

Introduction to the UPOV system

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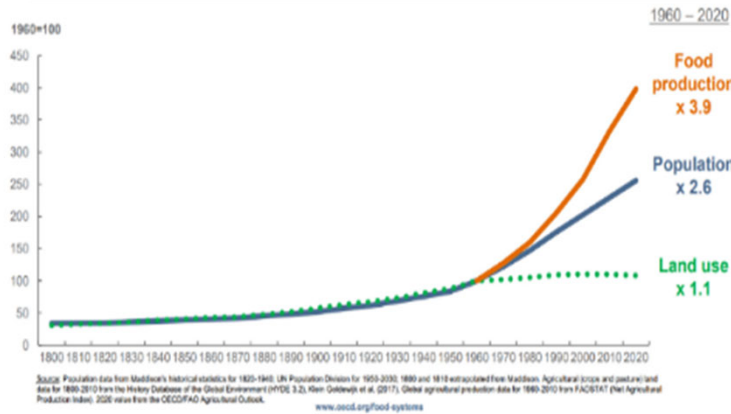
OVERVIEW

- **The Context**
- Why UPOV
- UPOV Convention
- Other Treaties



The context

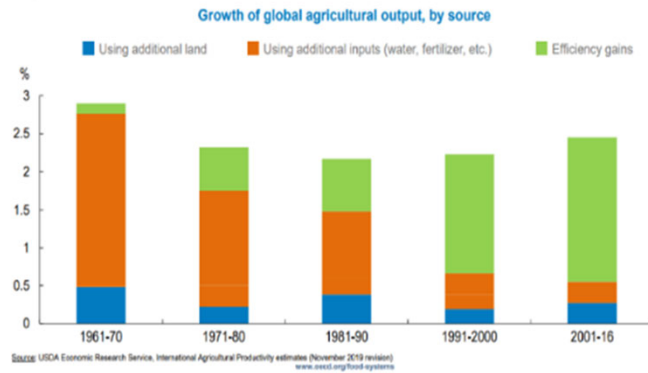
Historically, greater food production meant greater land use; but there has been a "decoupling" since about 1960



Source: Koehn Decoupling Food Systems Webinar, OECD Trade and Agriculture Directorate

How to produce more and better with less

This "decoupling" was initially driven by greater use of inputs, but production growth increasingly comes from efficiency gains



Source: Koehn Decoupling Food Systems Webinar, OECD Trade and Agriculture Directorate

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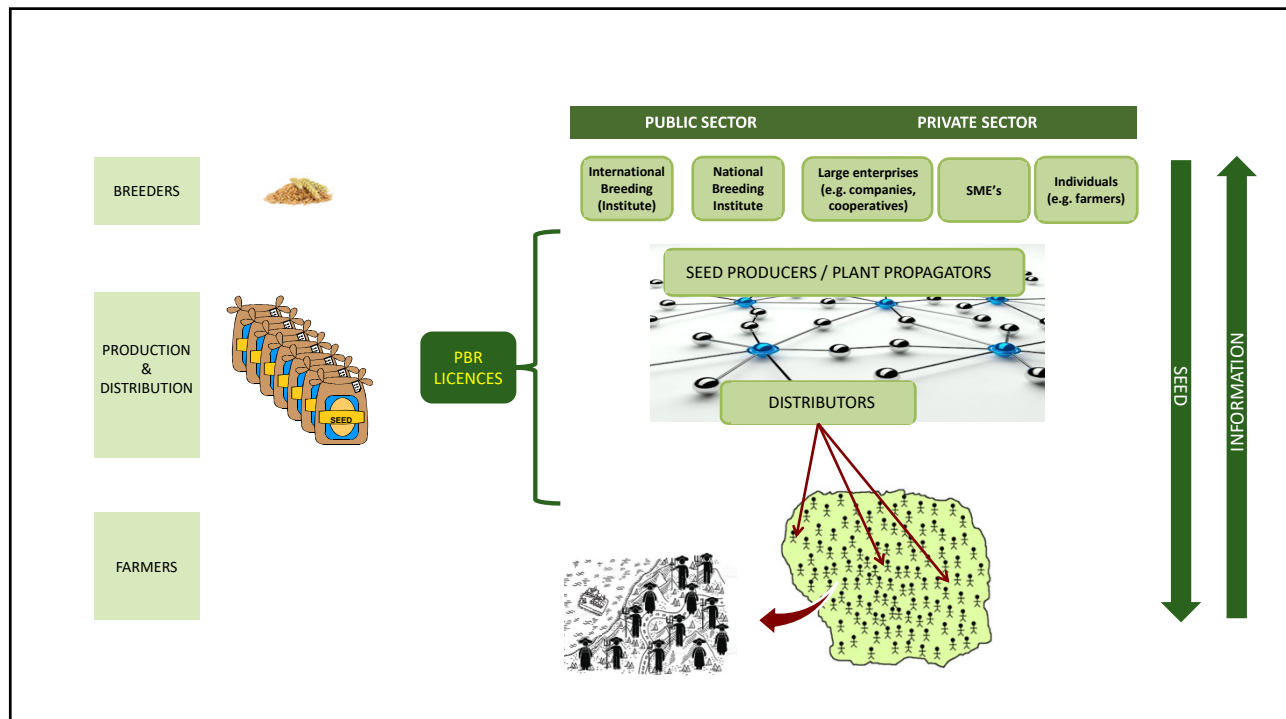
UPOV MISSION STATEMENT

