

The Impact of Plant Variety Protection Under the UPOV Convention -Experience of Japan-

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1. Current situation of PVP system in Japan





1-2. History of PVP System in Japan

The UPOV Convention

1961 Adopted

(Entry into force in 1968)

1972 Amendment

1978 Amendment

(Entry into force in 1981)

1991 Amendment

(Entry into force in 1998)



JAPAN

1978 “Plant Variety Protection and Seed Act”

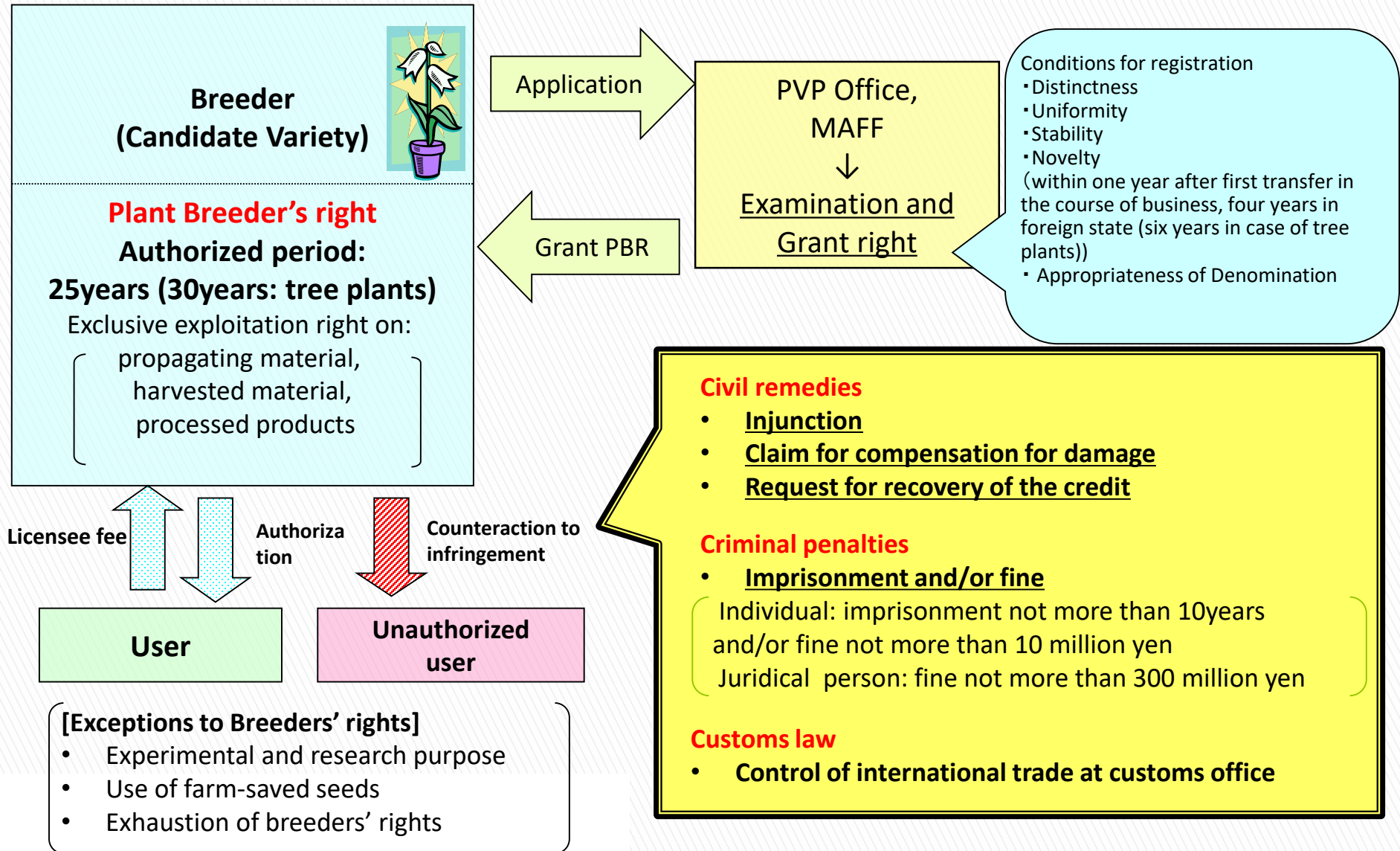
1982 Accession to the 1978 UPOV Convention

