

Symposium on  
the Benefits of Plant Variety Protection for  
Farmers and Growers

**Encouraging the development of  
new varieties of plants**

**Peter Button**  
**Vice Secretary-General, UPOV**

*Geneva, November 2, 2012*

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**OVERVIEW**

- Farmers can be breeders...
- Is it difficult to obtain protection?
- Why become a breeder?

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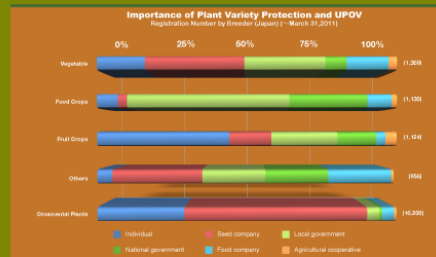
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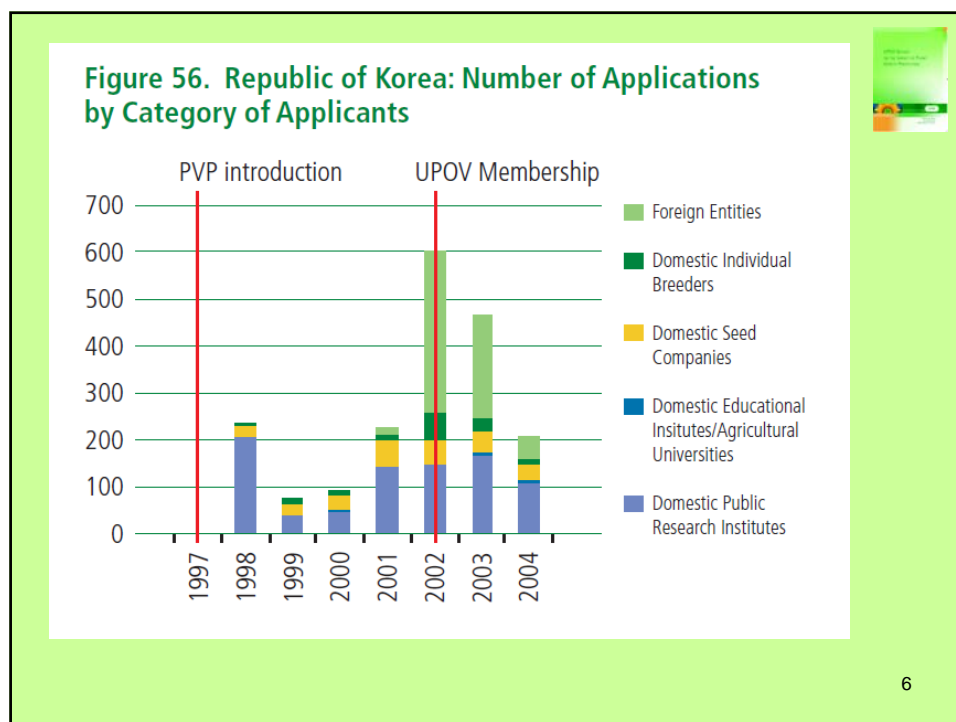
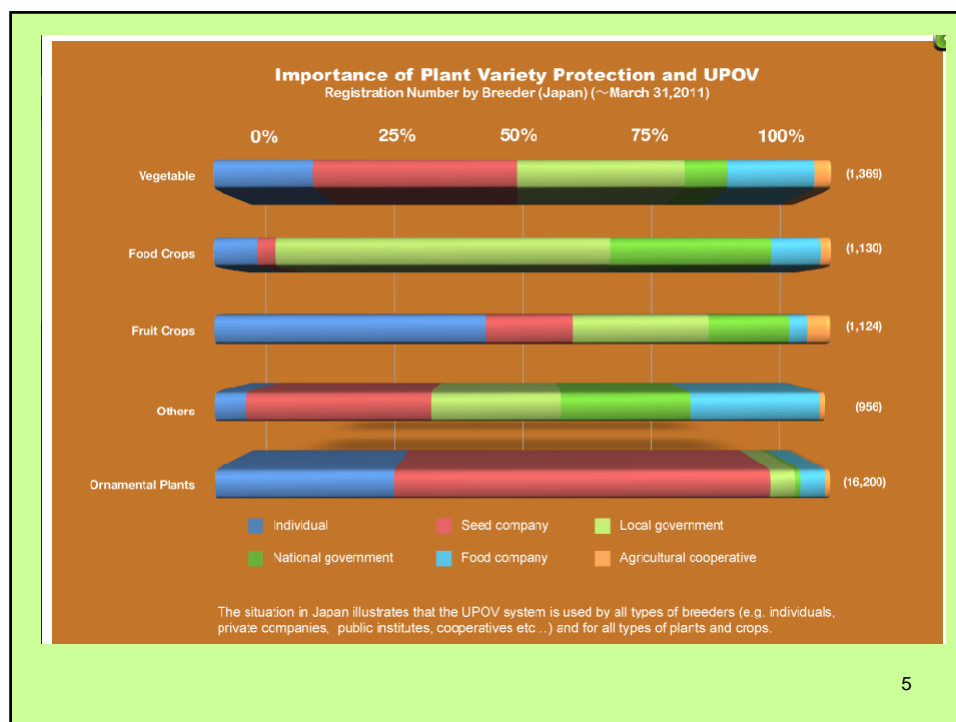
### Who can protect a plant variety?

There are no restrictions on who can be considered to be a breeder under the UPOV system: a breeder might be an individual, a farmer, a researcher, a public institute, a private company etc.

