



**Workshop on Plant Variety Protection
Plant Breeders' Rights and Farmers' Benefits
Cambodia, 28 February 2022**



Development of PVP System in Myanmar

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I

➤ General Introduction to PVP system

PVP System

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graph LR; A[PVP System] --> B[I.WHAT IS]; B --> C[II.HOW IMPORTANT]; C --> D[III. WHO RESPONSABLE]; D --> E[IV.FOR WHOM]
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I.WHAT IS

**II.HOW
IMPORTANT**

**III. WHO
RESPONSABLE**

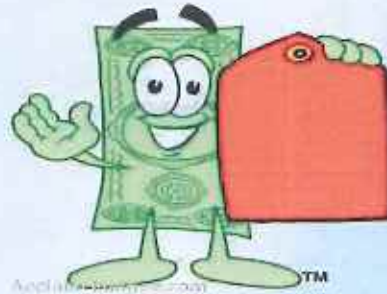
IV.FOR WHOM

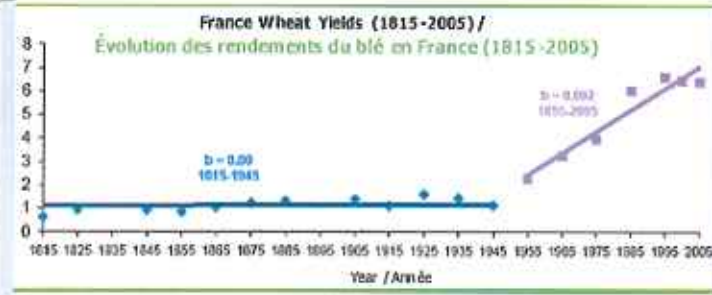
I.WHAT IS PVP SYSTEM ?

- **PVP System is a system to protect the new plant variety which developed by the plant breeder by giving exclusive right to him to exploit it under the control of the related law (PVP law).**
- **Provision of plant breeder's rights would encourage private investment in plant breeding to develop new plant variety for society.**

II. HOW MANY IMPORTANT FOR SOCIETY?

BENEFITS OF PLANT VARIETY PROTECTION (PLANT BREDEER'S RIGHT) – General / Specific View





General View

Economic Benefits

such as varieties with improved yields which lead to reductions in the price of end-products for consumers, or improved quality leading to higher value products with increased marketability;



Health Benefits

for example through varieties with improved nutritional content,



Environmental Benefits

such as varieties with improved disease resistance or stress tolerance; and



Pleasure

such as that afforded by ornamental plants.

- ✓ **Promotion of Breeding**
- ✓ **Introducing Foreign Varieties**
- ✓ **Production for Export**
 - ✓ **Political consideration**



UPOV

The International Union for the Protection Of New Varieties of Plants



- * Adopted in 1961
- * Entered into force in 1968
- * Amended in 1972, 1978, 1991

UPOV Member Countries



III. WHO RESPON:

Headquarters - Geneva, Switzerland
Key people - Francis Gurry
 (Secretary General)
 - Peter Button
 (Vice Secretary General)
Website - www.upov.int

Benefits of UPOV Membership

ASEAN + 3

Singapore
 Vietnam
 China
 Japan
 Republic of Korea

Membership

International dimension

- Development of new foreign markets for farmers and breeders
- Access to foreign varieties and enhanced domestic programs

Cooperation in DUS Trial

Country A	Application	25.1% Total	Dissemination to other UPOV states
Country B	Application	25.1% Total	Dissemination to other UPOV states
Country C	Application	25.1% Total	Dissemination to other UPOV states
Country D	Application	25.1% Total	Dissemination to other UPOV states

UPOV Model administrative agreement (1997/98): 350 CHF

Farmers, Consumers

- ❖ Improved varieties for farmers and growers
- ❖ Added value for farmers and growers
- ❖ Better food quality, choice and price for consumers

Cooperation of examination

- Minimize time and cost of examination
- Efficient arrangements for offering protection for all plant genera and species



EAPVP Forum (East Asia Plant Variety Protection Forum)

History

- ❖ Endorsed at ASEAN +3 Ministers of Agriculture and Forestry (AMAF +3) Meeting in 2007
- ❖ Regional cooperation Activities to develop/harmonize PVP System in each country.

