

**Study Visit: Intellectual Property Focal Persons of the
African Regional Economic Communities and Executive
Bodies of the African Union**

**Overview of the Importance and Impact
of Plant Variety Protection with
Specific Reference to Africa**

Yolanda Huerta
Legal Counsel, UPOV

UPOV Headquarters, Geneva
May 19, 2016

Improved Varieties

Hot pepper

Development of disease resistant variety



🟡 **Dok-Ya-Cheong-Cheong**
Resistant to phytophthora blight/virus

Phytophthora blight (Fungal disease):
- above : **Resistant variety**
- below: **Susceptible variety**

Why is important an international system of plant variety protection?

Why is plant breeding important?

Why is important to encourage all types of breeders?

What is the impact of plant variety protection in the biological diversity?

What are the benefits of plant variety protection for famers, growers and consumers?

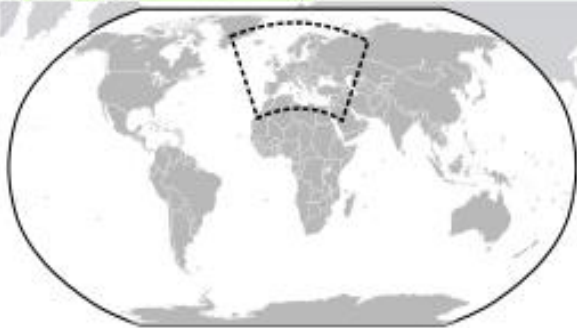
PREVIEW

- 1. About UPOV and Plant Variety Protection**
- 2. Key Provisions of the 1991 Act of the UPOV Convention**
- 3. Further information about UPOV**