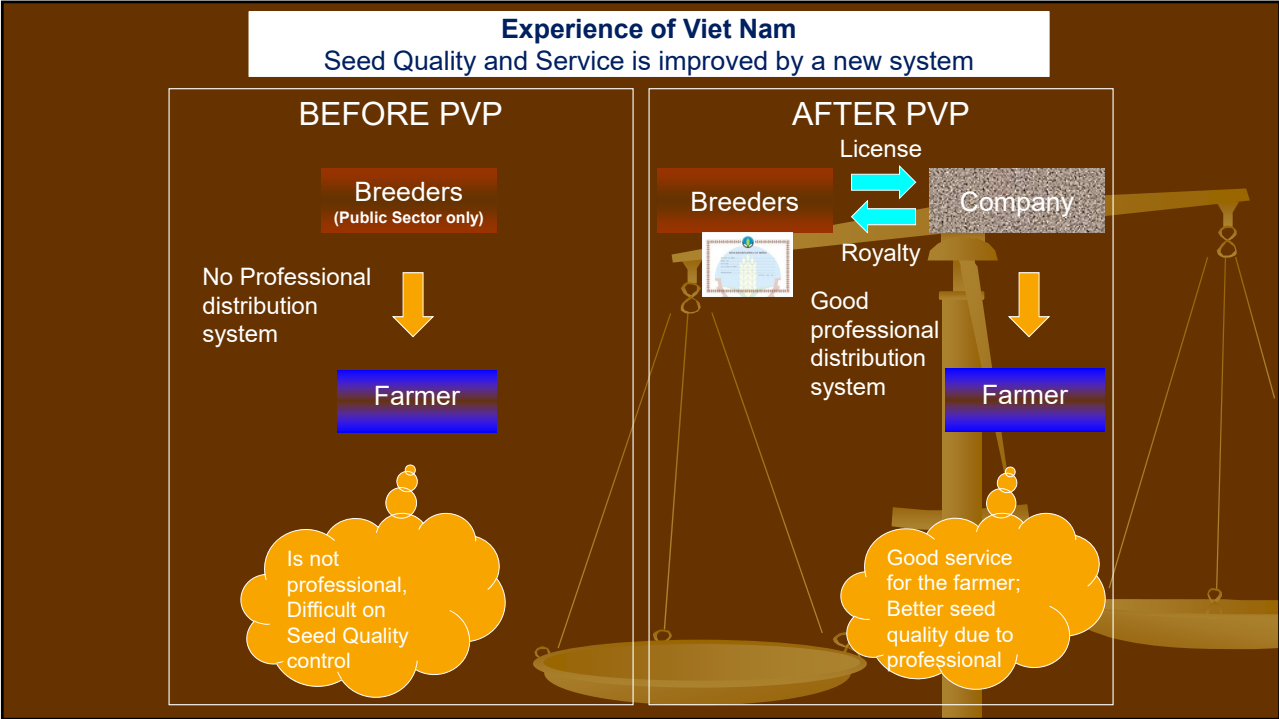
“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”