1998 Full-Amendment on “Plant Variety Protection and Seed Act”

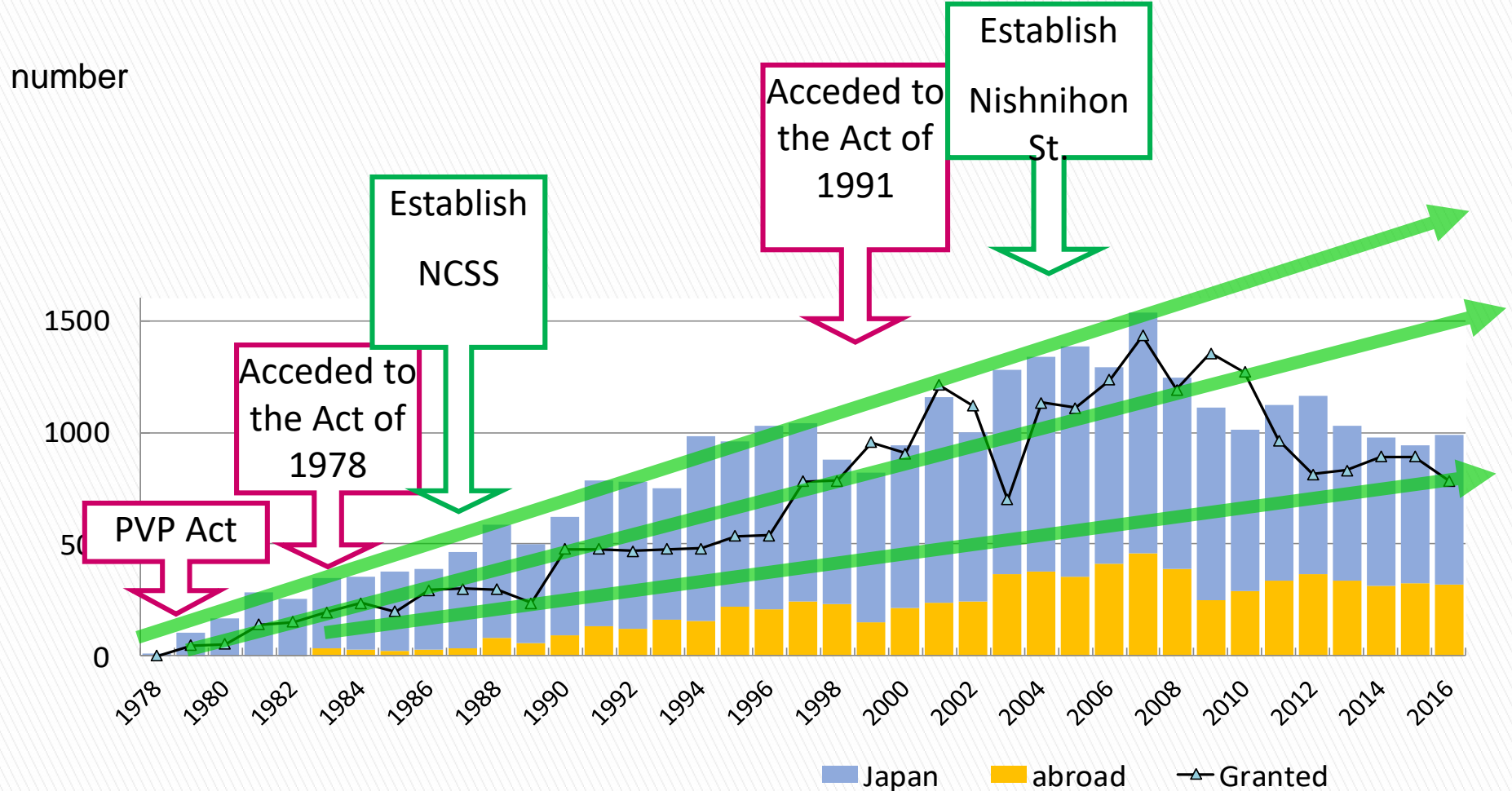
Authorization of “Breeder’s right”