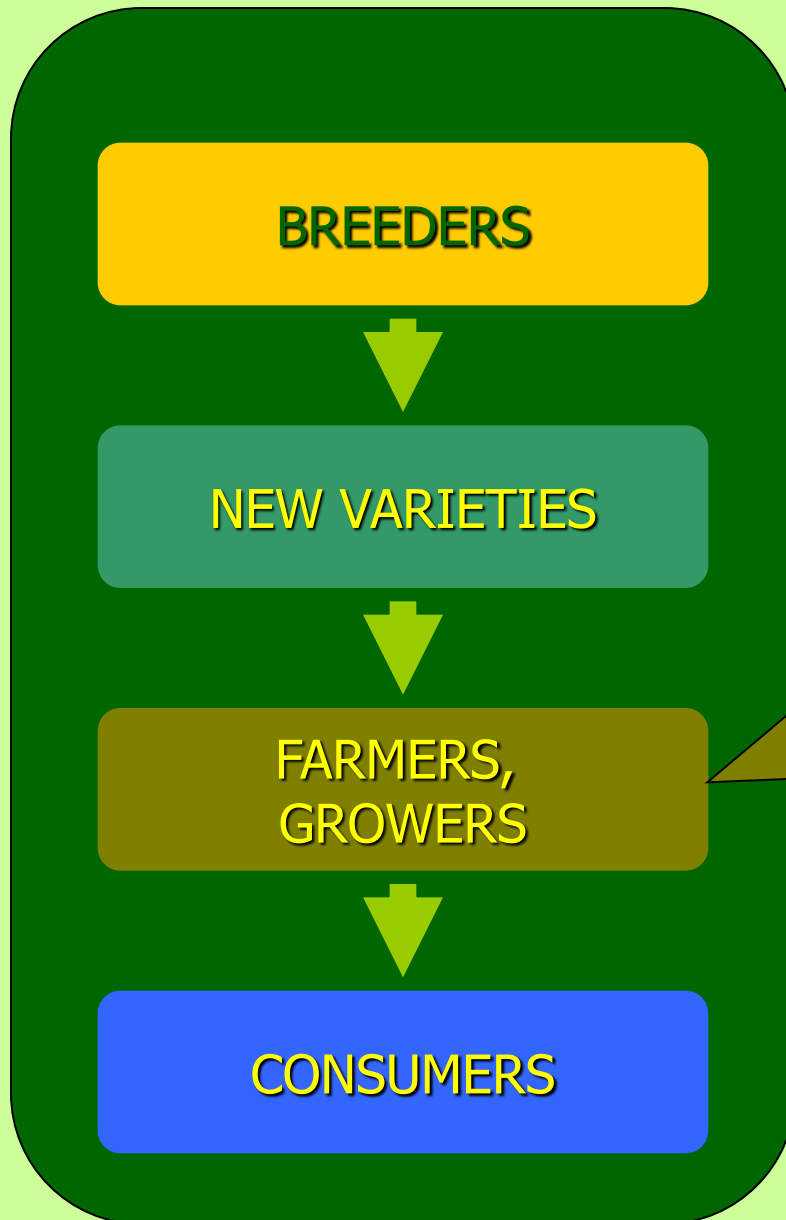
UPOV

UPOV MISSION STATEMENT

“To provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society”