What are the challenges in encouraging investment in plant breeding?

- **identify** important variety characteristics
- **secure resources to breed** varieties with those characteristics
- **deliver** them to farmers and growers

UPOV's role: Policy dialogues for harmonization, enhancing cooperation in examination, facilitating the examination (UPOV PRISMA, UPOV e-PVP), effective commercialization and enforcement





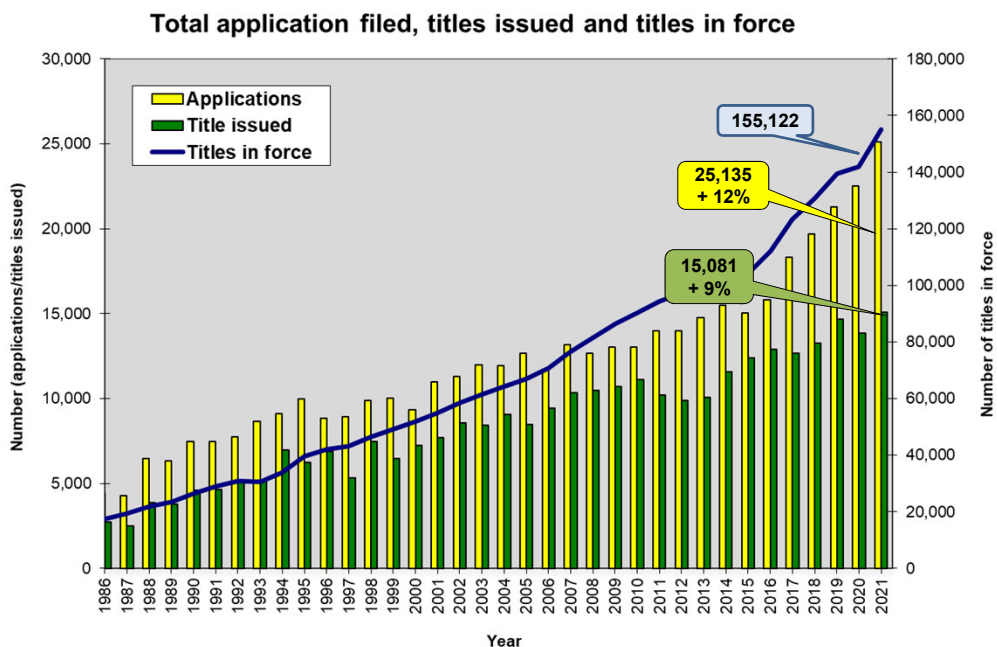
Why is effective PVP and UPOV membership important?

