



Socialist Republic of Vietnam
Ministry of Agriculture and Rural Development
Department of Crop Production

Progress in Accession to UPOV: Breeder's Exemption in Vietnam's PVP

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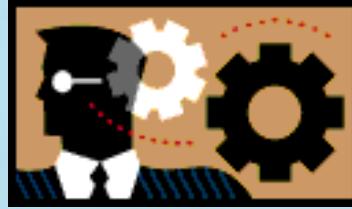
OUTLINE OF THE PRESENTATION

- HISTORY OF PVP
- IMPACTED BY UPOV 1991
- BREEDER'S EXEMPTION



HISTORY OF PVP

- ✓ Operating the system under UPOV Convention
- ✓ Exploit the benefits of the system

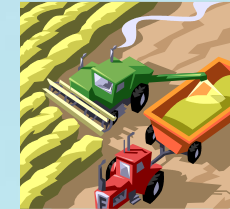


Implementing PVP System under UPOV Convention

2007-NOW

- ✓ Organizations to implement: PVPO/DUS Test Office
- ✓ Drafting Legislation Document (Law, Decree...)

Establishing National PVP system and Preparations to join UPOV



2000-2006

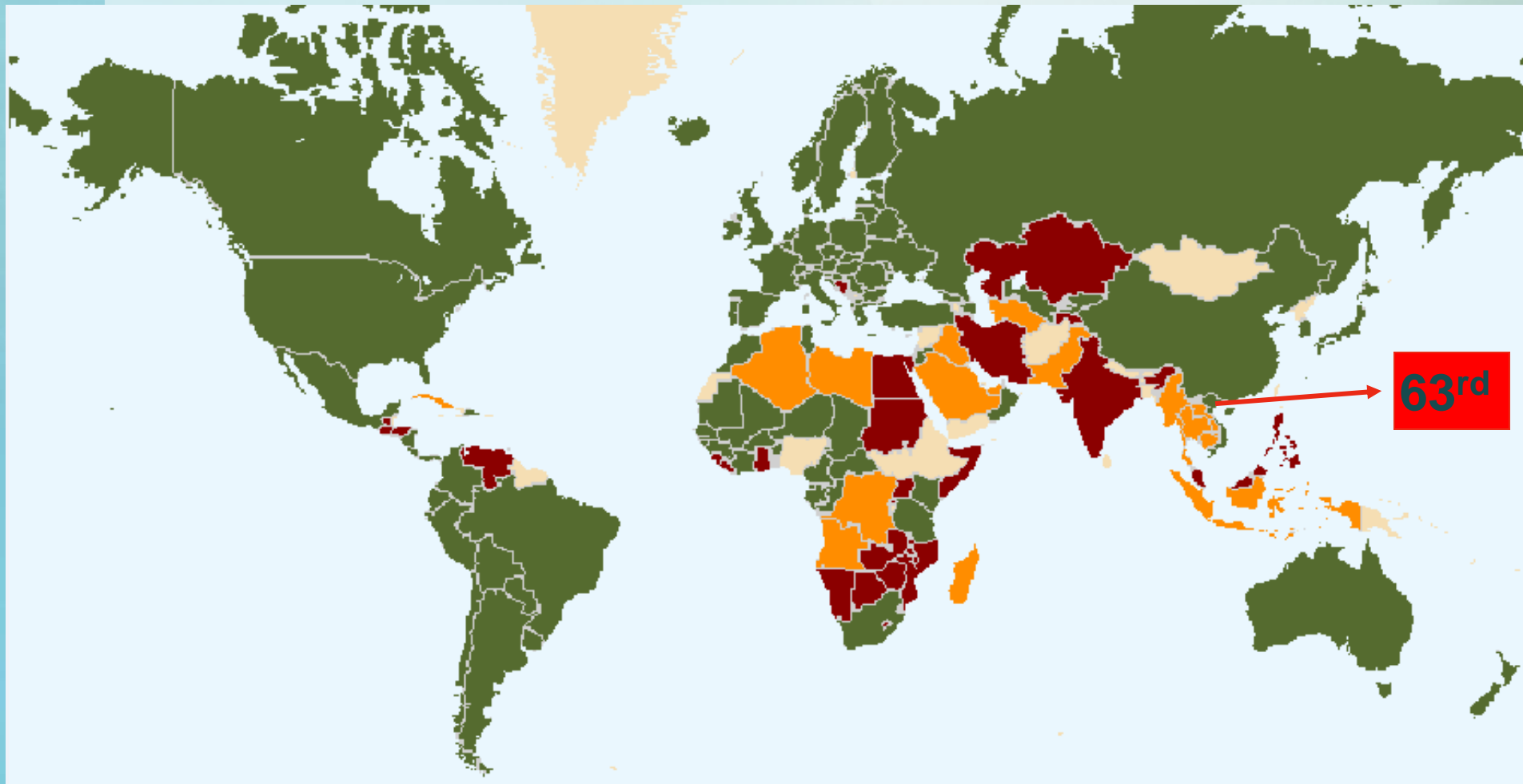
Study the real conception of PVP

1995-2000

- ✓ Dispatching staffs to Overseas
- ✓ Invite Experts from experienced countries and UPOV
- ✓ Seminars/Workshops on PVP for relevant persons



Member of UPOV (24th Dec, 2006)



Members of UPOV (74)

Initiating States (15) and Organization (1)

States (23) and Organization (1) in contact with the UPOV Office

Legislation on PVP

**IP Law No 50 (2006);
Law on revisionment of some
Article of IP No 50 (2009); Consolidated Laws (2020);
Revising IP Law (2021-2022)
(Based on 1991 Acts, UPOV)**