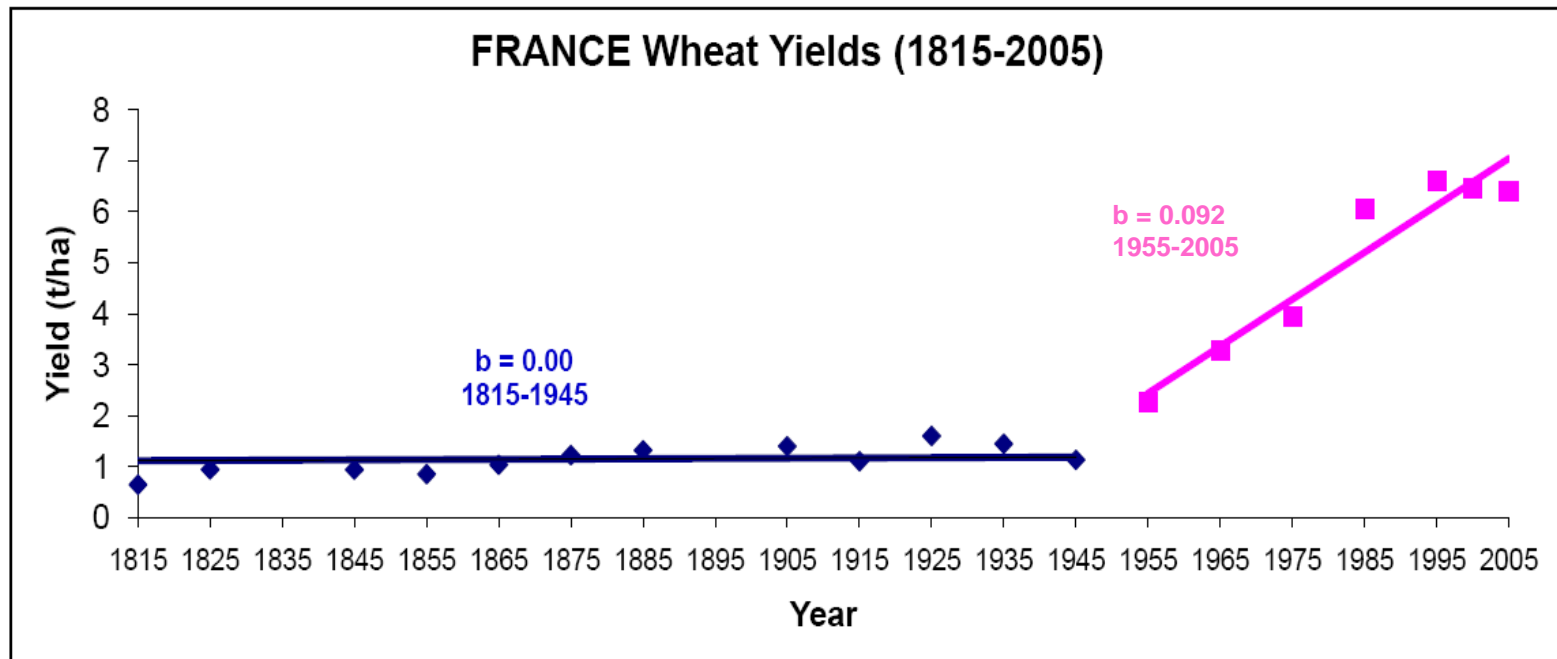
Impact of Plant Variety Protection



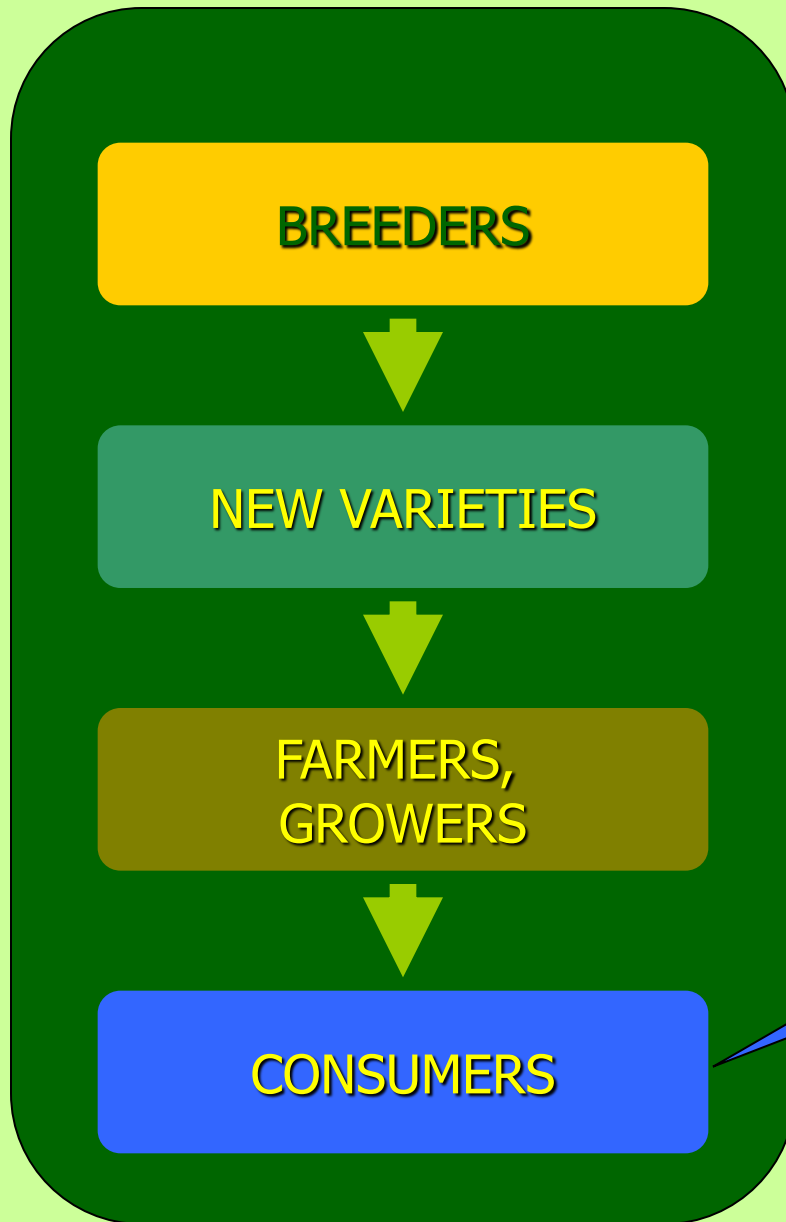
- Yield
- Profitability
- Resistance to pests and diseases
- Stress tolerance
- Harvestability
- Crop quality
- Input efficiency
- Variety diversity
- New markets ...etc.