Accession to the 1991 UPOV Convention

1-3. Outline of PVP System in Japan



1-4. Trend of Applications



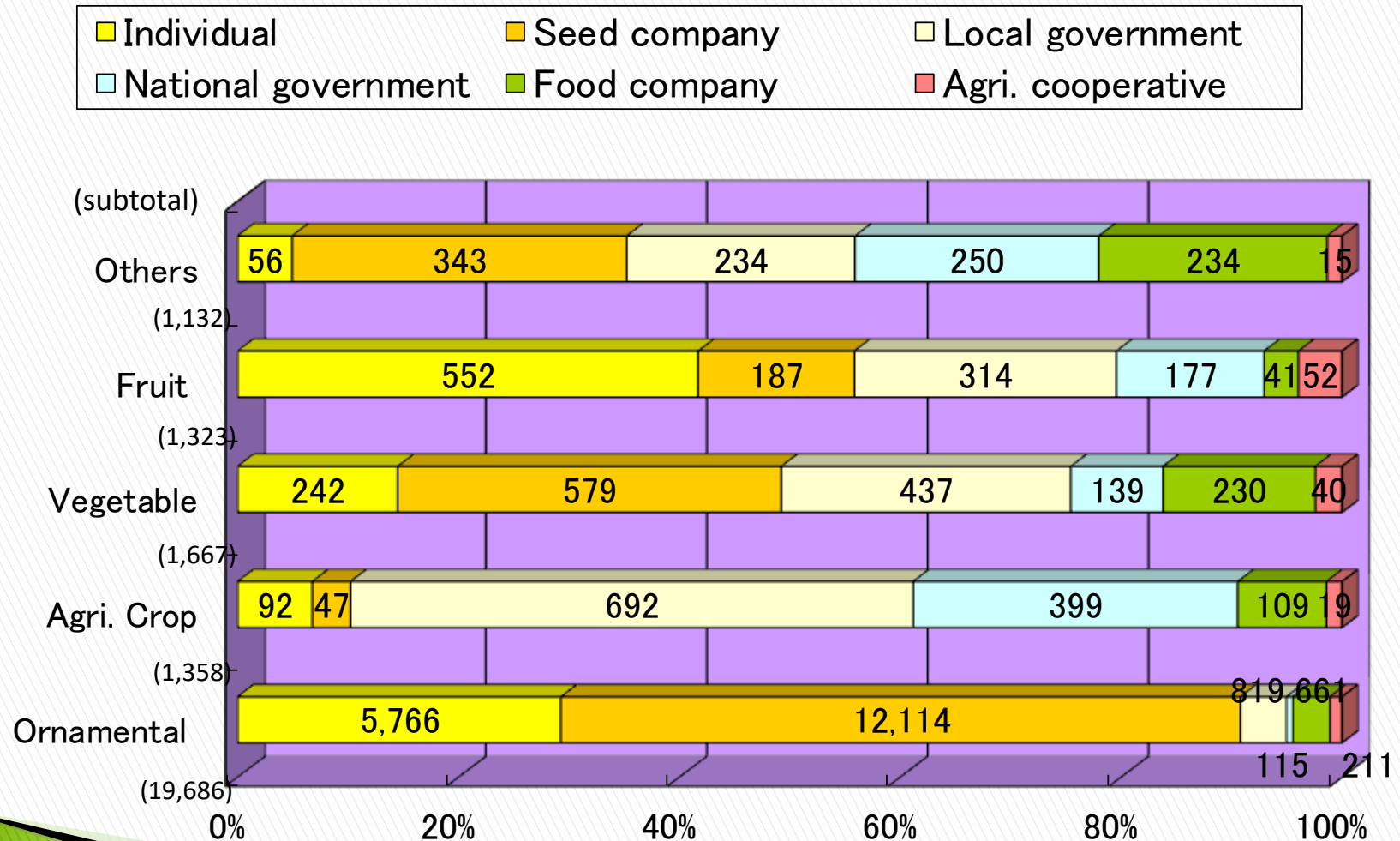
(2015FY)

Application (Total) : 941 (100%)

// (from abroad) : 372(40%)

1-5. Granted PBRs by Crop and Type of Breeder

Total Number: 25,166 (~Mar. 31, 2016)



2. Japanese success cases under the PVP system



2-1.Case study in Japan

- Rice (*Oryza sativa*) “Tsuyahime”
Yamagata Prefecture

- Gentian “Ashiro Rindo”
Hachimantai city, Iwate Prefecture



2-2. Establishing a new brand under the PVP system (RICE)

TSUYAHIME: New rice variety developed by local government

Background and history

Rice is a staple food in Japan, however, consumption of Rice in Japan is constantly decreasing recent years.

KOSHIHIKARI is the most popular variety with appreciation of high quality and cultivated wide area.

Under sever competition between varieties in the rice market, new variety need to gain popularity with its distinctive characters.

History of Development

- 1998 Start breeding (Prefectural research center)
- 2007 Establish Branding Strategy committee
(Prefectural government, Farmers' Association (JA Yamagata) ,Rice traders)
- 2009 Apply for Plant Breeders Right
- 2010 Full-scale planting, sales start, Trademark registration of package design)
- 2011 Granted Plant Breeders Right

2-3. Establishing a new brand under the PVP system (RICE)

Branding strategy

◆ Securing high quality

Deliver seeds and seedlings **only to farmers in limited area with skilled farmers** of high standard cultivation methods and severe standard for shipping

← **USING PVP SYSTEM, A PBR holder can authorize limited users** to cultivate a granted variety.

← **IN CASE OF INFRINGEMENT, A PBR holder can take swift action** to prevent unauthorized delivery and degradation of quality.