**Seed Ordinance
(Chapter 4 on PVP)**

**Decree No 13 on
PVP**

Decree 88

Decree 105

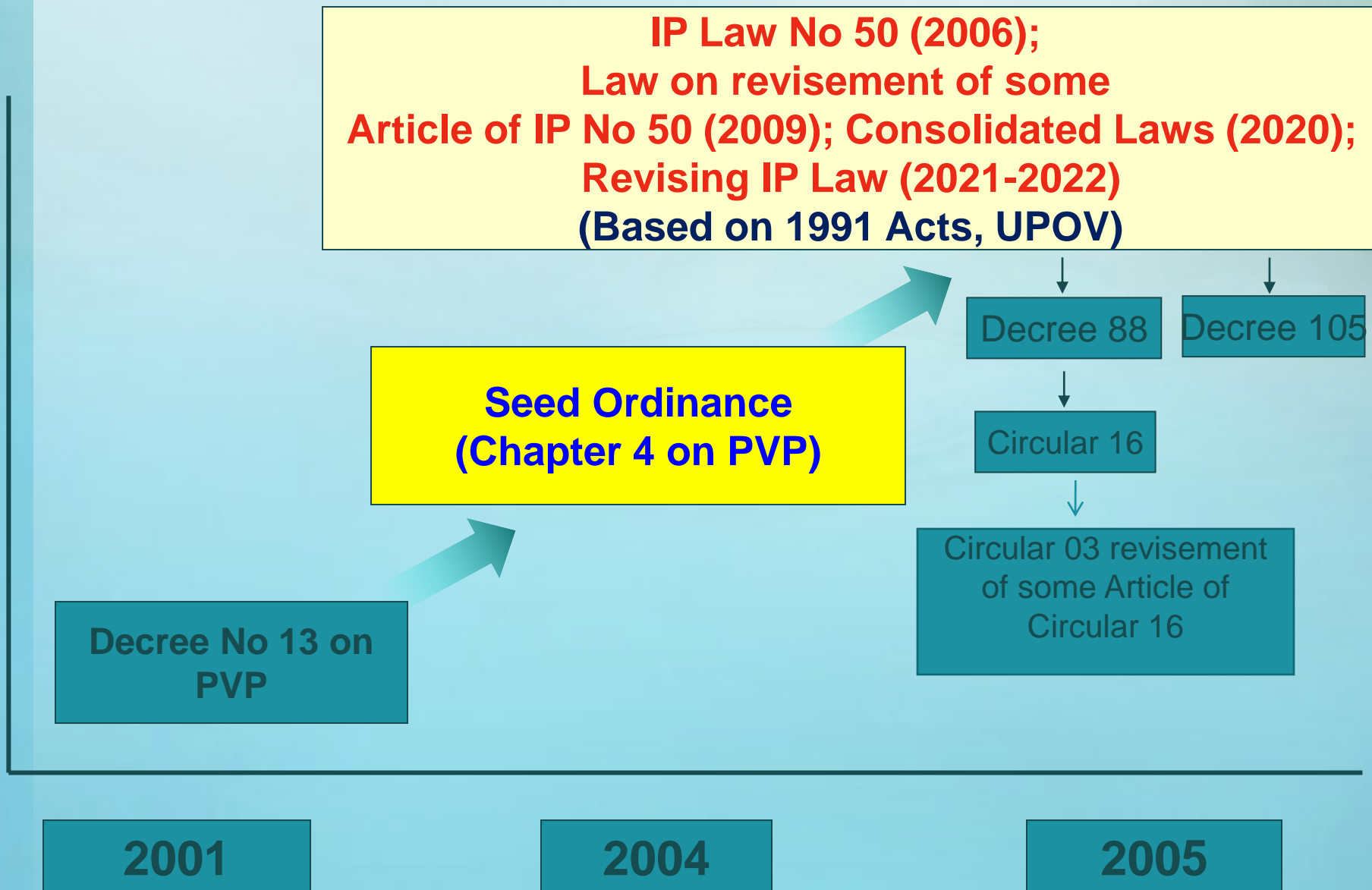
Circular 16

**Circular 03 revisionment
of some Article of
Circular 16**

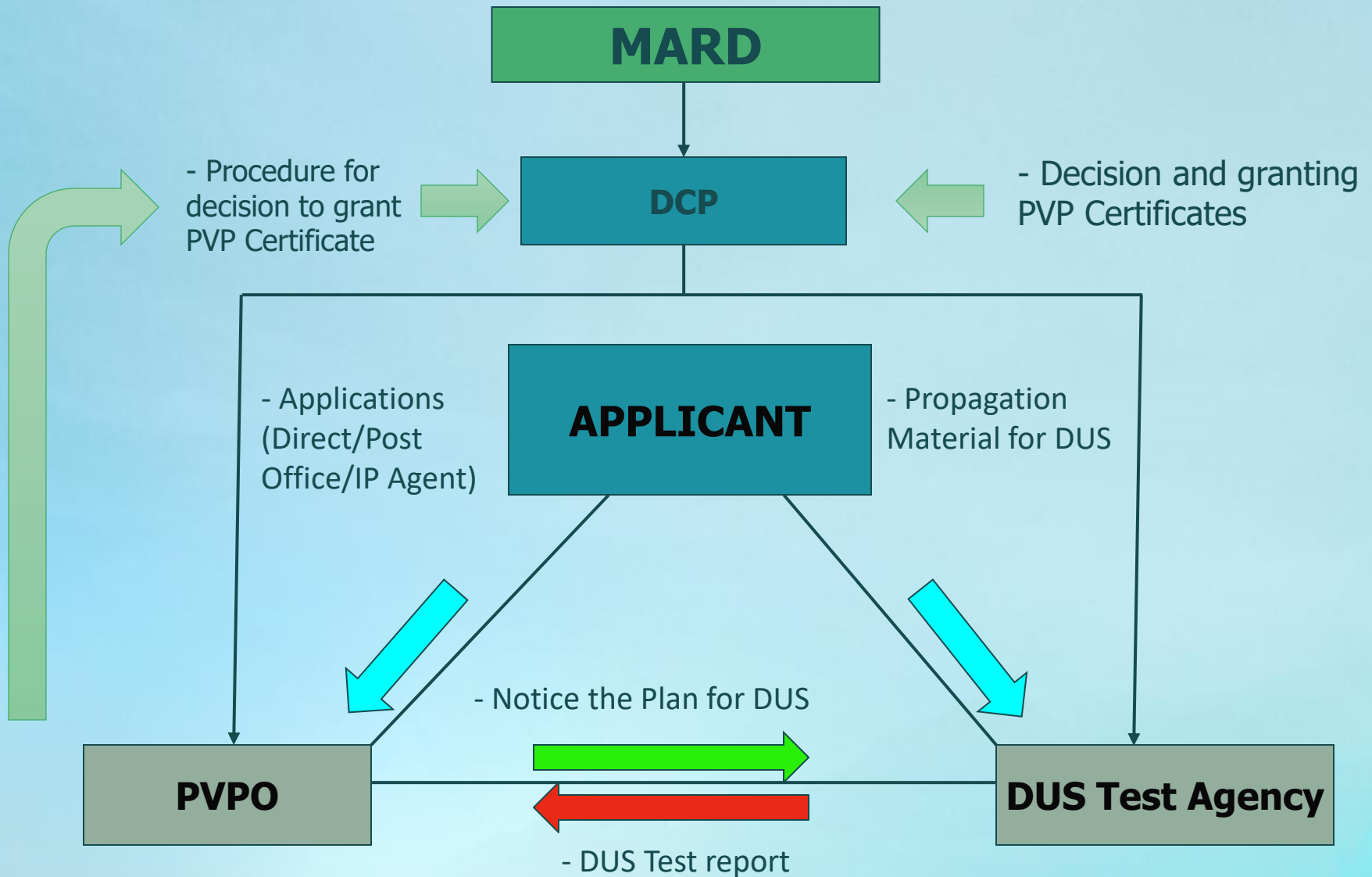
2001

2004

2005



PVP's Organization



Legislation on PVP

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2001

2004

2005

Fees for PVP (TT207/2016)

