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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**

GENEVA

**SYMPOSIUM ON CONTRACTS IN RELATION TO  
PLANT BREEDERS' RIGHTS****Geneva, October 31, 2008**SESSION I: LEGAL FRAMEWORK IN SELECTED UPOV MEMBERS: RELEVANT  
LAWS AND JURISPRUDENCE - AUSTRALIA*Mr. Doug Waterhouse, Chief, Plant Breeders' Rights Office, Australia*Abstract

Breeders are increasingly using commercial contracts and licences to market their varieties in Australia. Two main factors have contributed – first, a better understanding of the exclusive monopoly granted by Plant Breeder's Rights (PBRs) and how it is operated; and second, two significant court cases that clarified the relationship between PBRs and the Trade Practices (sometimes called anti trust law) and a highlighting of the opportunity for breeders to establish enduring obligations in relation to the harvest and products arising from the use of Farm Saved Seed (FSS). Faced with a steady increase in the number of contracts with differing conditions, peak farmer and breeder groups combined in 2008 to produce a "standard PBR licence agreement". The simple agreement can be used in traditional style licence situations (where both parties sign the licence) or a "bag licence/shrink wrap" version (opening the bag triggers the obligations). While it is early days, and many of the crops to which the standard licences attach are still to be harvested, most reaction to the standard licence is positive.

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