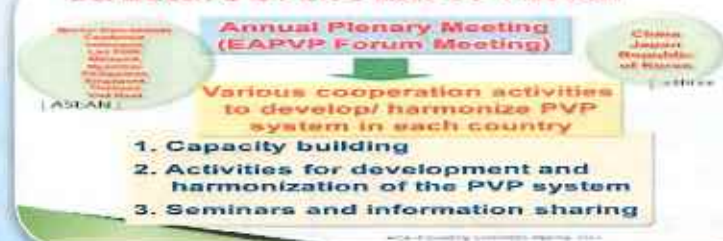
Objective

Framework to promote mutual cooperation for members to develop and implement PVP Systems based on the UPOV system, on the overall goal of achieving food security and other benefits to the society, through sustainable plant breeding activities.

Member Countries



Structure of the EAPVP Forum



II

➤ Past & Present of PVP in Myanmar

- 🌐 **Agriculture-based country (as other developing countries)**
- 🌐 **Agriculture plays a crucial role in Myanmar Economy**

To attain economic potential, Myanmar is seeking the ways (lay down & develop policy , Law, R &R) to intensify its agriculture during transition period.

- Land Use and Management Policy
- Water Use and Management Policy
- Agricultural Financing Policy
- Agricultural Mechanization and Input Policy
- Cooperative Enterprise and Cooperative System Development Policy
- Rural Infrastructure Development Policy
- Research, Development and Extension Policy
- Marketing, Value-added Processing and Export Policy
- Governance, Institutional and Human Resource Development Policy
- Environmental Conservation and Climate Change Resilience Policy
- **SEED POLICY**
- **PVP POLICY (not confirm)**
- **Agriculture Research Policy (not confirm)**

Setting up the laws to support Agricultural Sector Development

Plant Pest Quarantine Law	1993
Farmers' Right Protection and Enhancement of their Benefit Law	2013
The Law Amending the Seed Law & The Seed Law	2015
The Law Amending the Fertilizer Law & The Fertilizer Law	2015
Pesticide Law	2016
<i>New Plant Variety Protection Law</i>	<i>2016</i> <i>&2019</i>



Plant Variety Protection System in MM

- ✚ Very beginning period of PVP system establishment in Myanmar.
- ✚ So, limited number of private Seed & Breeding companies (both local and foreign) operating in the country.
- ✚ At present, the seed industry is leading role in government sector.
- ✚ Not enough (eg: about 20% of rice growing fields covered by formal seed system) (Mostly 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)**