Filing (Million VND)	For DUS - 1 Var./1Appli (Million VND)	Maintaining of Certificate (Million VND)
2	<ul style="list-style-type: none"> ✓ Rice: 24; Maize: 15 ✓ Peanut: 18; ✓ Soybean: 16 ✓ Others: by negotiation 	<ul style="list-style-type: none"> ✓ The years from 1 – 3: 3 ✓ The years from 4 – 6: 5 ✓ The years from 7 – 9: 7 ✓ The years from 10 – 15: 10 ✓ From 16th to finish: 20

* *Way of payment:*

- ✓ First year: when receive Certificate
- ✓ From second year: First month of the year for effective of Certificated.

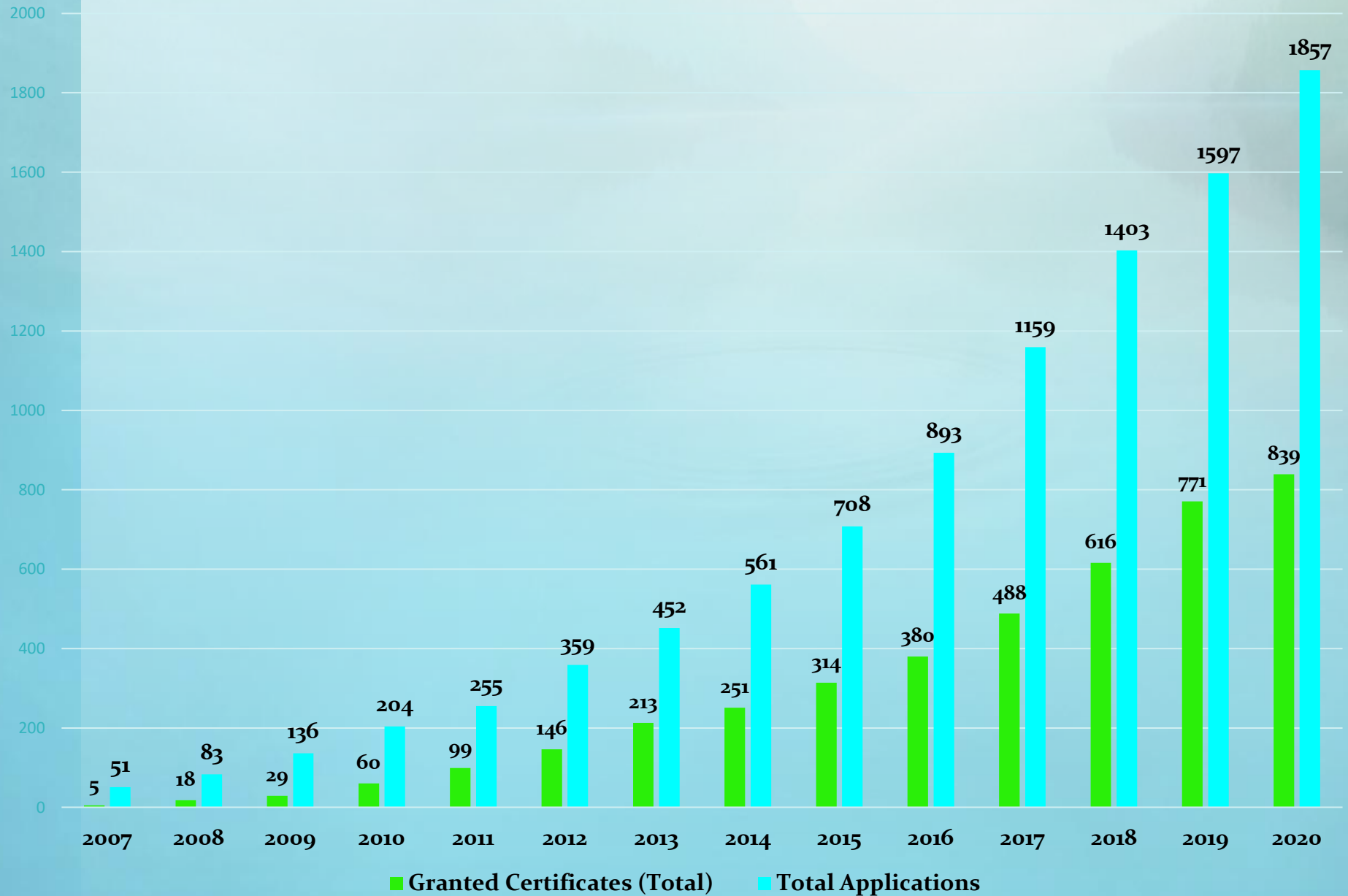
A background image of a calm lake surrounded by misty mountains. The water is still, reflecting the surrounding landscape. The overall tone is soft and atmospheric, with a light blue and white color palette. The text is centered in a dark blue, sans-serif font.

