

The impact of Plant Variety Protection in France

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Importance of R&D in the French seed sector

- The seed industry is a genuine gold nugget for France- a world leader in terms of production and exports with sales over 3billions euros.
- It is hugely innovative: with 13% of total sales invested in research (comparable to the pharmaceutical industry) it delivers more than 600 new varieties every year in the country.
- Variety turnover is dynamic, with an average lifetime of two to six years for major crops.



Legislation

France has a breeders' rights legislation since 1970

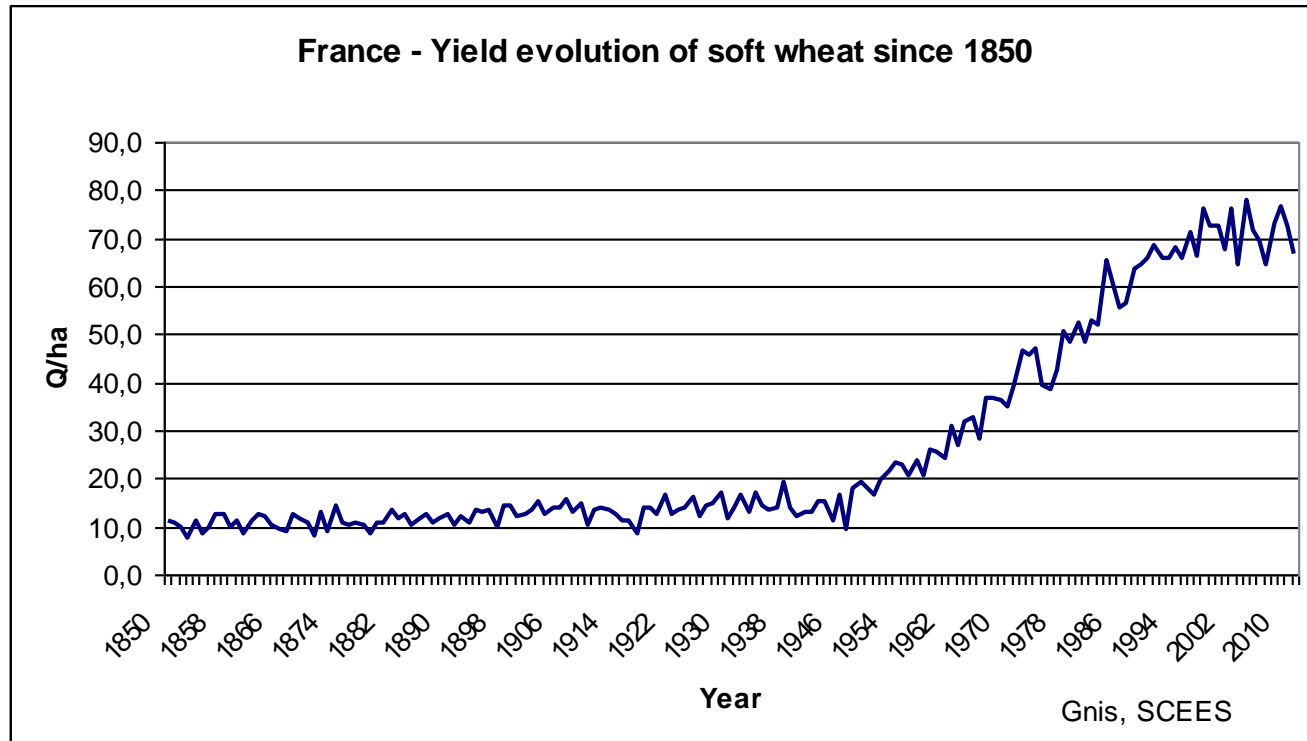
The breeding exemption is the corner stone of genetic progress : for example a study showed that the genealogy of the 8 most cultivated varieties of wheat includes 70 % of protected inbred lines of other breeders



Wheat example

Results are clear :

In wheat 265 varieties were registered in 2006 and 345 in 2016





Research and innovation

131 research station

71 breeders (*53 % from France*)

6 300 varieties – 150 species

1 250 licensees (*60 % in France*)

10 000 license agreements

± 100 million euros (*royalties + FSS remuneration*)

Budget for research (2016): 395 M€

- 13% of the companies turnover
- more than 600 new varieties registered on the list of the Official Catalog each year



New varieties and available diversity for main species in 2016

	Number of varieties registered on the French catalog	Number of new varieties for 2016
Sugar beet	343	36
Cereals and Protein plants	696	105
Forrage crops	967	59
Corn and Sorghum	1094	97
Oil seeds	792	51
Potatoes	212	16
Vegetables	3797	194



Plant variety protection in France

- **In France**, 2 regulations for the plant variety protection are in force :

European protection	National protection
<u>Regulation 2100/94 (CE) of 27 July 1994</u>	<u>Laws of the 1st mars 2006 and 8th december 2011 adopted in the Intellectual Property Code</u>
Conform to the UPOV convention of 1991	Conform to the UPOV convention of 1991





Plant variety protection in the EU

- PVP according to the UPOV convention is the only one system in Europe
- European PVP is a balanced system : a legal protection for the breeder but a free availability for breeding and research purposes activities

	European PVP	Patent
Breeding	Free availability « <i>Breeding exemption</i> »	Impossibility
Experimentation without production	Free availability	Impossibility
Propagating the variety without marketing purposes and within a private or family framework	Free availability	Free availability
Using farm saved seeds of a protected variety by a farmer on his own holding	Possibility under regulated conditions « farmer's exemption »	Impossibility