-
- ✓ **DAR** is carrying for the development of new plant varieties and technology for farmers
- ✓ **DAR** is also focal department responsible to assist PVP granting procedure by NPVPC
- Developed >200 new plant varieties
- Covered >60% of the total sown area of the different crops
- Need to more contribution by the private sector in plant breeding and seed distribution
- More than 1000 varieties resisted in the national list under the control of seed law
- ✓ **DOA** is carrying extension new varieties & technology to transfer to farmers and focal department for responsible to assist seed law implantation of NSC
- GOVERNMENT**
- PRIVATE**
(less investment)
- ```
graph TD; DAR[✓ DAR is carrying for the development of new plant varieties and technology for farmers
✓ DAR is also focal department responsible to assist PVP granting procedure by NPVPC] --> Center[➤ Developed >200 new plant varieties
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**GOVERNMENT**

**PRIVATE**  
(less investment)

## Myanmar Adopted on why PVP is important!!!!

- in most developing countries including Myanmar- The agricultural sector is the backbone of the economy and employment
- (GDP) -- > 50 % & up to 80 % of the active population earn their living in agriculture.
- But in most of these countries, agricultural productivity is extremely low
- One of the reasons for poor agricultural performance in many developing countries is a lack of progress in improving the performance of traditional plant varieties over the centuries



# Myanmar PVP

PVP law  
enacted  
20.1.2016 &  
24.9.2019(  
new one)

Endorsed National & Technical  
Committees, Notification & Orders  
of PVP law, accepted application of  
New Plant Varieties for PBR  
currently

2010-11

2007

2006

2004

1994/1995

Became  
CBD/  
WTO

Participate  
d to the  
UPOV-  
INGER  
Workshop

Aware on IP rights

Participated  
to conduct  
DUS test  
(INGER)

Started to go systematic approach for pvp  
