

February 26, 2024

Current Challenges in Introducing and Implementing The Provisions on FSS Under The 1991 Act of UPOV Convention

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Current status of the Thai PVP law on FSS in Thailand.

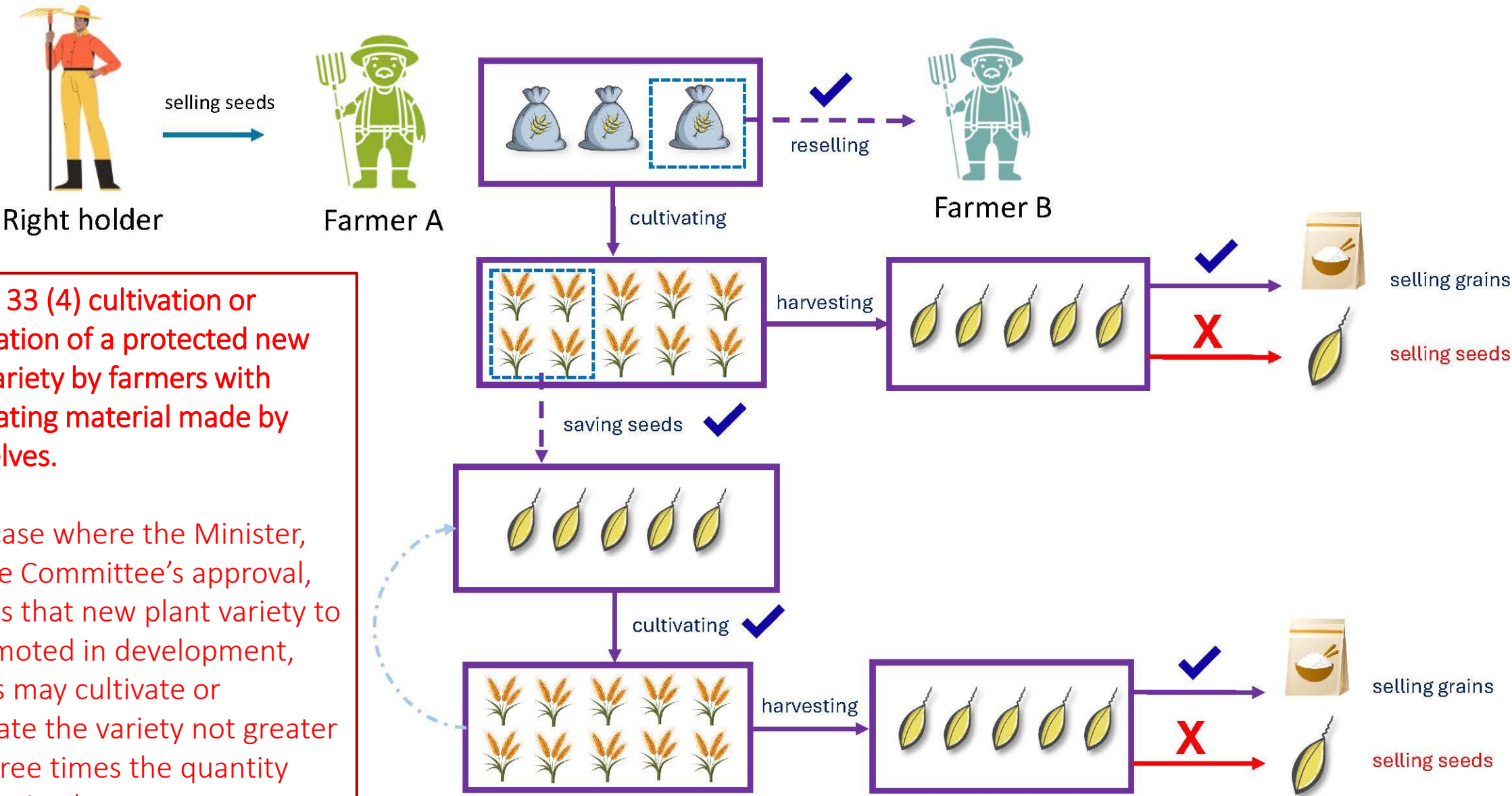
The exceptions to the PBR under the Thai PVP law states in the second paragraph of its Section 33 in which the FSS is in (4)

Section 33. The right holder of a new plant variety has the sole right to produce, sell or trade in any manner, import into and export out of the Kingdom, or be in possession of its seeds and propagating material for such purposes.

Provisions under paragraph one does not apply in the following cases:

- (1) actions related to a protected new plant variety with no intention of using as propagating material;
- (2) study, investigation, experiment, or research related to a protected new plant variety to modify or develop plant variety;
- (3) actions related to a protected new plant variety undertaken in good faith;
- (4) cultivation or propagation of a protected new plant variety by farmers with propagating material made by themselves. In the case where the Minister, with the Committee's approval, declares that new plant variety to be promoted in development, farmers may cultivate or propagate the variety not greater than three times the quantity they received.
- (5) actions related to a protected new plant variety without commercial purposes;
- (6) the sale or trade by any means, import into, export out of the Kingdom, or having in possession for the aforementioned purpose with the seeds and propagating material sold by the right holder or with his or her consent.

Exception to the PBR on Farm saved seed under Thai PVP Act. B.E. 2542



Section 33 (4) cultivation or propagation of a protected new plant variety by farmers with propagating material made by themselves.

In the case where the Minister, with the Committee's approval, declares that new plant variety to be promoted in development, farmers may cultivate or propagate the variety not greater than three times the quantity they received.



Challenges in relation to the implementation of the optional exception on farm saved seeds (Article 15(2) of the 1991 Act)

- 1) To design subsidiary legislation/regulations to balance the PBR and farmers' right to save seeds of protected varieties for their own holding, and mechanism of its implementation.
- 2) To educate and communicate with farmers to understand such the rules.



How would you address such **challenges**?

- 1) Learning from UPOV members.
- 2) Survey and collecting relevant data such as number of farmers and crops that need to provide FSS exemption.
- 3) Raising awareness in various forms/channels.