1991 UPOV convention adoption

A new law in France in 2011

The last act of 1991 introduces several new points in the UPOV convention :

- Only bred varieties protected; not discovered and developed
- Add of 5 supplementary years to the duration of the protection
- Concept of the essentially derived variety
- Possibility in a regulated framework for a farmer to use farm saved seeds from protected varieties for some plant species



Farm saved seeds before 2011

1. France has no farm saved seeds exemption
2. Farm save seeds are forbidden but use of farm saved seeds still exists
3. The rate of farm saved seeds are the following :
 - Soft wheat 46 %
 - Rape seed 25 %
 - Barley 39%
 - Potatoes plants 15%
4. That's why a new law was passed

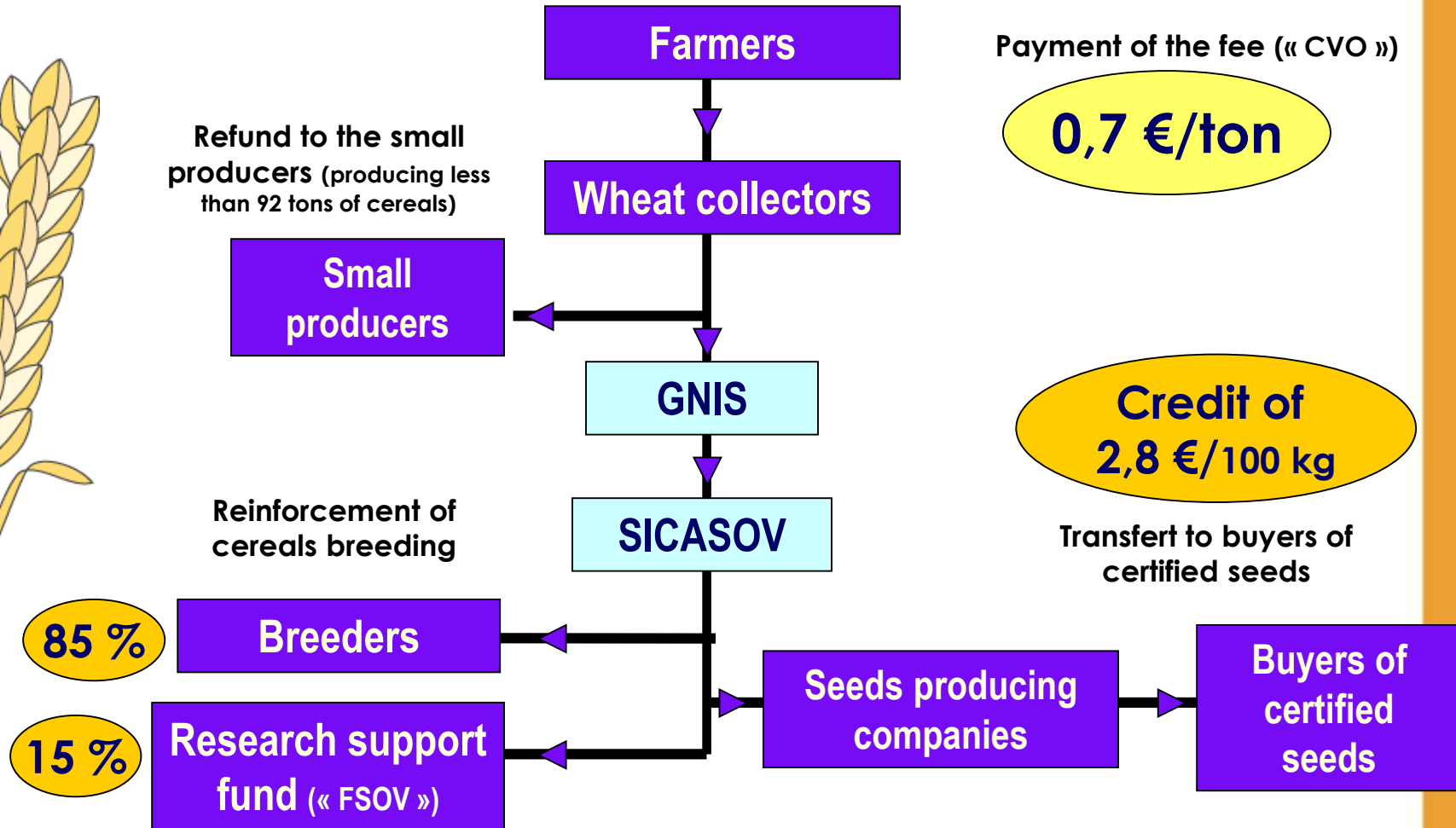


The farm saved seeds provision

- Farmers may use on their own holdings seeds of protected varieties produced on their own holdings
- Possible for more than 21 species for which farm save seed is traditional
- Possible if a payment is done on FSS to the breeder of the variety used. The minimum is 50% of the royalties on certified seeds.
- This payment may be done through :
 - a direct contractual agreement between farmers and breeders
 - A collective agreement between group of farmers and group of breeders or a single breeder
 - A special general agreement through GNIS (with is actually the preferred choice of farmers' trade-unions)



The French agreement on farm saved seeds for cereals



THANK YOU FOR YOUR ATTENTION !

*Contact : François Burgaud
Email : francois.burgaud@gnis.fr*

Web site : <http://www.gnis.fr>

