



East Asia Plant Variety Protection Forum
14th Annual Meeting
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EAPVPF/14/02_08
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INDIVIDUAL IMPLEMENTING STRATEGY OF MALAYSIA

prepared by Department of Agriculture, Malaysia

1. National goal (for next 10 years: 2021 to 2030)

Malaysia will be implementing national initiatives including the national Plant Varieties Protection programs in lined with a few policies that will soon / have come into force starting year 2021.

(i) **National Agrofood Policy of Malaysia 2.0 (2030 Goal)** which comprises of economic, social and environment will be the primary target set to be achieved by 2030. *A total of 5 policy thrust has been identified to support the overall policy framework and agrofood industry development for the next 10 years.*

1) *Embrace Modernisation and Smart Agriculture* - modernisation of agrofood industry to be in parallel with the standard of IR 4.0 (Industrial Revolution 4.0);

2) *Strengthen Domestic Market & Create/Produce Export-Oriented Products* - enhance agrofood industry market resilience by building strength on our domestic abilities and stronger position on global food trade;

3) *Build Talent that Meets Demand of the Industry* - shifting towards a highly skilled local labour force, increases worker's productivity and employment opportunity;

4) *Advance towards Sustainable Agriculture Practices & Food Systems* - strive for better balanced development and growth that looks to safeguard the interest of food consumers and the natural environment; and

5) *Create Conducive Business Ecosystem & Robust Institutional Framework* - an enabling business environment that facilitates greater entry and investment from business entities onto agrofood industry, as well as governance structure that is effective in promoting collaborative efforts, coordination, industry regulation, and support amongst all stakeholders.

(ii) **National Intellectual Property Policy (NIPP) of Malaysia** is to harness intellectual property (IP) as a new engine of growth for the enhancement of economic and social prosperity. *The following main objectives are stipulated as for:*

a. *Highest Standard of Intellectual Property Protection System*
 – *to develop an efficient and effective IP protection system to ensure fast and easy acquisition of protection and rights as well as competent and practical enforcement mechanism, not to least legally fulfill the local requirements and meet the standards set by international treaties and conventions that Malaysia is a party to.*

b. *Promotion of Intellectual Property-generated Activities*

- by focusing on managing research innovation as well as research and development more effectively and necessitating the creation of a conducive environment that provides incentives, grants, management, finance, business transactions, enforcement and dispute settlement.

- c. *Promotion of Commercial Exploitation of Intellectual Property*
- aim to develop a vibrant IP industry that is crucial to sustain Malaysia's economic growth in the new millennium.
- d. *Development of Intellectual Property Management Capabilities*
- to cover the whole IP chain of activities from creation to protection, exploitation, valuation, licensing, acquisition, enforcement and dispute settlement.
- e. *Development of Infrastructure for Intellectual Property Transaction*
- spelt out the need to look into the business, banking and financial infrastructure in relation to the present and future IP-based transactions particularly trading, licensing, mortgages and securities.
- f. *Protection of Malaysian Intellectual Property Interest*
- Ensure that Malaysian IP interest is safeguarded at the international level by monitoring the developments in IP in the international arena.
- g. *Human Resource Development and Public Awareness*
- with an aim of creating a large pool of experts for the management of IP at all levels of the chain of activities and to increase the level of public awareness relating to the purpose of having an IP protection system, the important role of IP in the socio-economic and technological development of the nation and the need to give recognition and respect to the exclusive rights of the owners of IP as conferred by the law.
- h. *Promotion of Foreign Investment and Technology Transfer*
- Encourage greater foreign investment and technology transfer by guaranteeing the highest standard of IP protection for IP brought into Malaysia, the opportunity to acquire returns from their investment and the availability of legal channels to seek redress and solution in cases of infringement.