Importance of Plant Breeding

Evolution of Wheat yield in France



Impact of Plant Variety Protection



- Reduced food cost
- Efficient land use
- Nutritional quality, taste etc.
- Storage quality
- Diversity of products

Glucosinolate content

from 100 μmoles ('Jetneuf') to 12 μmoles ('Samourai')

LEAR: Low Erucic Acid

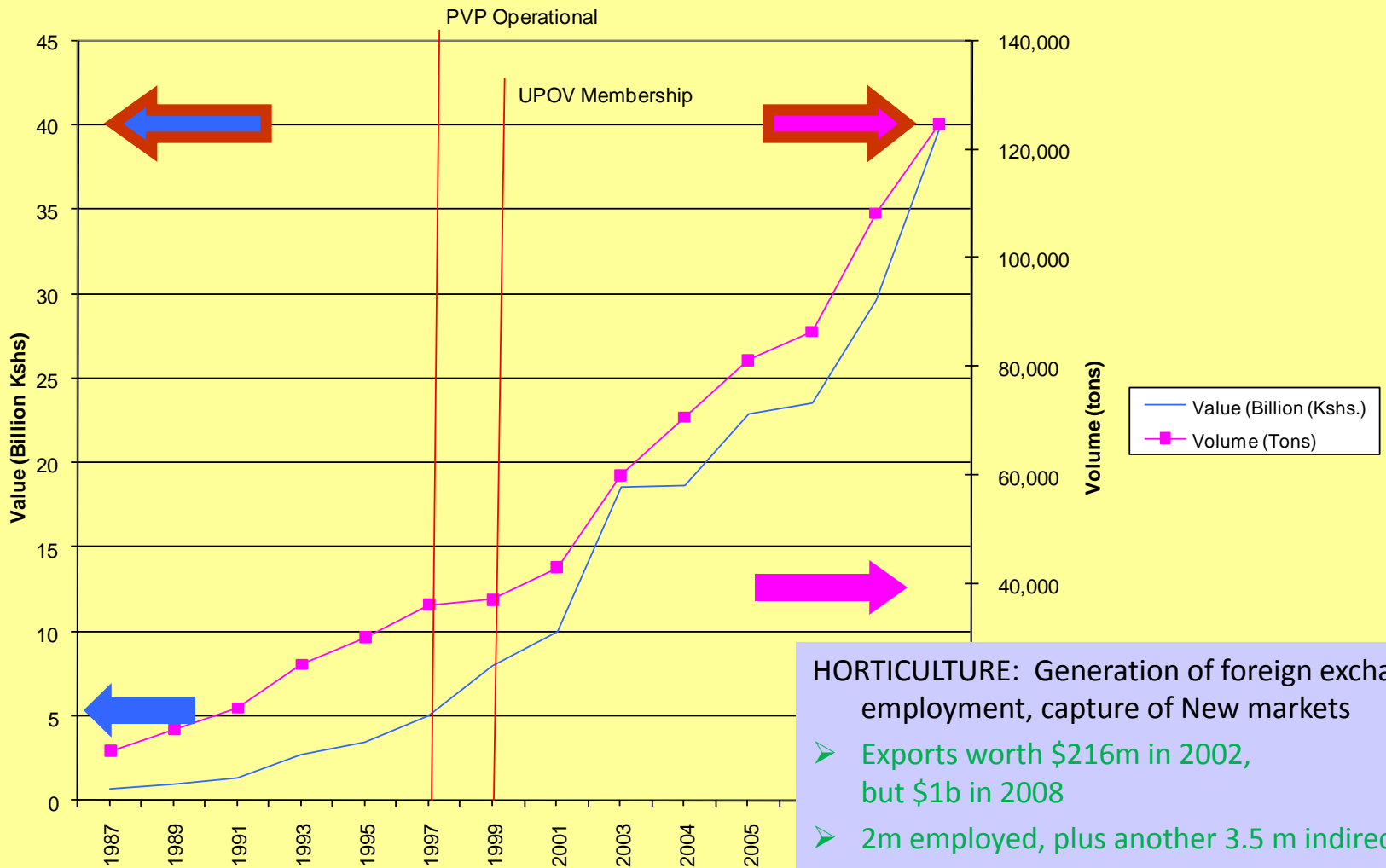


HOLLI: High Oleic and Low Linolenic



International Market Development

Export of Kenyan Cut Flowers