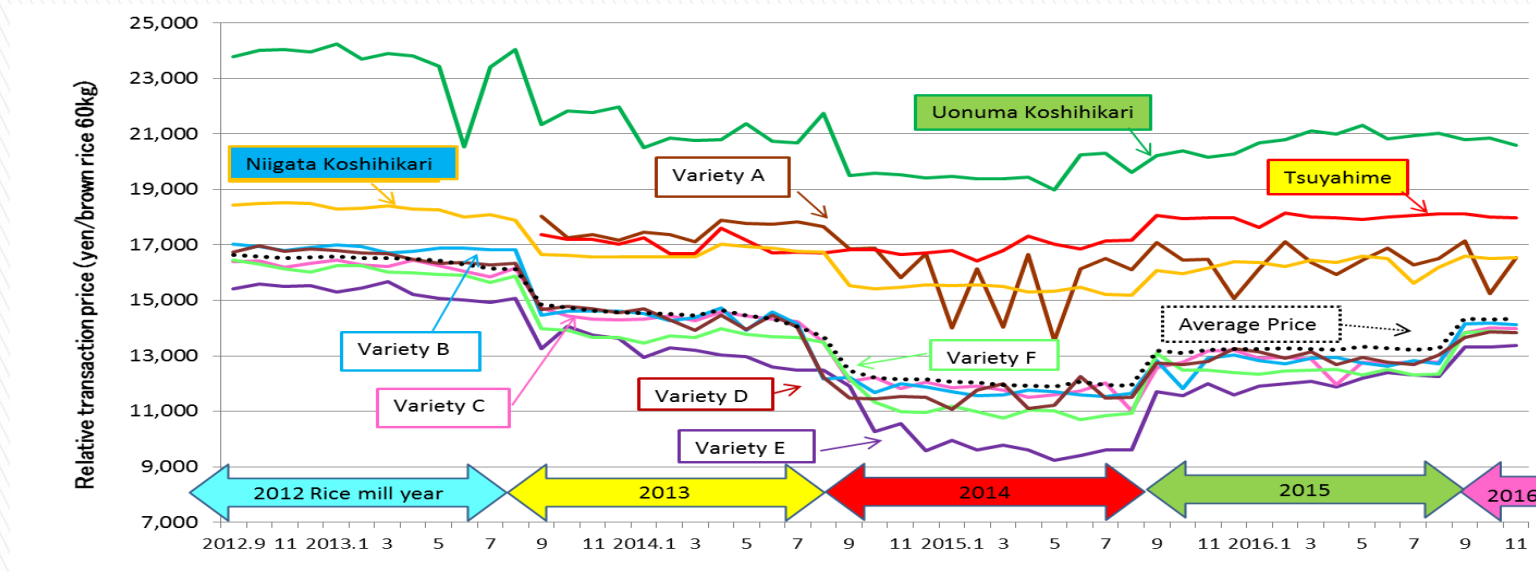
◆ Shipping in registered trademark package

← **USING other IP right with effective campaign, consumer can easily recognize high quality brand rice in the market.**



2-4. Result of the promotion

- Secure price position equal to or better than Niigata Koshihikari



- Cultivation area and distribution volume increase about 3 times

- cultivation area 2,500ha(2010) → 8,807ha(2016)
- growers 2,520 unit(2010) → 5,320unit(2016)
- distribution inspection amount 12,267t(2010) → 35,949t(2016)

- However, nationwide awareness is still on progress
Production share 0.8% (Koshihikari 36.1%)

2-5. Continuous effort to keep benefit of PVP

Enforcement for infringement

- Yamagata Prefectural Police Department arrested the suspicious distributor of “Infringed TSUYAHIME” by violating the PVP and Seed Act after thorough investigation after received information. The Yamagata District Court gave a sentence of one and half years’ imprisonment with a three years’ stay of execution, and a fine of 500,000 yen to the accused.

Keep high quality with responding request from consumer

- In order to response to consumers request, it is necessary to expand production area with producers who can follow the production guideline which keep quality as established bland.

2-6. Branding strategy under the international PVP system

ASHIRO RINDO : GENTIAN (Flower) brand developed in International market

Background and History

Maintaining superiority of Gentian production area relatively in short history

Responding to expansion of demand from national and international market, high quality, stable supply etc.

Continuous development of new varieties through collection of royalties

History of Development

1972 Start cultivation of Gentian as new crops

1980th~ Start developing new variety (municipal research center cooperation with farmers group)