implementation

Member of  
EAPVP Forum

TWG  
organized  
with 19  
members to  
enact PVP  
Law

*Forum Framework is to promote mutual  
cooperation for Members  
Activities: capacity building, developed  
harmonized PVP system, seminar and  
information share*



## Photos Record during preparing period for 2019 PVP law

2016



**UPOV Positive  
decision on MM  
PVP Law 2019**



2017



2018



2019



## PVPO under DAR, MOALI was set at 10.5.2016

### VISSION

To support the adoption of New Plant Variety Protection System for the development of new plant varieties that will benefit the society.



Staffs of PVP Office  
New Plant Variety Protection Office

### MISSION

To establish internationally harmonized New Plant Variety Protection System through the implementation of the harmonized PVP System in ASEAN + 3 countries.

### OBJECTIVE

To support administrative and technical areas of PVP system implementation when a new plant variety is applied to grant a plant breeder's right by a plant breeder to NPVPC.



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# Collaboration with International/ Regional Organizations

**UPOV**

**MAFF**

Ministry of Agriculture,  
Forestry and Fisheries

農林水産省

**EAPVP** Forum

**nak**  **tuinbouw**



**Have a move**

## **PVP Awareness Seminar before/after PVP Law Enacted**



**1<sup>st</sup> time PVP system awareness seminar jointly organized by UPOV, MAFF Japan, MOAI Myanmar (19.12.2012)**

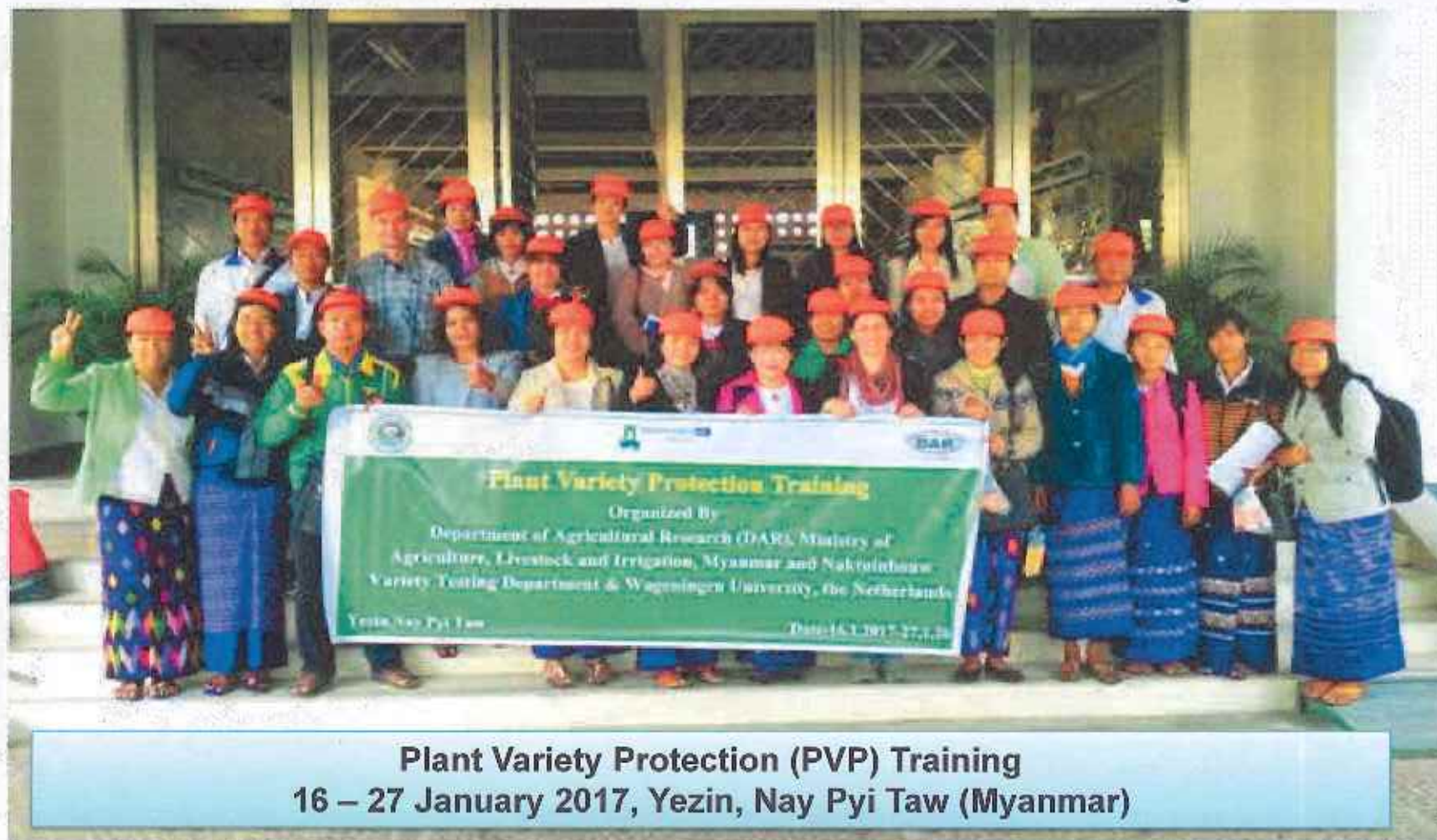
**2<sup>nd</sup> time PVP system awareness seminar jointly organized by UPOV, MAFF Japan, USPTO, MOALI Myanmar at (5.12.2016)**





## PVP Awareness Seminar ( 11.9.2017) at DAR, Myanmar





**In-country Training Course on TG for Maize organized by  
Department of Agricultural Research (DAR), (MOALI), Myanmar in cooperation with  
Ministry of Agriculture, Forestry and Fisheries (MAFF) of Japan  
23.1. 2018, Nay Pyi Taw, Myanmar**