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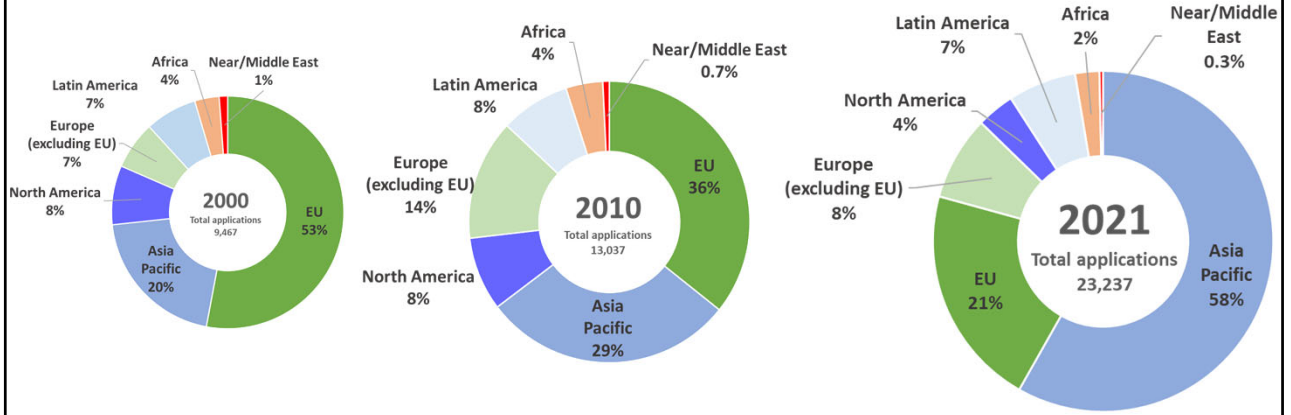
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Effective PVP and UPOV membership plays a key role in:

- ensuring global food security and supply and protecting the environment
- bringing quality of life in
 - rural areas: job and SMEs creation (youth), more access to goods/services/education
 - cities: more choices of nutritious food/beautiful flowers at affordable prices, “green cities”

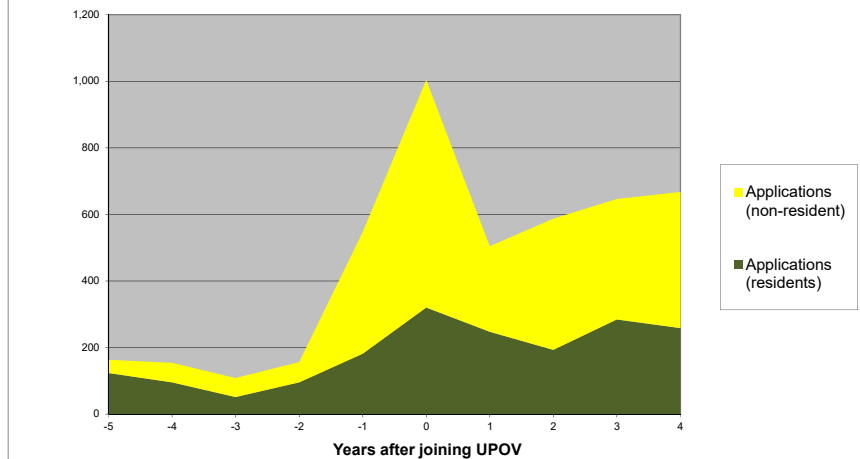


Applications received by region 2000 to 2021



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Latin America Countries acceding to UPOV between 1994 & 2000



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OVERVIEW

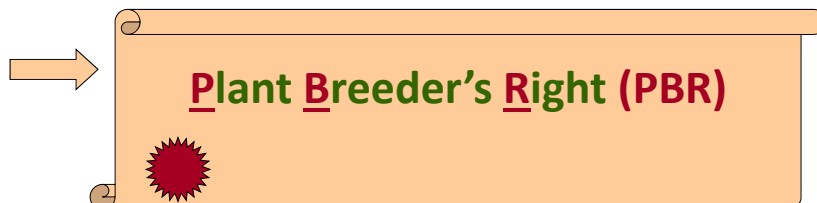
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MISSION STATEMENT

To provide and promote
an effective system of **Plant Variety Protection (PVP)**...