1996 **First variety granted in Japan**

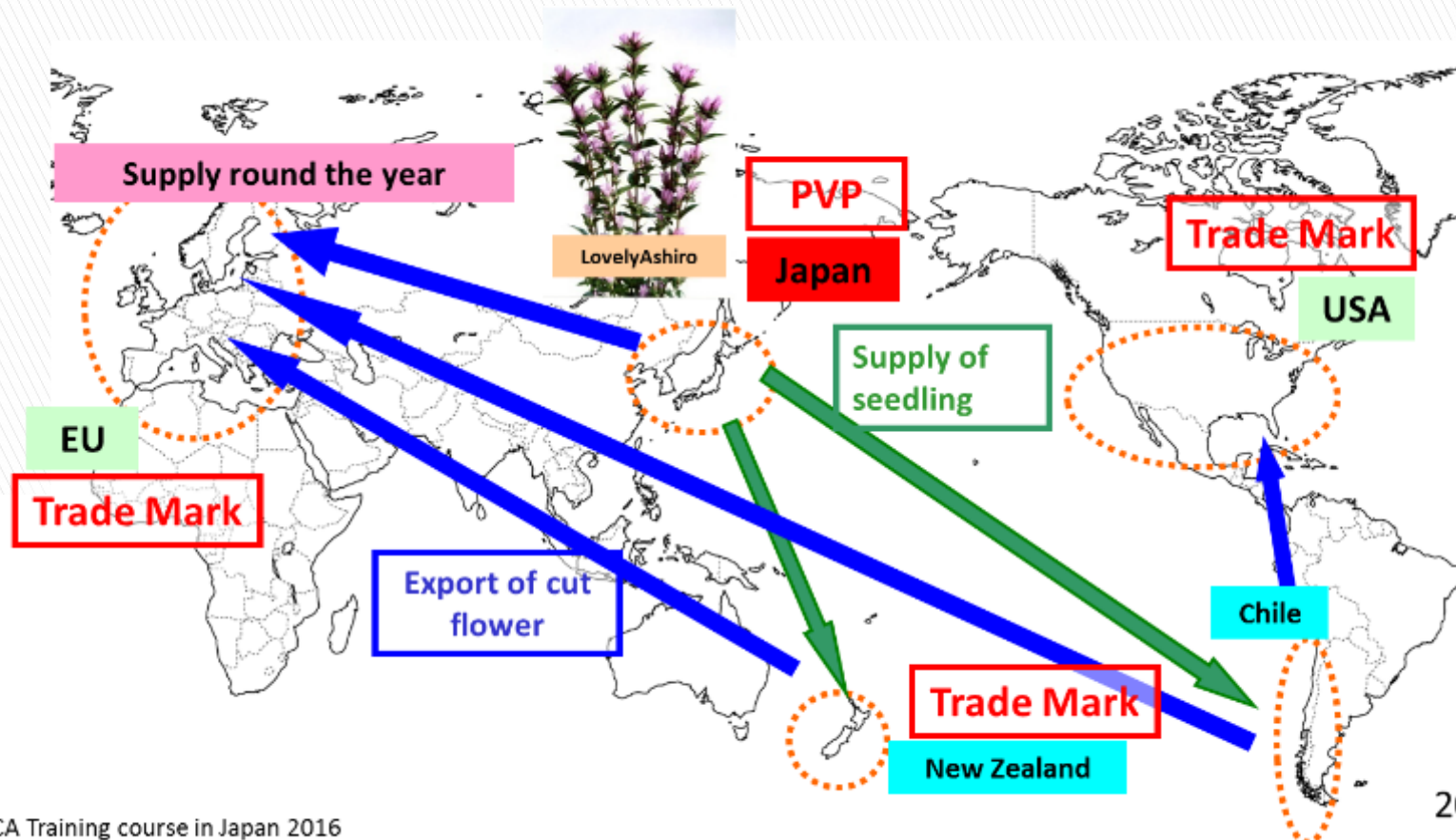
1999 Variety granted in EU as well as Japan

~2015 **16 varieties registered in Japan and other countries, distributed under the same trade mark as "ASHIRO RINDO"**

2-7. Ashiro rindo: Promotion of varieties under the harmonized system

Outline of Blanding strategy

- PBR and Trade Mark granted in Japan also granted some third countries.
- Producers not only export their flowers but also supply seedlings some producers in Southern hemisphere by exclusive use contract with royalty.
- ASHIRO gentian is now shipped to EU and USA round the year.



2-8. Varieties and trademark

- Continuous development and registration of new variety in several countries.

➤ Registered Varieties of “Ashiro Rindo” (Ashiro Gentian)

Ashiro no Aki (1996)
Merhen Ashiro (1999) **E**
Lovely Ashiro (2002) **E,N,C**
Ashiro no Hatsuaki (2007)
Ashiro 2007-1 (2009)
Ashiro 2008-1 (2010)
Ashiro 2012-1 (2014)
Ashiro 2012-3 (2015)
E: EU, N: NZ, C: CI, U: US

