

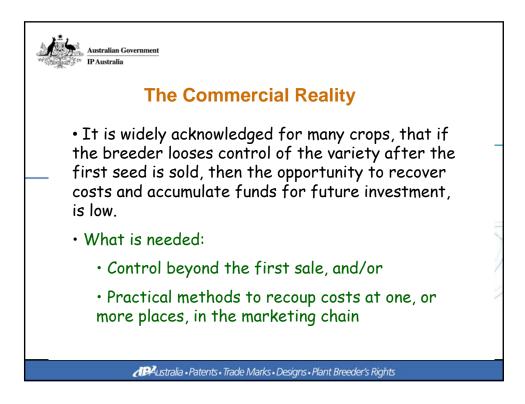
Australian Government Department of Innovation, Industry, Science and Research IP Australia

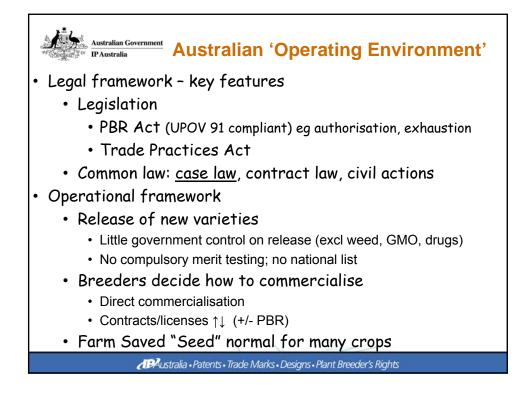
Australia – legal framework: relevant laws; jurisprudence and current trends

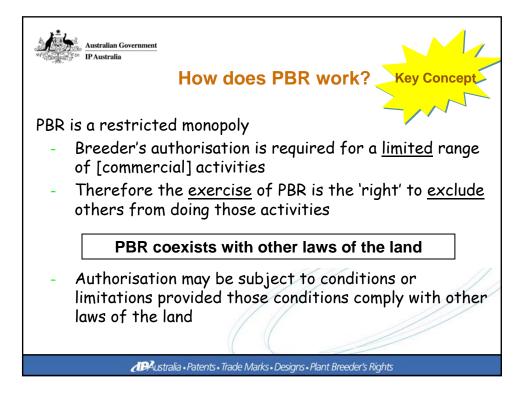
Doug Waterhouse, Chief PBR

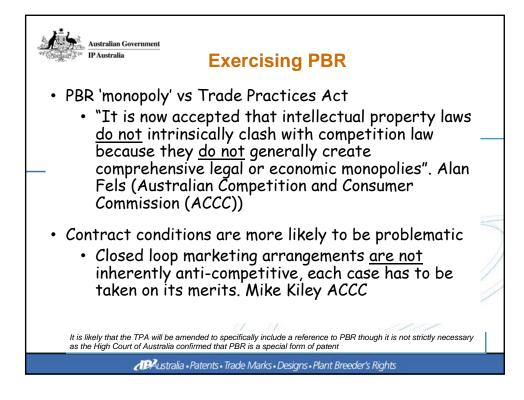
UPOV Symposium on Contracts in relation to PBR 31 October 2008

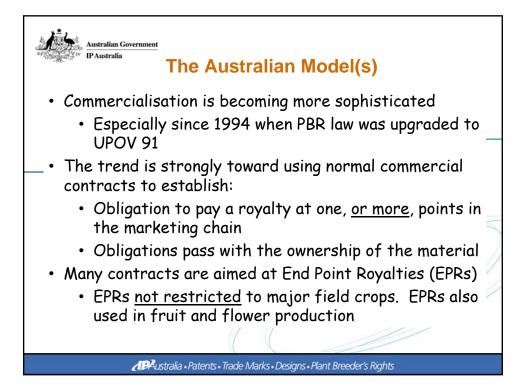
APAustralia • Patents • Trade Marks • Designs • Plant Breeder's Rights







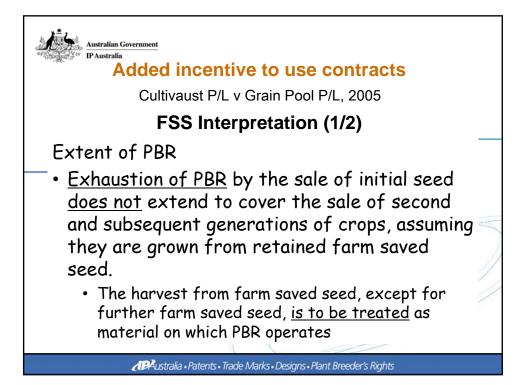


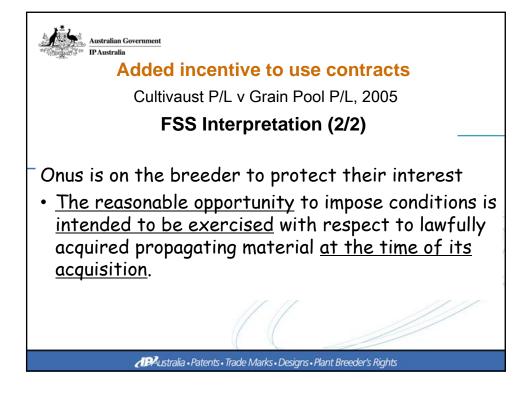




Commercial contracts – Zee Sweet v Magnom Orchards, 2003

- Court action in relation to a commercial contract supported by PBR
 - \$2 per tree royalty and a 5% production royalty
 - quality control & packing requirements
- Magnom guilty of breach of contract
 - contract provisions did not breach Trade Practices Act
 - contract included conditions additional to PBR including
 - non-propagation (ie no FSS)
 - EPR and reporting requirements
 - penalties
 - destruction 14,000 peach/nectarine trees + costs \$750k
 - Confirmed that 'Closed loop' marketing arrangements not inherently anti competitive







Australian Government IP Australia	INDUSTRY STAN PBR LICENCE AG	DARD GREEMENT
ndustry Standard License Agreement	CONTRACT BETWEEN Commercialining Party:	Grower
Developed in consultation with stakeholders • Reduce complexity • Isolates 'nay-sayers'	Weinstein anderstein und eine Anderstein und eine Anderstein und eine Anderstein und eine Anderstein anderstei	
Standard agreement + schedules where terms and conditions vary between varieties	Marca Antonio	and dal
Two types • Traditional style licence (both parties sign) • 'Bag licence' version (opening bag triggers obligation) Growers responsibility to ensure that EPR is paid Record keeping and reporting requirements	<section-header> BETAME DATA CONDUTIONAL SET ALL ADDATES ADDATES</section-header>	 Implier per sense, address and central methods and the factor. In particular with the factor. In particular sense of the factor. In particular sense of the factor. In particular sense of the factor of the factor. In particular sense of the gradient period periods have the factor of the f
Transparency	Source: GRDC website	

INTERGRAIN WHEAT VARIETIES 2008 END POINT ROYALTY RATES AND LICENCES							
		End Point Royalty (RPR)					
Variety	Yr	Breeder component	Variety Management Fee	Total EPR	Licensee		
Magenta	07	\$2.50	50c	\$3.00/t	Crop Care Seed Technologies		
EGA Castle Rock	03	\$1.50	17c	\$1.67/t	Grainstrust		
Camm	98	70c	25c	\$0.95/t	Free to trade		



