



East Asia Plant Variety Protection Forum
16th Annual Meeting
2023

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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 UPOV Convention has not been understanding well by public including NGOs.
- 2.0 Awareness of the importance of protecting plant varieties among local breeders are still low.
- 3.0 Right holders lacks of understanding on how to exercise plant breeder's right
- 4.0 Insufficient number of examiners to conduct DUS Test.
- 5.0 Insufficient administrative and technical database for managing application and facilitating substantive examination (DUS Test) purposes.

2023

- (1) To clarify function and benefits of joining UPOV in a targeted group specific approach.
- (2) To complete any legal requirement for the parliament approval of the new PVP act and the instrument deposit to UPOV 1991 membership.
- (3) To promote the use of local protected varieties such as in public agricultural projects or private-based agricultural projects.
- (4) To promote commercial exploitation of plant breeder's right among local PBR holders.
- (5) To establish collaboration between examiners and breeders in conducting DUS Test to reduce human resources, time and resources.

- (6) To develop sufficient and effective administrative- and technical-database for better management of PBR application and examination purposes.

2024 & 2025

- (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 consolidate breeder's entity in promoting a better seed distribution of protected varieties.
- (4) To extend collaboration between examiners and breeders in conducting DUS Test to reduce human resources, time and resources.
- (5) To develop sufficient and effective administrative- and technical-database for better management of PBR application and examination purposes.

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

2022 - 2024

- (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) To establish applicant self-assessment DUS Trial mechanism.

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

No proposal

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