2. Objectives with analysis of challenges (for next 3 years)

2.1 Challenges

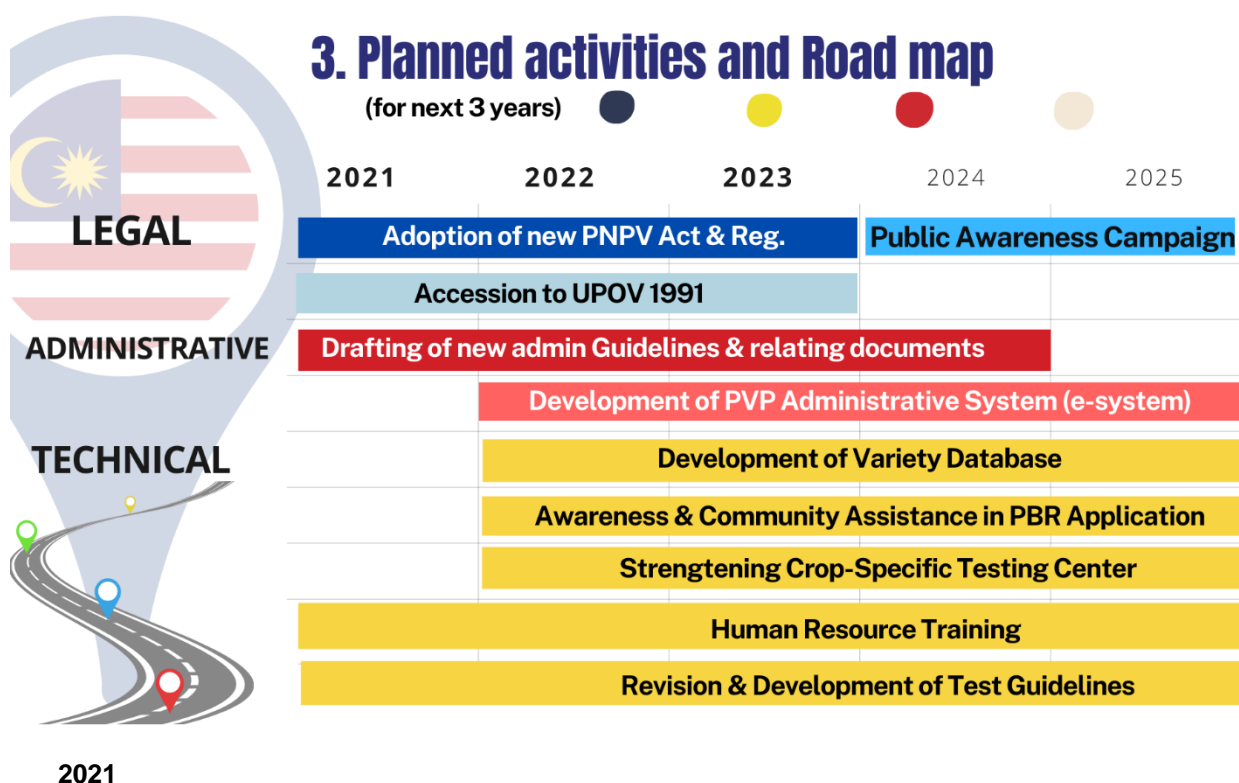
- (i) Legal procedure establishment for UPOV Membership.
- (ii) Applications for protection of local plant varieties are still low.
- (iii) Local breeders of protected varieties have not able to gain profit from the protection.
- (iv) Farmer breeders have not fully exercised the scopes given under breeder's right.
- (v) Protected varieties fail to meet market demand.
- (vi) Duration from Application to Granting is time consuming.

2.2 Objectives

- (i) To expedite the process of Act amendment and to accede to UPOV 1991.
 - To finalize the Risk Impact Analysis (RIA) on the new drafted PVP act in order to fulfilling the policy requirements of Good Regulatory Practices before enabling for the table to the parliament.

- To complete any legal requirement for the parliament approval of the new PVP act and the instrument deposit to UPOV 1991 membership.
 - To establish the accession of UPOV 1991.
 - To conduct continuous and regular public awareness programs, which focus on specific target groups as well as the public in general on The New Plant Variety Protection 20XX.
 - To constantly update of laws and regulations to keep abreast with international, new challenges and new issues.
- (ii) To shorten the duration from filing of an application to granting.
- To expedite DUS Examination for PVP registration.
 - To develop sufficient and effective administrative- and technical- database for better management of PBR application and examination.
- (iii) To promote the benefits of PVP and the know-how in utilising the scope provided under the rights among local applicants.
- To promote the use of local protected varieties such as in public agricultural projects or private-based agricultural projects.
 - To promote commercial exploitation of plant breeder's right among local PBR holders.
 - To stimulate the involvement of local R&D entities to further improve protected local varieties.

3. Planned activities and Road map (for next 3 years)



LEGAL

- (1) Engagement of consultative sessions with Department of Agriculture of State Sabah and Sarawak relating to the PVP Bill.
- (2) Conduct of workshop on completing the consultative session report regarding RIA.
- (3) Submission of Regulatory Impact Statement (RIS).

TECHNICAL

- (4) Development of varietal database on vegetables and fruits capturing data for Variety of common knowledge and example varieties.
- (5) Strengthening technical elements of PBR e.g. technical guidelines and technical trainings.
- (6) Provide technical assistance to public relating to plant breeding and PBR.
- (7) Strengthening specific crop testing centers.

2022

LEGAL

- (1) To have engagement sessions between Attorney General of Malaysia Office with UPOV about seeking harmonization on Malaysia's New Draft PVP Act and UPOV 1991.
- (2) Submission of The New Plant Variety Protection 20XX Bill to Department of Agriculture and Ministry of Agriculture and Food Industry (MAFI) and Legal Advisor's Office for final checking.
- (3) Table of The New Plant Variety Protection 20XX Bill to the parliament.
- (4) To develop regulations for The New Plant Variety Protection 20XX.

ADMINISTRATIVE

- (1) Development administrative database for better management of PBR application.

TECHNICAL

- (5) Development of varietal database on vegetables and fruits capturing data for Variety of common knowledge and example varieties.
- (6) Strengthening technical elements of PBR e.g. technical guidelines and technical trainings.
- (7) Provide technical assistance to public relating to plant breeding and PBR.
- (8) Strengthening specific crop testing centers.

2023

LEGAL

- (1) Confirmation on UPOV membership status.

ADMINISTRATIVE

- (1) Development administrative database for better management of PBR application.

TECHNICAL

- (2) Development of varietal database on vegetables and fruits (Variety of common knowledge and example varieties).
- (3) Development of varietal database on vegetables and fruits capturing data for Variety of common knowledge and example varieties.
- (4) Strengthening technical elements of PBR e.g. technical guidelines and technical trainings.
- (5) Provide technical assistance to public relating to plant breeding and PBR.
- (6) Strengthening specific crop testing centers.

4. Proposal of Cooperation Activity (Members who submitted proposals ONLY. The proposals will be presented with explanation of relevance to its 10-YSP.)

Not applicable.

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