IMPACTED BY UPOV 1991

Applications by years (2004 – 2020)



Number of PBR/Applications by years (2007 – 2020)



Farmers: Opportunity to be Breeder

Who are Plant Breeder in Vietnam?



Seed Quality and Service is improved by a new system

BEFORE PVP

Breeders

No Professional distribution system



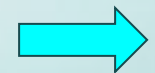
Farmer

Is not professional, Difficult on Seed Quality control

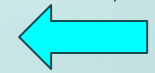
AFTER PVP

Breeders

License



Company



Royalty



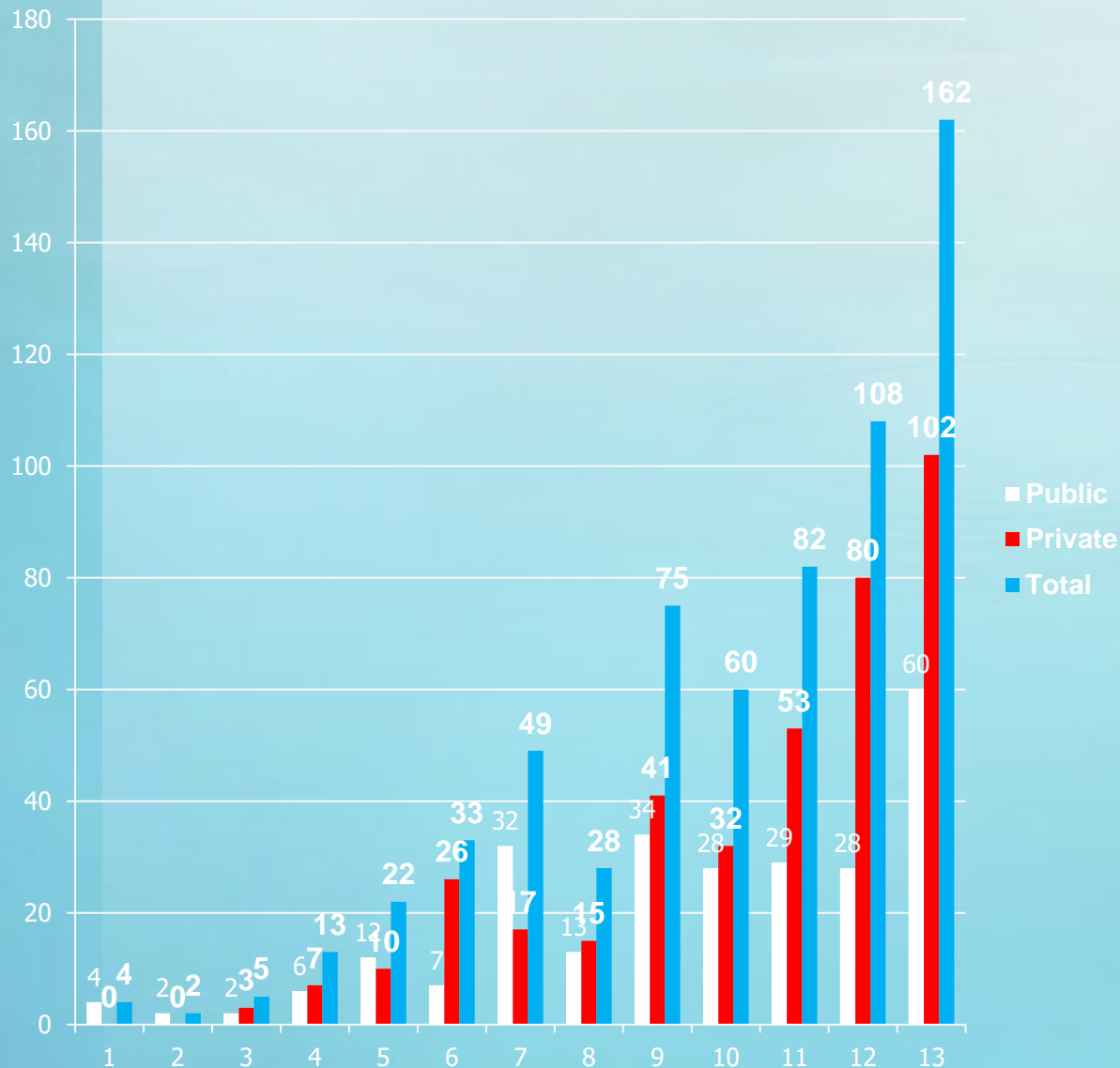
Good professional distribution system



Farmer

Good service for the farmer; Better seed quality due to professional

Vietnam's applications: Private and Public sectors



- Public sector (Government Budget):
 - ✓ Research Institutes
 - ✓ Universities
 - ✓ Research Centers (Central Government and provincial level)
- Private sector:
 - ✓ Individual
 - ✓ VN's Seed Company

Contributions and Position of private sector are increased

➤ Become stronger on the size both of Finance and R/D's capacity

➤ Are playing an important role to the modern and sustainable agriculture in the association of 4 Members “Farmer – Manager – Scientists – Entrepreneur”



LAND CONSOLIDATION



RE-ORGANIZED PATTERN CROP

- Easy success in the province where there is the participation of Enterprise
- They are ready to participate to the policies due to their right is ensured by PVP



FOOD VALUE CHAIN



SAFE CROP PRODUCTION

Positive Impact to SMEs

- Before PVP: almost of them are trade company (not interest in RD)
- When PVP system is established:
 - ✓ Beginning: they are licensed to exploit PBR from owner (transferred)
 - ✓ They develop breeding facility