HORTICULTURE: Generation of foreign exchange, employment, capture of New markets

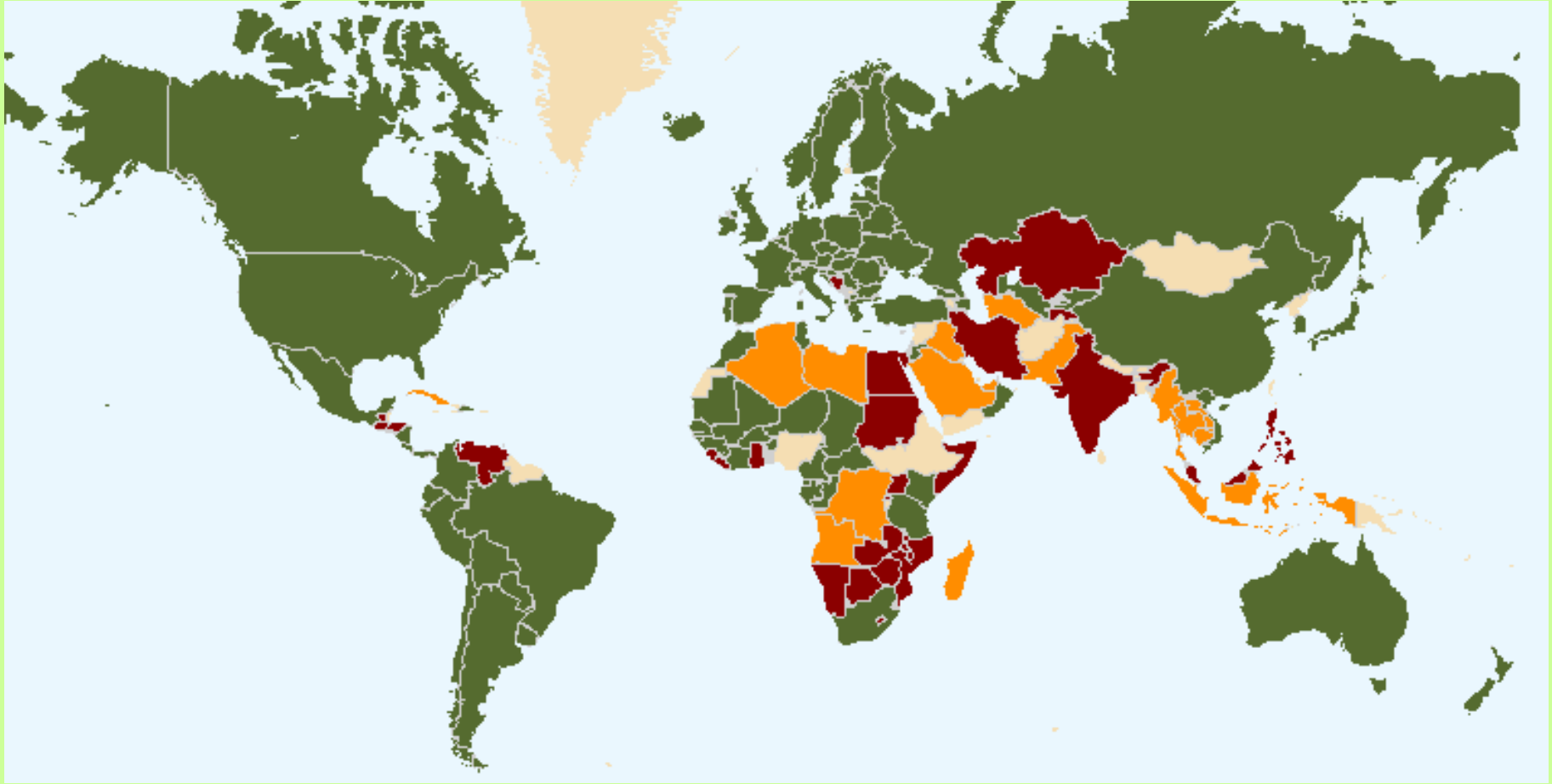
- Exports worth \$216m in 2002, but \$1b in 2008
- 2m employed, plus another 3.5 m indirectly
- Close to 45% Export EU market Cut-flowers
- Exports 4% of total production

Benefits for small-scale farmers in Kenya



Mr. Stephen Mbithi Mwikya, Chief Executive Officer, Fresh Produce Exporters Association of Kenya (Kenya)