**In-country Training Course on "Assistance in Drafting Rice Own TG Protocol" jointly organized by Naktuinbouw, the Netherlands and DAR, MOALI, Myanmar at November 6-9, 2018**





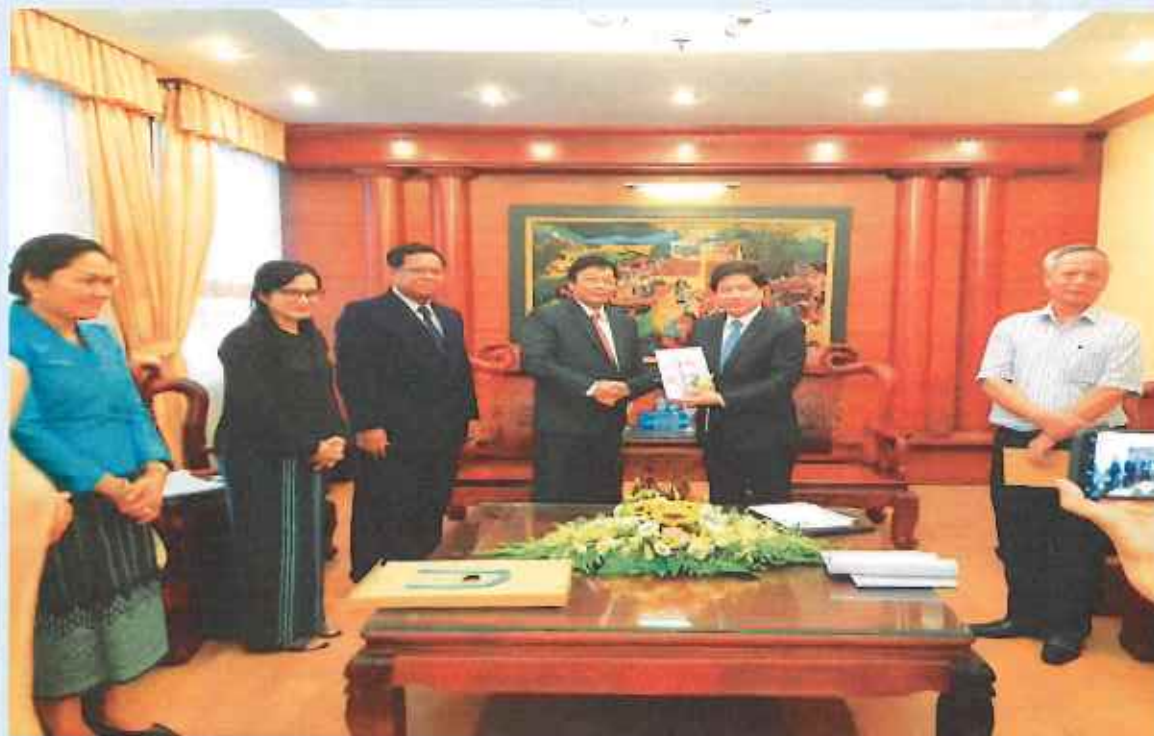
**Workshop on Database formulating for  
DUS Testing  
22-24.01.2019**



**Workshop for raising the inclusive awareness of stakeholders on  
PVP-Moving forward in Myanmar jointly organized by DAR & Syngenta foundation  
(12.03.2019)**



## High Level Study Visit to Vietnam at July,2019



## “Webinar on Awareness of Plant Variety Protection System ” 3.12.2020



# Participating EAPVP Annual Forum Meeting



**EAPVP Forum**



**Host 10<sup>th</sup> EAPVP Forum Meeting in 2017**



1st



2nd



### Pilot Project Meeting (off & online)

3rd



5th



e-pvp asia online meeting

6th = 8 9 10, March 2021

7th = 8, 9 July 2021

8th 15 16 December 2021

4th



### III

## ➤ Introduction on some articles of Myanmar PVP Law

## **Objectives of Myanmar PVP Law (enacted at 24.09.2019)**

- to protect the rights of plant breeders;
- to develop the plant breeding activity;
- to promote local and foreign investment in the plant breeding activity;
- to support the development of the national economy through utilization of new plant varieties for production.

## 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 in accordance with existing law

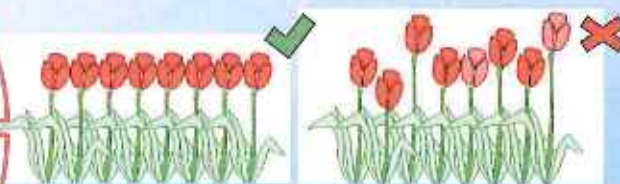
# Essential Criteria to grant PBR under PVP law

## 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

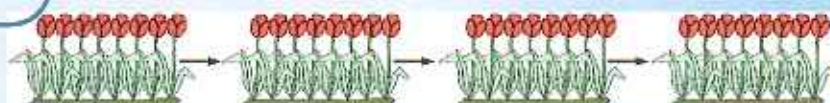


- The variety is clearly distinguishable in one or more important characteristic from existing varieties



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

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



Denomination in accordance with articles 12, 13 of PVP law