- Now, many of them have own breeding facility and become big with very good breeding facility.
- Increasing the ability on competition in global market.



Rich of breeding material for country by exceptions to Breeder's Right

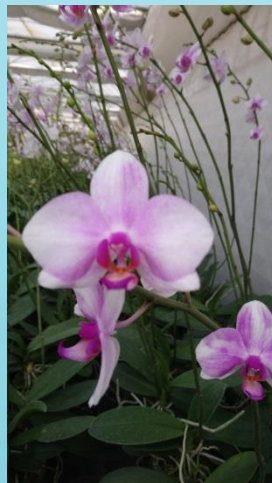
Father
(Protected Var.
from oversea)



X



Mother
(Local variety)

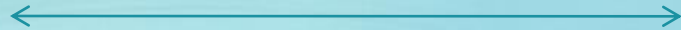


New variety





BREEDER'S EXEMPTION



Article 190: Limitations on Rights of PVP certificate holders

(d) Using harvested materials of the protected plant variety by an individual production household for self-propagation and cultivation in the next season on the land area belonging to such household.



It should be detailed in the Decree



Limiting the scale of production and business through the definition of "Farmer" and "Farm" to limit keeping protected varieties for further cultivation in Law

Expert opinion

IP Strategy 2020 - 2030

IP

Varieties:

- Number of Vietnamese Applications is increased 10 – 14%/year;
- 10% - 12% in the total of Vietnamese Applications will be filed in abroad

Solution :

- Creating a favorable environment, balancing the interests of all parties;
- Import and export advantages for businesses, encourage foreign investment and technology transfer

Breed program

Varieties :

- Rice: The area using certified varieties reaches 90%
- Area : 100% of tea, rubber and banana; 70 - 80% oranges, grapefruits; 40-50% pepper, cassava; 95% of mushrooms use varieties that meet national quality standards

Solution :

- Promote conservation of genetic resources
- Encourage the creation of new varieties
- Promote the industrialization of seed production

Thank you for your attention

➤ Detail Information:

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