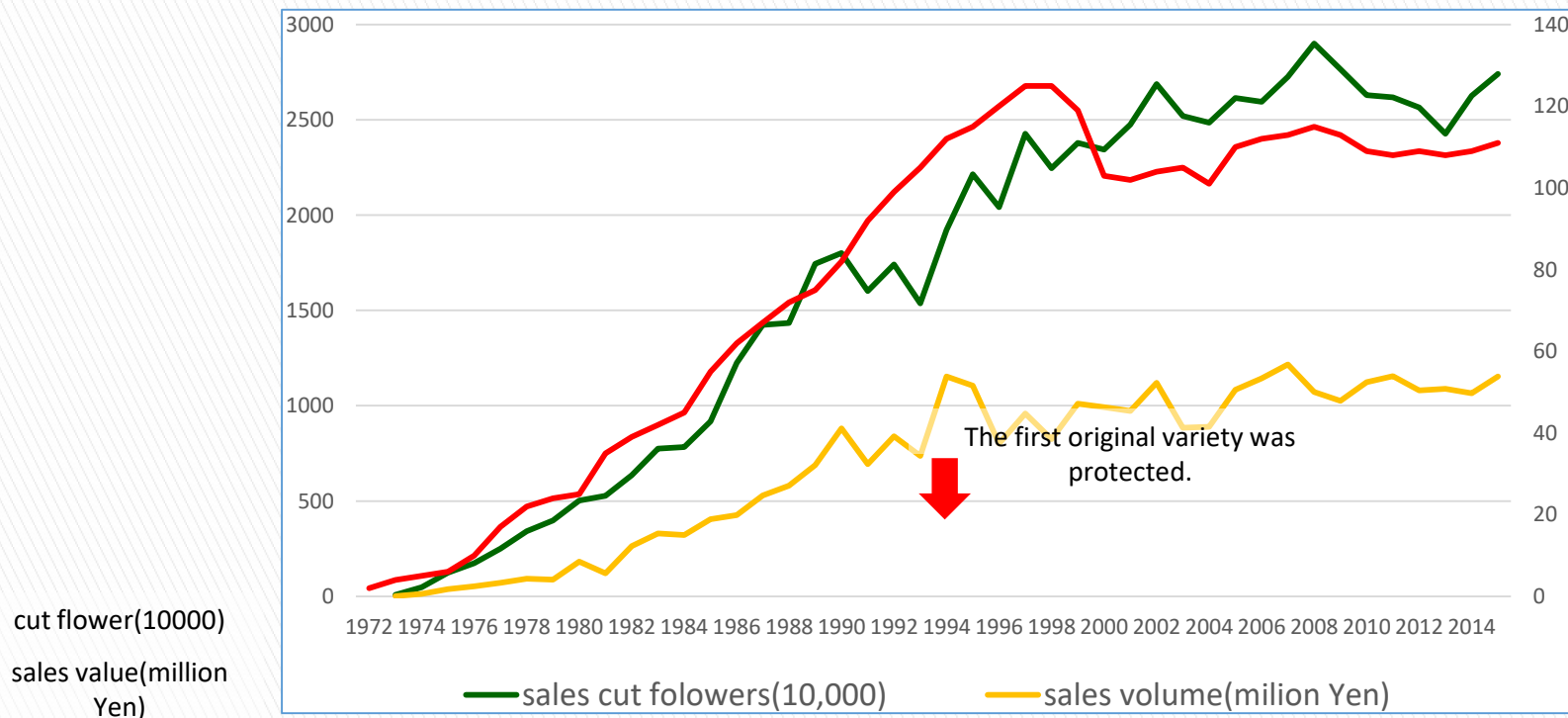
Ashiro no Natsu (1999)
Shine Blue Ashiro (1999) **E**
Ashiro no Hitomi (2007)
Cristal Ashiro (2008)
Ashiro 2007-2 (2009)
Ashiro 2010-1 (2012)
Ashiro 2012-2 (2014)
RI0405128 (2015) **E,N,U**

- Trademark “Ashiro Rindo” registration in Japan and overseas (**JP, CN, EU, NZ, US**)



2-9. Result of the activity

- Under the same registered trademark “Asiro Rindo”, some registered varieties are now delivered not only Japan but also in US or EU.
- As a result, Asiro is now one of the leading “Rindo” production area in Japan.



- ✓ Achieved 30 billion yen from the start of production in 1972
- ✓ Achievement of 1 billion yen of year production amount last 10 years

3. Implementing PVP system under the international cooperation



3-1. Develop TG and share experiences

- ▶ Japanese PVP Office has more than **600 National Test Guidelines (TGs)**. (around 320 UPOV TG)
 - After ratifying 1991 UPOV convention in 1998 Japan received about 20 applications of new plant group in every years.
 - Developing National TGs for new species or genera.
 - Harmonizing National TGs according to UPOV TGs.
 - Japanese National TGs in English on website by Latin name order.



http://www.hinsyu.maff.go.jp/en/en_top.html

CHAPTER 9 – CONDUCT OF DUS TESTING IN THE ABSENCE OF TEST GUIDELINES (UPOV TG1/3)

- The examining office is invited to ascertain whether other UPOV members of the Union have already conducted DUS testing on the required species or have national test guidelines.
- Where such experience is available or national test guidelines exist, countries are invited to approach the members of the Union concerned and seek to harmonize their testing procedures as far as possible.

3.2 Exchanging DUS test data between UPOV members

Japanese PVP office offers UPOV member states the examination report at no charge by exchanging the Memorandum of Cooperation (MOC) since 2016.

- For Japanese plant breeders, they can expect PBR registration with shorter period and lower cost
- For UPOV members, they can save the cost of DUS growing test.



Australia



Federative
Republic of Brazil



New Zealand



swiss
confederation



Socialist Republic
of Vietnam



EU



Russian
Federation



Republic of
Kenya



United
Mexican States



State of Israel



Kingdom of
the Netherlands



Republic of
Turkey



Canada



Republic of
Peru



Republic of
Singapore

UPOV member countries that Japan has shared test reports since 2016

Country	Plant name
Australia	Hibiscus
Brazil	Chrysanthemum, Alstroemeria
Israel	Rose
Kenya	Carnation
Viet Nam	Chrysanthemum, Alstroemeria, Rice, Sweet potato, Poinsettia

3-3. The EAPVP Forum

●What?