## Plant Breeder

- **Plant Breeder** means the person who bred or discovered and developed a new plant variety or a plant variety. In this definition, it also included the person who is the employer of the aforementioned person or who has commissioned the latter's work, or the successor in title of the aforementioned persons, as the case may be;

## **A person who can apply for Breeder's Right**

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

- (a) Myanmar nationals;**
- (b) foreigners who have permanently residence in under existing Law and their organizations and**
- (c) nationals from foreign countries and intergovernmental organizations which have entered into agreements on new plant variety protection with Myanmar and foreigners who have permanent residence in those countries and their organizations.**

## **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**

- shall enjoy the right of priority for a period of twelve months from the day after the date of filing of the first application if he/she applies a subsequent application for the same new plant variety after applying the right of protection in any foreign country or intergovernmental organization which has entered into agreements on plant variety protection with Myanmar;

## **Provisional Right**

- The plant breeder shall enjoy provisional protection to safeguard the interests of the breeder during the period between the publication of the application by the Central Committee and the grant of that right.

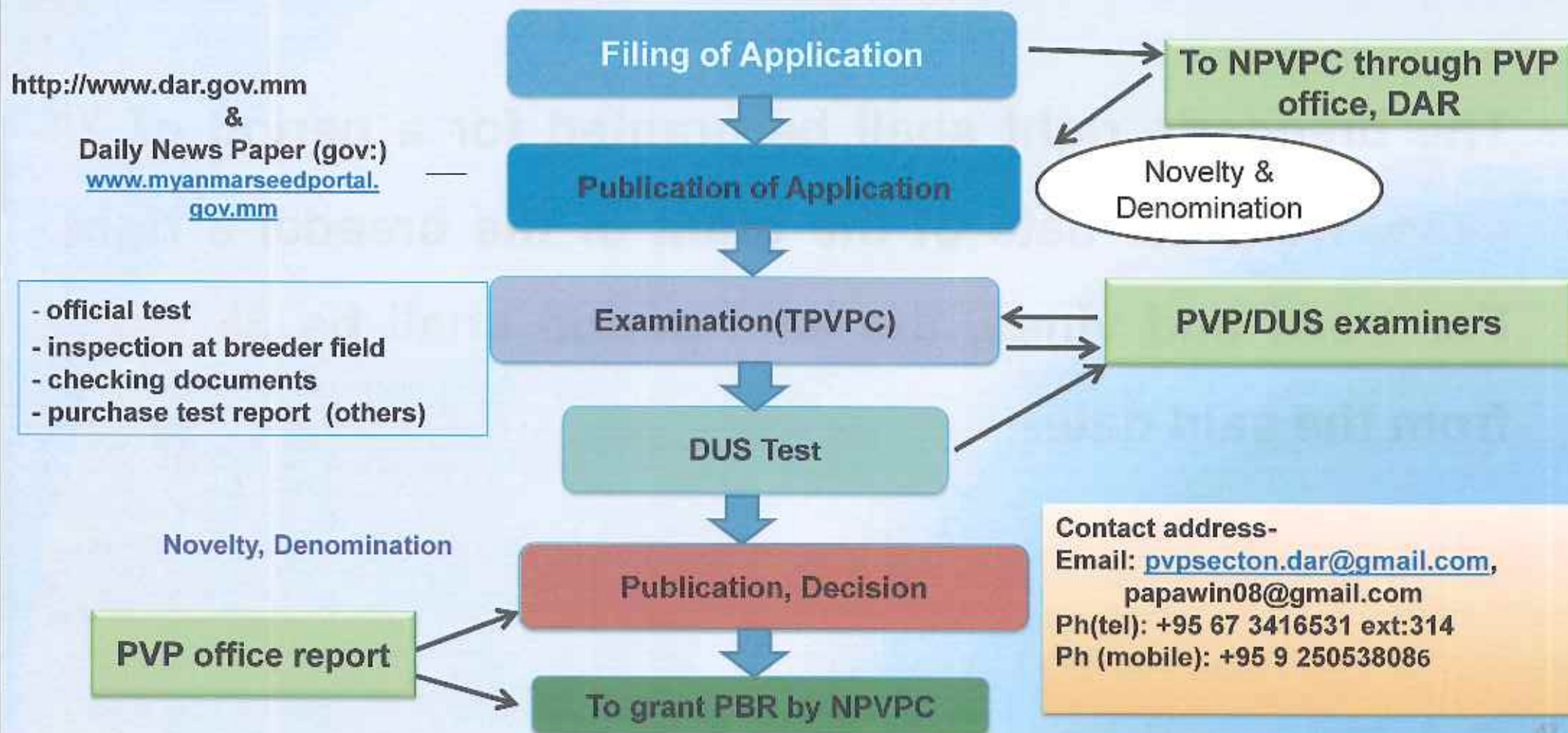
## Exceptions to the Breeder's Right

- (i) acts done privately and for non-commercial purposes;
- (ii) acts done for experimental purposes and
- (iii) acts done for the purpose of breeding other varieties, and, except where the provisions of section 26 apply, acts referred to in sections 23, 24 and 25 in respect of such other varieties.
- Farmers shall not be considered that they infringe the breeder's right, if they use, for propagating purposes, on their own holdings, only for their home consumption, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety or a variety covered by sub-section (a) or (b) of section 26 of this Law.