UPOV status in 2016



Members of UPOV (74)

Initiating States (15) and Organization (1)

States (23) and Organization (1) in contact with the UPOV Office

RECENT DEVELOPMENTS

New Members

OAPI

as of July 10, 2014

Montenegro

as of September 24, 2015

United Republic of Tanzania

as of November 22, 2015

Accession 1991 Act **Kenya**

as of May 11, 2016



New UPOV member in 2014

OAPI

(Organisation Africaine de la Propriété Intellectuelle)

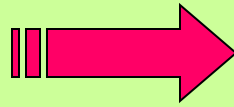


(17 States: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Côte d'Ivoire, Equatorial Guinea, Gabon, Guinea, Guinea-Bissau, Mali, Mauritania, Niger, Senegal, Togo)

PREVIEW

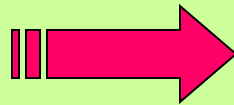
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BREEDER



**THE ONE ENTITLED TO
PROTECTION**

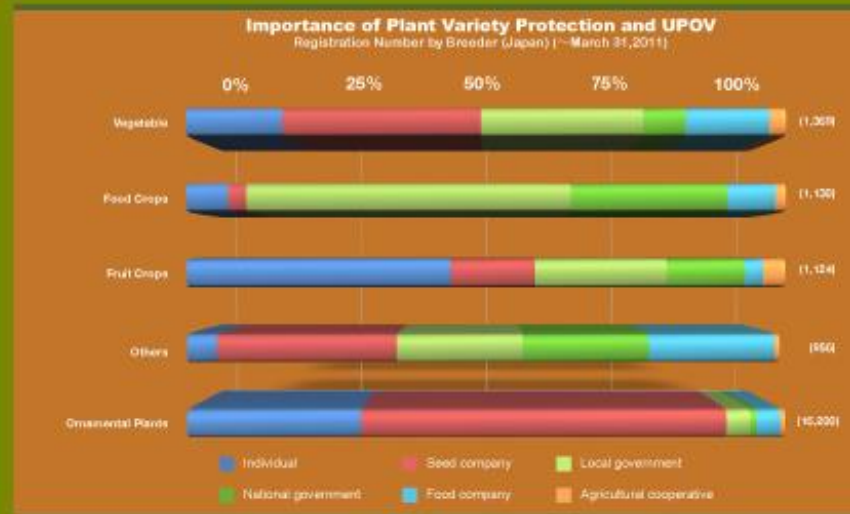
VARIETY



**THE SUBJECT MATTER
OF PROTECTION**

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.

