



East Asia Plant Variety Protection Forum
15th Annual Meeting
 Jakarta, Indonesia, 13 July 2022

EAPVPF/15/02_08
Date: 13 July 2022

INDIVIDUAL IMPLEMENTING STRATEGY OF MALAYSIA

prepared by Department of Agriculture, Malaysia

1. National goal (10-year strategic plan 2018-2027)

(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)

Challenges

- 1.0 Applications for protection of local plant varieties are still low.
- 2.0 Local breeders of protected varieties have not able to gain profit from the protection.
- 3.0 Farmer breeders have not fully exercised the scopes given under breeder's right.
- 4.0 Protected varieties fail to meet market demand.
- 5.0 Insufficient administrative and technical database for managing application and facilitating substantive examination (DUS Test) purposes.

2022

- (1) To complete any legal requirement for the parliament approval of the new PVP act and the instrument deposit to UPOV 1991 membership.
- (2) To promote the use of local protected varieties such as in public agricultural projects or private-based agricultural projects.
- (3) To develop sufficient and effective administrative- and technical-database for better management of PBR application and examination purposes.
- (4) To stimulate the involvement of local R&D entities to further improve protected local varieties.
- (5) To promote commercial exploitation of plant breeder's right among local PBR holders.

2023

- (1) 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.
- (2) To constantly update of laws and regulations to keep abreast with international, new challenges and new issues.

2024

- (1) 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.
- (2) To constantly update of laws and regulations to keep abreast with international, new challenges and new issues.

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

2022

- (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.
- (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

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

2024

- (1) Development of varietal database on vegetables and fruits (Variety of common knowledge and example varieties).
- (2) Strengthening technical elements of PBR e.g. technical guidelines and technical trainings.
- (3) Provide technical assistance to public relating to plant breeding and PBR.
- (4) 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.**

Malaysia would like to propose the following cooperation activities under EAPVP Forum:

(1) On-Job Training on Establishment of Chrysanthemum DUS Trials with Experienced PVP Office

Background: Malaysia receive a lot of applications on Chrysanthemum varieties from The Netherlands and Japan since 2009. In the absence of a comprehensive database for Chrysanthemum, Malaysia conducted mainly Document Examination for most chrysanthemum cases. However, this option does not apply to varieties that are not protected in other countries and without test reports. Through years, this type of applications is increasing and thus an alternative in processing the application is gaining urgency and vital.

Objective:

- (a) to seek cooperation among EAPVP Forum member countries to assist Malaysian PVP Registration Office in Novelty Check and providing selection of most similar varieties.
- (b) to seek technical capacity building in establishing DUS Trials for the relevant Chrysanthemum cases.

[End of document]