- Varieties of fruits, ornamentals, vegetables and forest plants are excluded from the exception under sub-section (b).

## **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





## NPVPC & TPVPC Meetings Photo Record



# Conducting DUS Testing on some applied varieties, ( total 18 varieties) Total Number of Breeder Right Grant (8 varieties)

## Official growing test

### Blackgram

1. Mape Yezin-7



At DAR

### Rice

1. De You- 8
2. De You -12
3. De You - 16



## Document test (from Vietnam)

### Asparagus-bean

1. Akari 111 (NAMGANG)

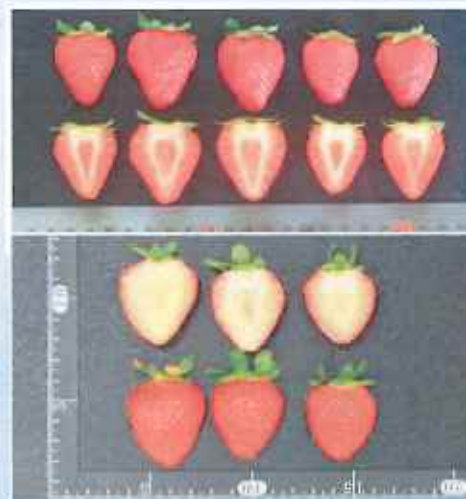


National Center for Plant Variety  
Testing central South Vietnam

## Purchase test report (from Korea)

### Strawberry

1. Muha
2. Goseul



Left: Muha, Right: Goseul



### Avocado

1. Tamoeout Baby



## Breeder field test



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်  
အမျိုးသားအပင်မျိုးသစ်အကာအကွယ်ပေးရေးဆိုင်ရာဗဟိုကော်မတီ

ရက်စွဲ - ၀၈-၆-၂၀၂၁

အပင်မျိုးသစ်ကို ကာကွယ်ခွင့်ရရှိရေးအတွက် အပင်မျိုးမွေးမြူသူ၏  
ရပိုင်ခွင့် အခွင့်အရေးဆိုင်ရာ အသိအမှတ်ပြုလက်မှတ်

အသိအမှတ်ပြုလက်မှတ် အမှတ်စဉ် - ၃

အပင်မျိုးသစ်အကာအကွယ်ပေးရေးဥပဒေ (၂၀၁၉) အရ အပင်မျိုးသစ်ကို  
ကာကွယ်ခွင့်ရရှိရေးအတွက် အပင်မျိုးမွေးမြူသူ၏ ရပိုင်ခွင့် အခွင့်အရေးအား

(ကျေးလက်ဒေသဖွံ့ဖြိုးမှုစီမံခန့်ခွဲရေး၊ ကိုရီးယားသမ္မတနိုင်ငံ)

စတော်ဘယ်ရီသီးနှံ၊ ဂိုဆူးလ် (Goseul) မျိုးအား

ကာကွယ်ခွင့် (၂၀) နှစ်ကို

( ၁၀-၆-၂၀၂၁ ) ရက်နေ့မှစတင်၍ ပေးအပ်လိုက်သည်။

ဦးအိန်

အမျိုးသားအပင်မျိုးသစ်အကာအကွယ်ပေးရေးဆိုင်ရာဗဟိုကော်မတီ  
စိုက်ပျိုးရေးမွေးမြူရေးနှင့်ဆည်မြောင်းဝန်ကြီးဌာန



ပြည်ထောင်စုသမ္မတမြန်မာနိုင်ငံတော်  
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ရက်စွဲ - ၁၁-၆-၂၀၂၁

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(ကျေးလက်ဒေသဖွံ့ဖြိုးမှုစီမံခန့်ခွဲရေး၊ ကိုရီးယားသမ္မတနိုင်ငံ)

စတော်ဘယ်ရီသီးနှံ၊ မူဟ (Muha) မျိုးအား

ကာကွယ်ခွင့် (၂၀) နှစ်ကို

( ၁၀-၆-၂၀၂၁ ) ရက်နေ့မှစတင်၍ ပေးအပ်လိုက်သည်။