The East Asia Plant Variety Protection Forum

- Framework of mutual cooperation to develop and harmonize PVP system based on the UPOV system
- Established in 2007 proposed by Japan and endorsed at the AMAF+3

●Who?

- Members: ASEAN Member States (10), China, Japan, ROK
- Partners: UPOV Office, EU (CPVO), France, Netherland (Naktuinbouw), U.S. (USPTO, USDA), etc.

●How?

- Annual Meeting, cooperation activities, particularly in capacity building, information exchanges, etc.
- Funded by Japan and partners

●Now

- Adopted a 10-Year Strategic Plan etc.

3-4. 10-Year Strategic Plan

Common Direction

● Long-term direction

Establish effective PVP systems consistent with the UPOV 1991 Act among Forum members towards achieving all Forum members' membership of UPOV

● Objectives

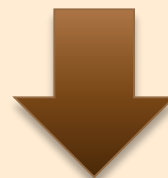
- ✓ Strengthen national PVP system consistent with the UPOV Convention
- ✓ Build a regionally harmonized mechanism for application and examination procedures under the UPOV Convention

● Core activities

- ✓ National-specific activities
(for Objective 1)
- ✓ Regional cooperation activities
(for Objective 2)

Individual Implementing Strategy (IIS)

- Produced by each member
- Reflects the Common Direction and individual circumstances



Cooperation Activities

- *Proposed by members*
- *plan and implement activities Based on IIS*
- *Priorities on the Common Direction of the 10-YSP*

3-5. Pilot project for EAPVP RM

Purpose of the Project

To achieve Objective 2 of the 10-Year Strategic Plan,
i.e. to build a regionally harmonized mechanism for application
and examination procedures under the UPOV Convention

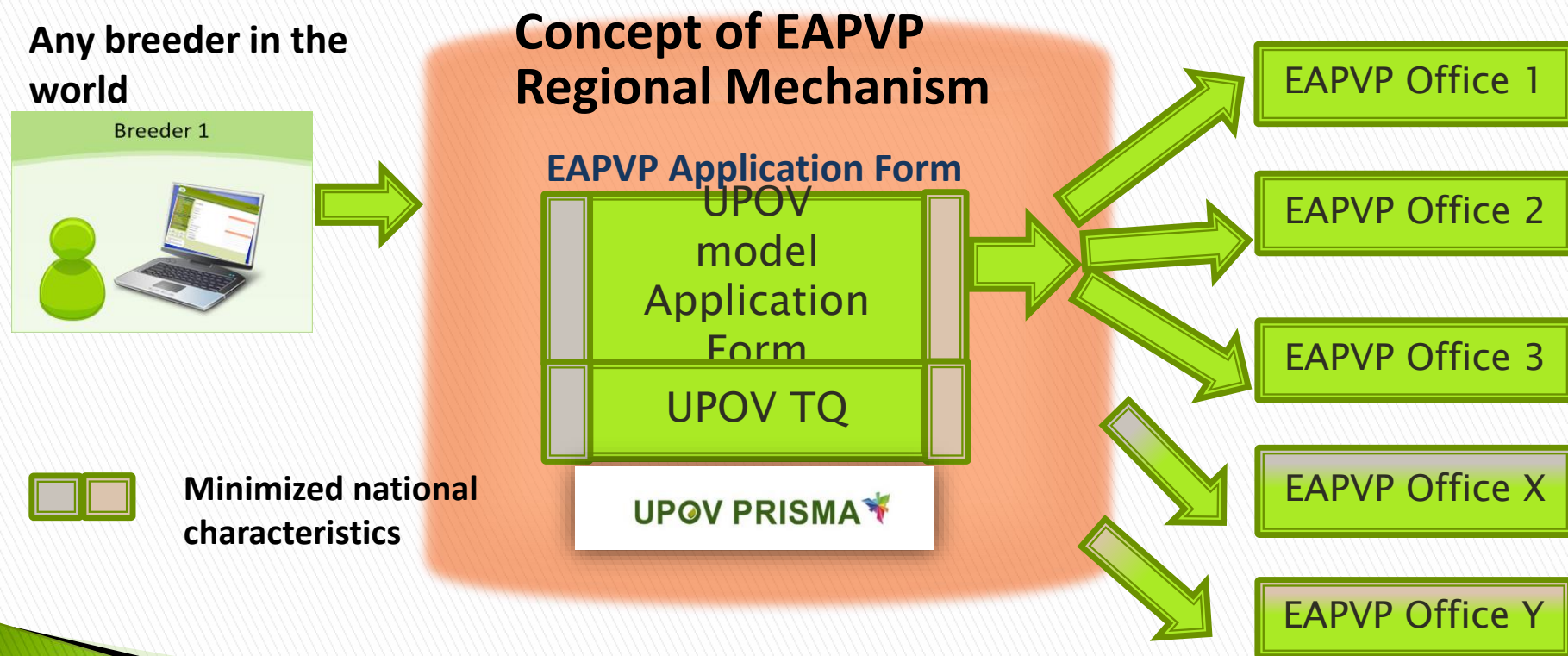
Precondition

1. Responsibility for examination and granting PBR still lies with each PVP Office
 - *Regional Mechanism does NOT grant PBR nor assume any responsibility*
2. Regional Mechanism participating countries do NOT need to change their national legal framework
3. Only UPOV members will be able to join the EAPVP Regional Mechanism
4. Outcome of the Pilot Project should be attractive to breeders