1991 Act

Authorization of breeder required for:

- Production or reproduction (multiplication)
- Conditioning for the purpose of propagation
- Offering for sale
- Selling or marketing
- Exporting
- Importing
- Stocking for any of the above purposes

Conditions and limitations

.... for any protected variety

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Symposium on the Benefits of Plant Variety Protection for Farmers and Growers



The role of the Agricultural Research Council in delivering high performance varieties to subsistence or smallholder farmers

Vuyisile Phehane



- Local licensing agreement with a South African company
 - for the commercialization of some of the ARC's citrus varieties.
 - A condition of the license: ensure the participation of smallholder citrus producers in the commercialization value-chain.
- Facilitated partnership with the Citrus Growers' Association to access ARC

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EXCEPTIONS TO THE BREEDER'S RIGHT

Compulsory (1991 Act)

Acts done:

- **privately and for non-commercial purposes**
- for experimental purposes
- breeding other varieties (breeder's exemption")

Optional

Farm-saved seed

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EXCEPTIONS TO THE BREEDER'S RIGHT

- **Compulsory**

(i) Acts done privately **and** for non-commercial purposes

- propagation of a variety by a **farmer exclusively** for the production of a **food crop to be consumed entirely by that farmer and the dependents of the farmer** living on that holding

therefore

"subsistence farming" where these constitute acts done privately and for non-commercial purposes, may be considered by a UPOV member to be excluded from the scope of the breeder's right

Acts **Possibly falling within the scope of the exception**



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International Union for the Protection of New Varieties of Plants

Working group on guidance concerning smallholder farmers in relation to private and non-commercial use

WG-SHF/1/3

First Meeting
Geneva, March 17, 2022

Original: English
Date: February 11, 2022

ANALYSIS AND REPORT WITH SUGGESTIONS PREPARED BY THE PROJECT TEAM

Whereas no examples of prosecution of smallholder farmers for infringement of the plant breeder's right have been identified in any of the UPOV members...

EXCEPTIONS TO THE BREEDER'S RIGHT

Compulsory (1991 Act)

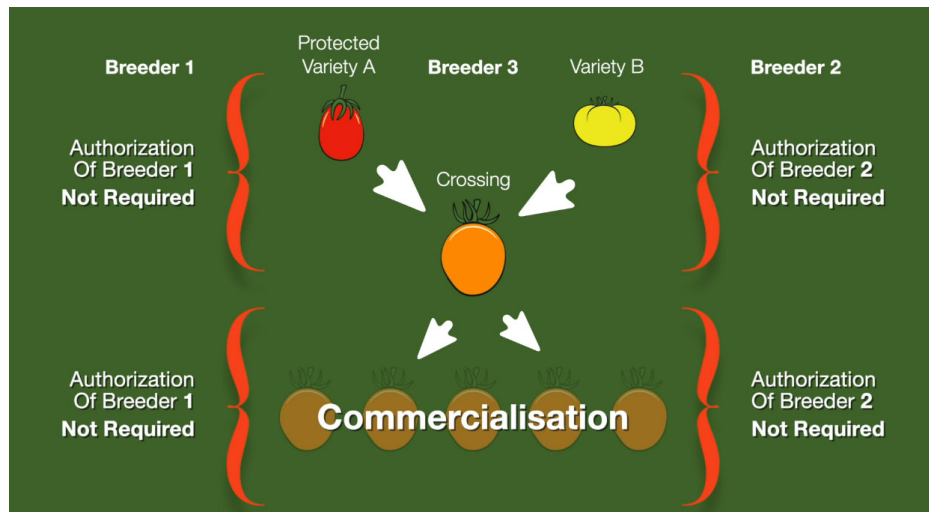
Acts done:

- privately and for non-commercial purposes
- for experimental purposes
- **breeding other varieties (breeder's exemption")**

Optional

Farm-saved seed





See video on tomato diversity and the role of the breeder's exemption at https://www.upov.int/about/en/benefits_upov_system.html#QG10

EXCEPTIONS TO THE BREEDER'S RIGHT **Compulsory (1991 Act)**

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OPTIONAL EXCEPTION TO THE BREEDER'S RIGHT