ဦးအိန်

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စိုက်ပျိုးရေးမွေးမြူရေးနှင့်ဆည်မြောင်းဝန်ကြီးဌာန



IV

➤ **Forward- moving/ Future of Myanmar PVP**

# Work Flow Future PVP of Myanmar

■ Sustain policy for PVP implementation

■ Raise HR for PVP activities  
eg: DUS Test

To establish harmonize  
UPOV PVP system &  
UPOV member



# Weakness



**Having  
Transition  
period in  
policy**

**No internal  
readiness ( law  
enforcement  
,R&R, N/TPVPC  
duty and  
function)**

**PVP  
Law  
enforcem  
ent**

**Poor HR in  
PVP  
technical &  
administrati  
ve**

**Weak  
collaborat  
ion in  
the local**

**Low  
awareness  
on PVP  
system &  
Benefits of  
UPOV mem:**

## Strength



- Agriculture based country
- Related law (PVP law) enacted
- More awareness among top management level
- PVP amending law accepted by UPOV 94 session meeting
- Initiate pilot project for PVP application to granting procedure in the region

# Threat



“-’ Thinking on seed prize and end product benefit ( unstable trade of Agri: product & poor food processing technology)

Deep channel to easily accept new improved varieties instead of planting of old / traditional varieties, indigenous & technology

No clear in PPP Seed Business model

No clear cut knowledge on seed, PVP, GI, PGR regulatory frame work and its’ use & among some stakeholder

UPOV Membership fee Sustained Government support needed

Too take a time for internal procedure especially with COVID -19New normal style

## Opportunity

- More collaboration with international & national
- To become UPOV member after new law enacted
- Gemplasm resource / good environmental resources
- **More opportunities will be easily achieved by joining UPOV;**
- Competitiveness among breeder will become active.
- **Farmers can obtain high-quality seeds-** breeding work and high demand of new variety



**Weakness**

**Strength**

**Threat**

**Opportunity**

LET'S

MOVE

TOGETHER

# Thank You