3-6. Pilot project for EAPVP RM

● Regional Application Form

- ✓ Breeders will be able to file their applications to PVP Offices of EAPVP with single (harmonized) Regional Application Form through UPOV PRISMA as a platform



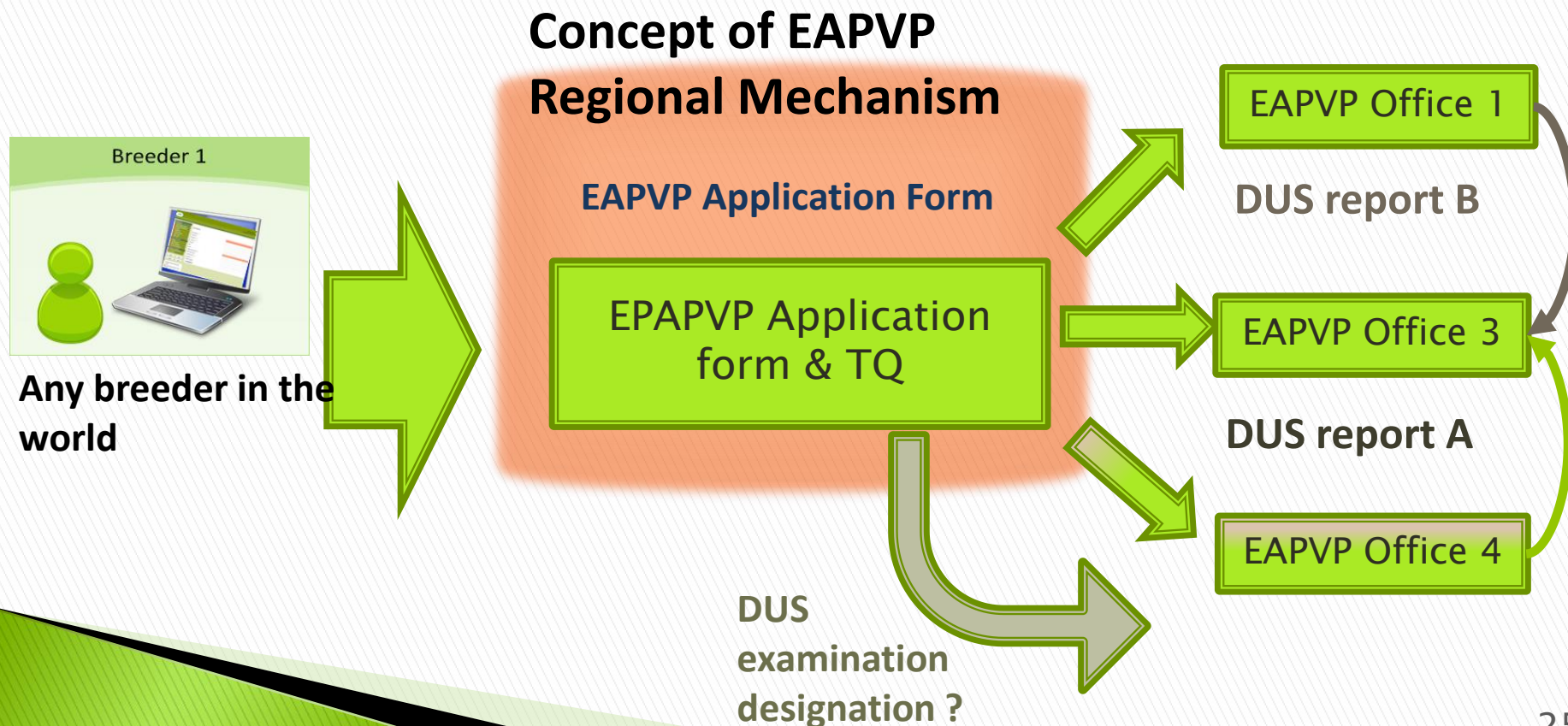
Responsibility for examination and granting PBR still lies with each PVP Office

- *Regional Mechanism does NOT grant PBR nor assume any responsibility*
- *cf. CPVO, OAPI*

3-7. Pilot project for EAPVP RM

- DUS cooperation

- ✓ Develop regional platform for DUS cooperation information using UPOV PRISMA (IT tools)
- ✓ Work towards enhancing DUS cooperation



Conclusion

- PVP system is crucial for agricultural development by providing prominent variety.
- PVP system is beneficial to both of farmers and seed industry.
- Close cooperation of farmers and seed industry under appropriate strategy is important.
- PVP system is a strong tool but combination of other IP tool can be more effective.
- PVP system under harmonized international cooperation is necessary for effective implementation.



Thank you for your attention

MAFF

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