Product of the harvest can be used for propagating purposes

small grain cereals:



harvested product may = propagating material

Fruit, ornamentals and vegetables:



harvested product may \neq propagating material

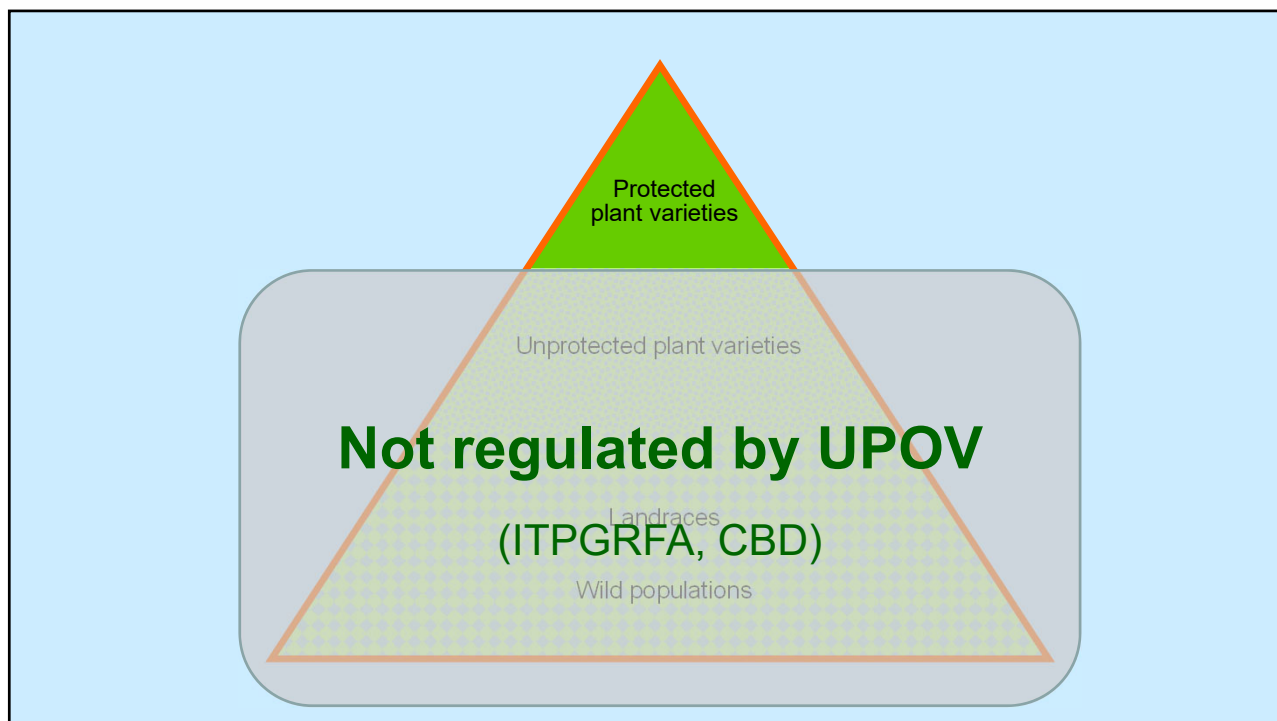
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How to become a member of UPOV

