



MALAYSIA

Brief Report

Current challenges in introducing and implementing the provisions on FSS under the 1991 Act of the UPOV Convention

Presented by

Anuar Juhaidee bin Mohd Nordin

(Head of Plant Variety Protection Registration Section)

Department of Agriculture, Malaysia

during

Online Workshop on Farm-saved seeds under the 1991 Act of the UPOV Convention

26 February 2024

FARM-MADE SEED PRACTICES IN MALAYSIA



Smallholder Farmers

Mainly rice;
Some root crops, vegetable, black pepper
Non-Commercial, Self Subsistence



Mainly rice; Others: Flowers/ Root crops
(tapioca, sweet potatoes), fruit (papaya),
vegetables
Commercial, Selling harvested material



Medium Domestic Farmers

Rice, Fruits (Pineapple), Root Crops,
Commodity Crops
Commercial, Seed buying, sub-licensee



Exporting Farmers

Floriculture, Fruits (Pineapple)
Commercial, Licensing activities,
Licensee of parental materials

AGROFOOD CROPS

(Rice, Fruit, Vegetables, Coconut, Floriculture,
Spice, Herbs)

COMMODITY CROPS

(Oil Palm, Rubber, Timber, Cocoa, Black Pepper,
Tobacco)

PROTECTION OF NEW PLANT VARIETIES ACT 2004

BREEDER'S RIGHT LIMITATION

Non-Commercial Basis

- Self consumption, Ritual activities, private purpose
[Section 31\(1\)\(a\)](#)
- Propagation using FSS planted on own holdings for consumption. [Section 31\(1\)\(d\)](#)

FSS Limitation

< 0.2 ha
size of operation holding

Scope of Activities

- Propagation using FSS planted on own holdings for seed.
[Section 31\(1\)\(d\)](#)
- **Exchange among small farmers**
[Section 31\(1\)\(e\)](#)
- **Sale of FSS due to disaster**
[Section 31\(1\)\(f\)](#)

LEGISLATIVE PROCESS

Challenges in providing breeder's exception on FSS under UPOV

CURRENT

- Decision-Making Challenges Regarding Allowable [Seed Amounts and Royalties](#).
- Difficulty in [Tracking](#) the Amount of FSS
- [Enforcement](#) of FSS Provisions

FORESEEN

- Divergent National Perspectives on the [Definition of Farm Saved Seeds](#) versus UPOV '91
- Possible Dissatisfaction Among Stakeholders Regarding [Selected Crops](#).



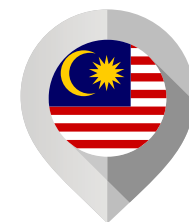
THANK YOU
TERIMA KASIH

FURTHER INFORMATION :



<http://www.doa.gov.my>

<http://pvpbkkt.doa.gov.my> (PVP)



**DEPARTMENT OF AGRICULTURE
(CROP QUALITY CONTROL DIVISION)**

Level 7, Lot 4G2, No. 30, Wisma Tani,
Precinct 4, Persiaran Perdana,
62624 Putrajaya, MALAYSIA.



Tel : +6 03 8870 4185

Email: ajmn210@gmail.com