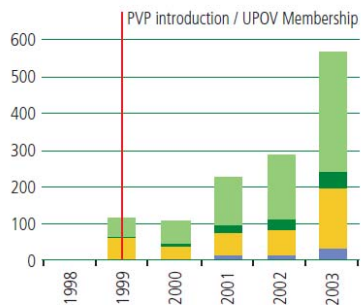


### Japan Registration Case Study (click to see full view)

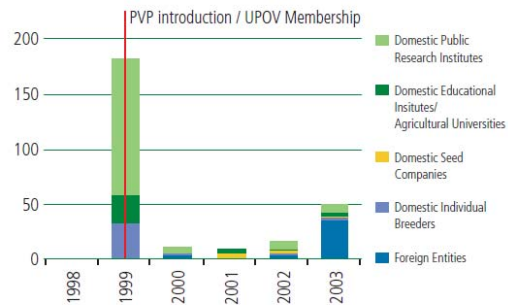




**Figure 33. China: Number of Applications by Category of Applicant (Agriculture)**



**Figure 34. China: Number of Applications by Category of Applicant (Forestry)**



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## OVERVIEW

- Farmers can be breeders...
  - Breeder's exemption

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## Breeder's Exemption

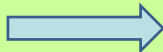
Utilizing protected varieties for breeding new varieties (Rep. of Korea)

'Daniela' tomato



Long shelf life

Segregation



Cross & selection

'Duessra' tomato



Long shelf life + more uniform fruit

Jin Young Yoon, WIPO Conference on Building Partnerships for Mobilizing Resources for Development (Geneva, November 5 and 6, 2009)

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## Breeder's Exemption

Utilizing protected varieties for breeding new varieties (Rep. of Korea)



'Baegma' chrysanthemum

- Breeder : NHRI
- Year released : 2004
- Cross : Iwanohakusen (Japan) x Jinma



'Saerona' Lily

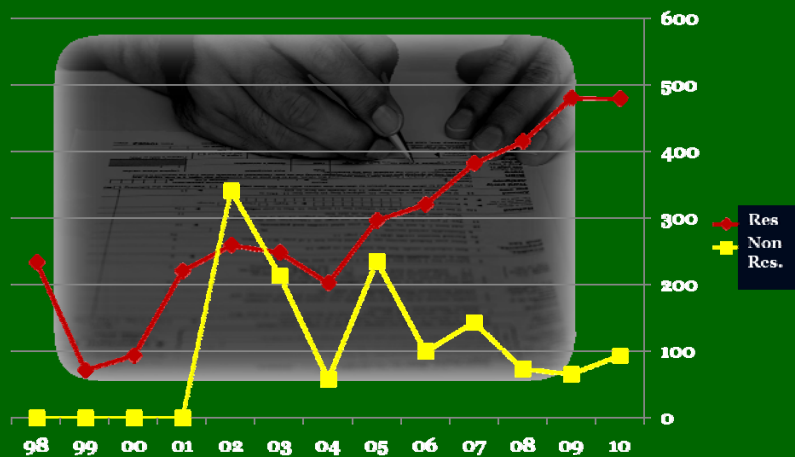
- Bred by : NHRI
- Year : 2004
- Cross : *Lilium* Oriental 'Casa Blanca' (Netherlands) × Almeria (Australia)

Jin Young Yoon, WIPO Conference on Building Partnerships for Mobilizing Resources for Development (Geneva, November 5 and 6, 2009)

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## Republic of Korea

### Application Ratio of Residents/Non Res.



Dr. CHO, Il Ho (Symposium on Plant Variety Protection - Future Strategy for Enhancing the Effectiveness of the PVP System, Seoul July 13, 2011)

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## OVERVIEW

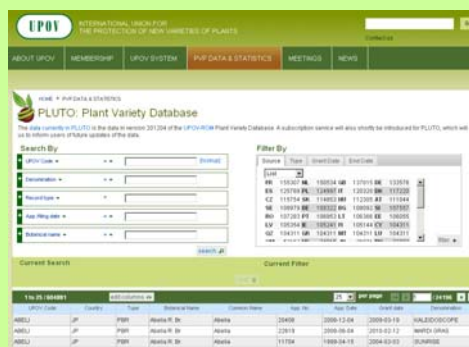
- Is it difficult to obtain protection?
  - Harmonized and well-documented examination
    - Distinctness, Uniformity and Stability (DUS)
      - UPOV Test Guidelines estimated to cover 90% of PBR applications
      - Cooperation in Examination (GENIE database)



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## OVERVIEW

- Is it difficult to obtain protection?
  - Harmonized and well-documented examination
    - Distinctness, Uniformity and Stability (DUS)
    - Denominations
      - Free PLUTO database



## OVERVIEW

- Is it difficult to obtain protection?
  - Harmonized and well-documented examination
    - Distinctness, Uniformity and Stability (DUS)
    - Denominations
    - Guidance and information (UPOV Collection)



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# UPOV Convention

## Article 14

### Scope of the Breeder's Right

(1) [Acts in respect of the propagating material] (a) Subject to Articles 15 and 16, the following acts in respect of the propagating material of the protected variety shall require the authorization of the breeder:

[...]

(b) The breeder may make his authorization subject to conditions and limitations.

**BREEDERS decide their policy on authorization, including conditions/limitations**

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## Farmer-breeder experiences

Young-Hae Kim



•A farmer-breeder experience in the Republic of Korea

Guy Kastler



•The role of plant variety protection in supporting the development of improved varieties

Yoshiteru Kudo



•The Ashiro Rindo Story

Derk Gesink



•The importance of plant variety protection for farmer-breeders of potato

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**THANK YOU**

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