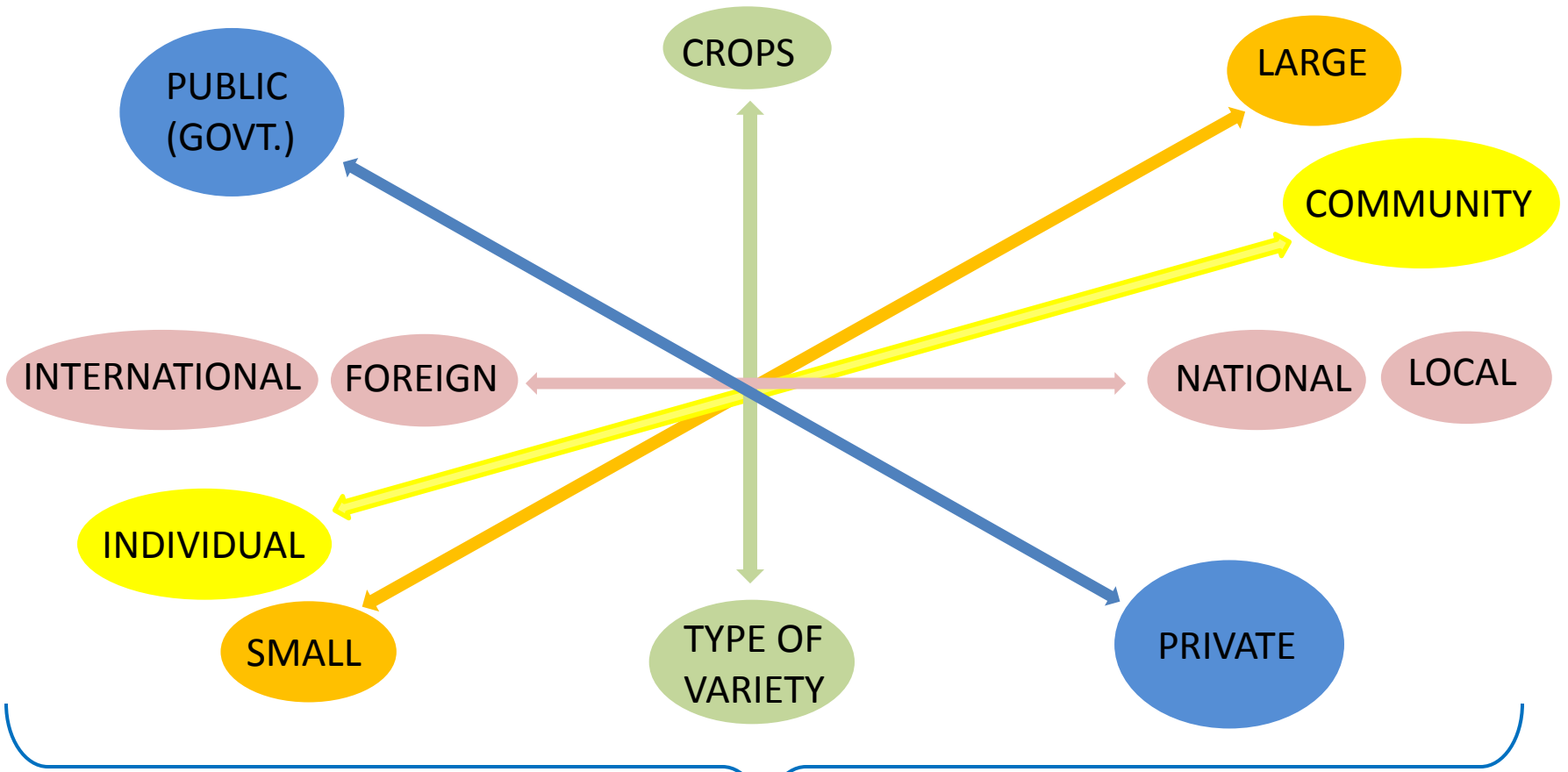


Japan Registration Case Study

(click to see full view)



PVP – INCENTIVE FOR ALL TYPES???



FOOD SECURITY

BENEFIT OF SOCIETY

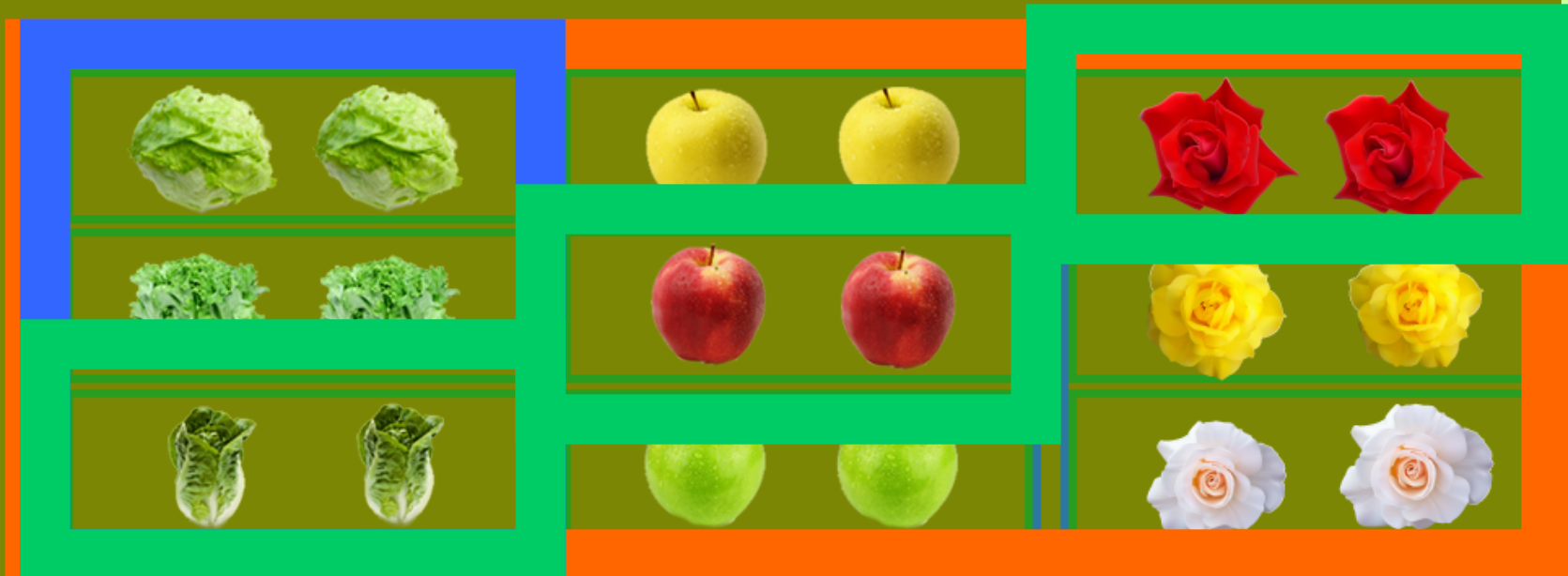
DIVERSITY OF:
- BREEDING GOALS
- PRODUCTS
(Farmers/Consumers)



