of such other varieties.**



The previous articles shall also apply in relation to following varieties

- **(i) varieties which are essentially derived from the protected variety, where the protected variety is not itself an essentially derived variety,**
- **(ii) varieties which are not clearly distinguishable in accordance with Article 11,12&13 from the protected variety and**
- **(iii) varieties whose production requires the repeated use of the protected variety.**



Right of priority

An applicant for a breeder's right of a new plant variety shall enjoy the right of priority for a period of twelve months from the date of filing of the first application 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 or intergovernmental organization which has entered with Myanmar into agreement on plant variety protection. The day of filing shall not be included in the latter period.

(within 3 months after initiation of PR application)



Provisional protection

Provisional protection is provided to safeguard the interests of the breeder during the period between the publication of the application and the grant of that right;



Exhaustion of the Breeder's Right

The Breeder's Right shall not extend to acts concerning any material of the protected variety such that;

- **Essentially Derive Variety**
- **The variety which can't be distinguish easily from protected variety.**
- **The variety which can be produced if it is need the protected variety repeat.**



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.

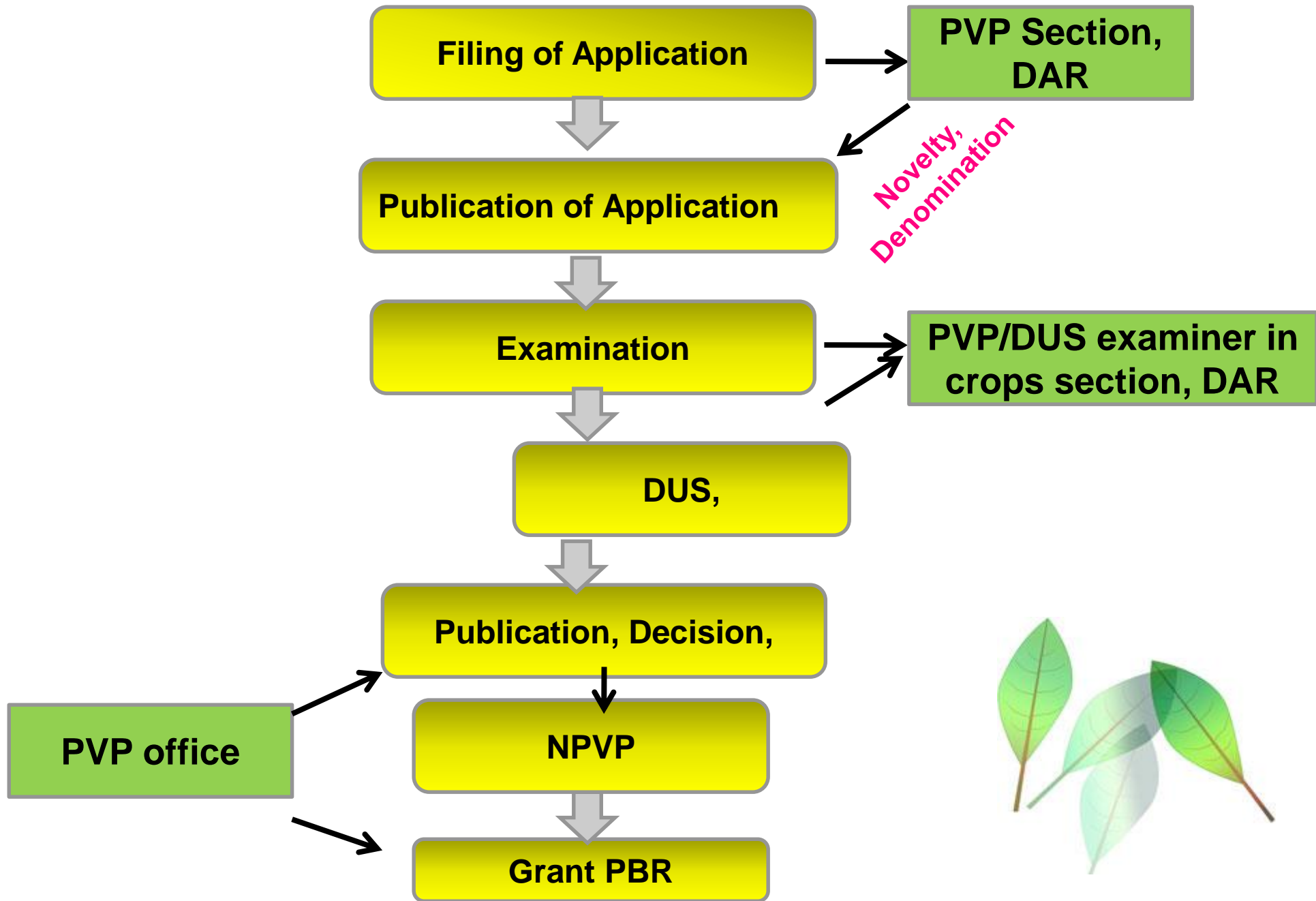


Offences and Penalties

- **Imprisonment – 6 months- 3 years**
- **Fine – 10,00000-50,00000 kyats**



The Procedure for the application of new variety to get Breeder Right



Seed Law's Objectives

- to assist the development of agricultural sector of the State by cultivating and producing crops using pure seed;
- to enable to carry out the seed business commercially and to carry out such business systematically;
- to encourage for enabling participation in seed production and carrying out seed research of the Government departments, organizations and individuals;
- to enable the Government departments, organizations, international organizations, internal and external organization and individuals to co-operate for the development of seed business.



Similarity of PVP and Seed Law

- **To assist the well running of the National Seed Industry in healthy and expanding**



PVP Law

- **To grant the plant breeder's right to protect the new improved variety**
- **Under PVP Law, PVP system it should have DUS examiners and stations to run PVP system well.**
- **PVP making sure breeders get sufficient fund by collecting royalty to creating more and more superior variety (seed and planting material) for the good sake of agriculture industry.**
- **Under PVP, plant breeder's right is given and with the right the breeding company or individual breeder obtains the special right to do the reproduction, conditioning, marketing, import, export and stocking of the seed and planting**

Seed Law

- To make the produced seed and planting materials are true to type and up to certain level of quality**
- Under seed Law, it should have Seed Inspector and Seed Lab to run seed business well.**
- Seed law is to making sure consumers obtain good quality of seed (either common variety or new variety)**
- Under seed law, who can get seed business commercially.**

THANK YOU

PVP FOR DEVELOPMENT OF THE SEED MARKET IN MYANMAR.