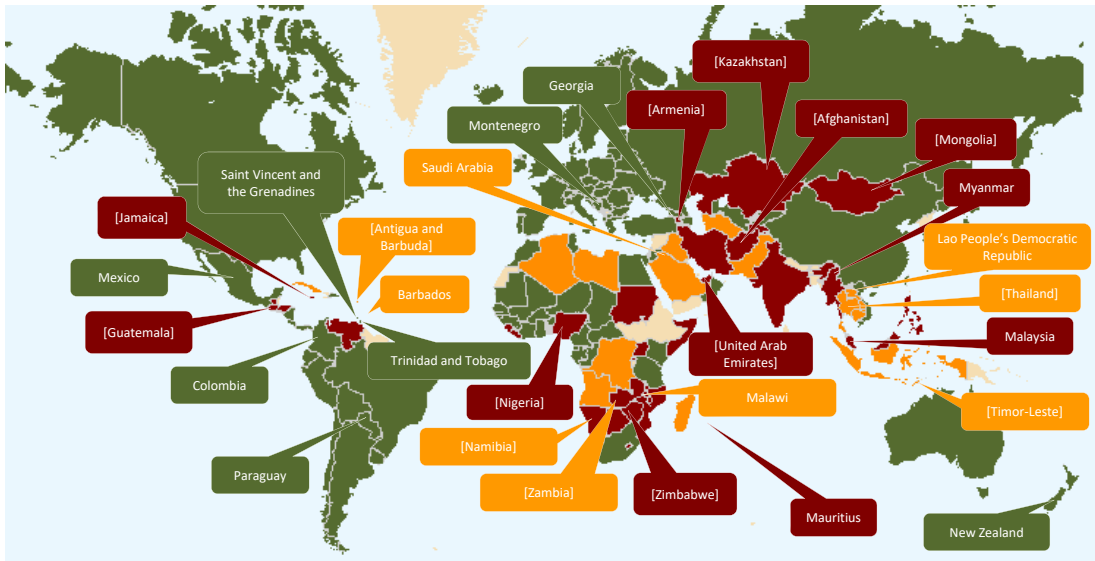
State/Intergovernmental Organization must:

- **Have a law which conforms to the UPOV Convention**
- **Ask advice of the Council of UPOV**
- **If advice positive: deposit instrument of accession**

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States and organizations that requested comments on [Draft] Laws (2020-2022)

status as of January 31, 2023

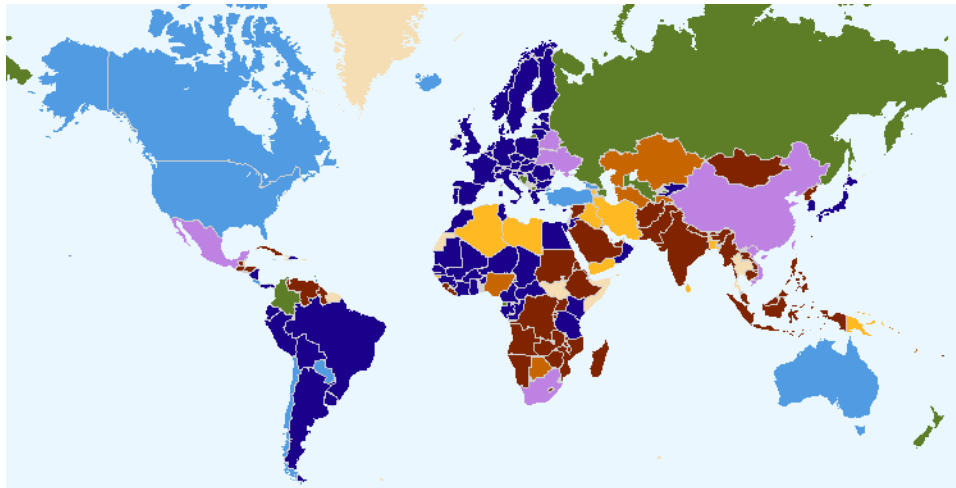


The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory

- Members of UPOV (78) (covering 97 States)
- Initiating States (19) and Organization (1)
- States (24) and Organization (1) in contact with the UPOV Office

States that are bound by the UPOV Convention, the ITPGRFA and/or the Nagoya Protocol

as of October 6, 2022



The boundaries shown on this map do not imply the expression of any opinion whatsoever on the part of UPOV concerning the legal status of any country or territory



- UPOV/ITPGRFA/Nagoya Protocol
- UPOV/ITPGRFA
- UPOV/Nagoya Protocol
- UPOV only
- ITPGRFA/Nagoya Protocol
- ITPGRFA only
- Nagoya Protocol only

Using the UPOV System to benefit custodians of native wild germplasm in Argentina



The royalties derived from commercialization of the variety are shared between the breeder and **the provinces that contributed the native plant genetic resource**

A large part of the profits, **50 per cent**, that are generated from the commercialization **return to those provinces** for conservation purposes

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UPOV plays a key role in ensuring global food security and supply and protecting the environment