What is a Plant Variety?

The term "species" is a familiar unit of botanical classification within the plant kingdom. However, it is clear that within a species there can be a wide range of different types of plant. Farmers and growers need plants with particular characteristics and that are adapted to their environment and their cultivation practices.

A plant variety represents a more precisely defined group of plants, selected from within a species, with a common set of characteristics.



SPECIES
(Click to display)

PLANT KINGDOM
(Click to display)

VARIETIES
(Click to display)

Nature of the DUS Examination

The “DUS Test” (field trial)



COOPERATION



*Number of
genera/species for
which varieties
protected by members
of the Union: > 3,562*

*(>15,000 PBR
applications /annum)*

*Practical DUS
experience
offered for >3,382
genera and
species*

*Agreements for
cooperation between
members of the
Union: > 2,000*



Vuyisile Phehane



• Delivering high performance varieties to subsistence/smallholder farmers

- Local licensing agreement with a South African company
 - for the commercialization of some of the ARC's citrus varieties.
 - A condition of the license: ensure the participation of smallholder citrus producers in the commercialization value-chain.
- Facilitated partnership with the Citrus Growers' Association to access ARC



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Intellectual Property Manager*

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UC Davis - international agriculture - UPOV PBR - strawberry variety licensing - value added examples

» California industry value - \$2.5 B (70% UC Davis)

» Spanish industry from zero to \$1B in 25 years – UC Davis strawberry varieties and know-how

» Other examples;

– Chile, Mexico, Morocco, South Africa, Turkey

Breeder's Exemption

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

'Daniela' tomato



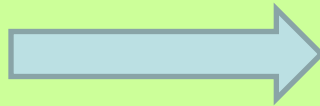
Long shelf life

'Duessra' tomato



Long shelf life + more uniform fruit

Segregation



Cross & selection

www.upov.int

Gazette and Newsletter



Welcome

The International Union for the Protection of New Varieties of Plants (UPOV) is an intergovernmental organization with headquarters in Geneva (Switzerland).

UPOV was established by the International Convention for the Protection of New Varieties of Plants. The Convention was adopted in Paris in 1961 and it was revised in 1972, 1978 and 1991.

UPOV's mission is to provide and promote an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society.

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- Seminars & Symposia
- Ashiro Rindo story
- FAQs

GENIE Database



UPOV Lex



Plant Variety Database (PLUTO)

News

& Upcoming Events

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Harmonization, Resources and Assistance

		Harmonization	Resources	Training & assistance
IMPLEMENTATION	PVP Law			
	➤ Application			
	➤ Variety Denominations			
	➤ DUS Testing			

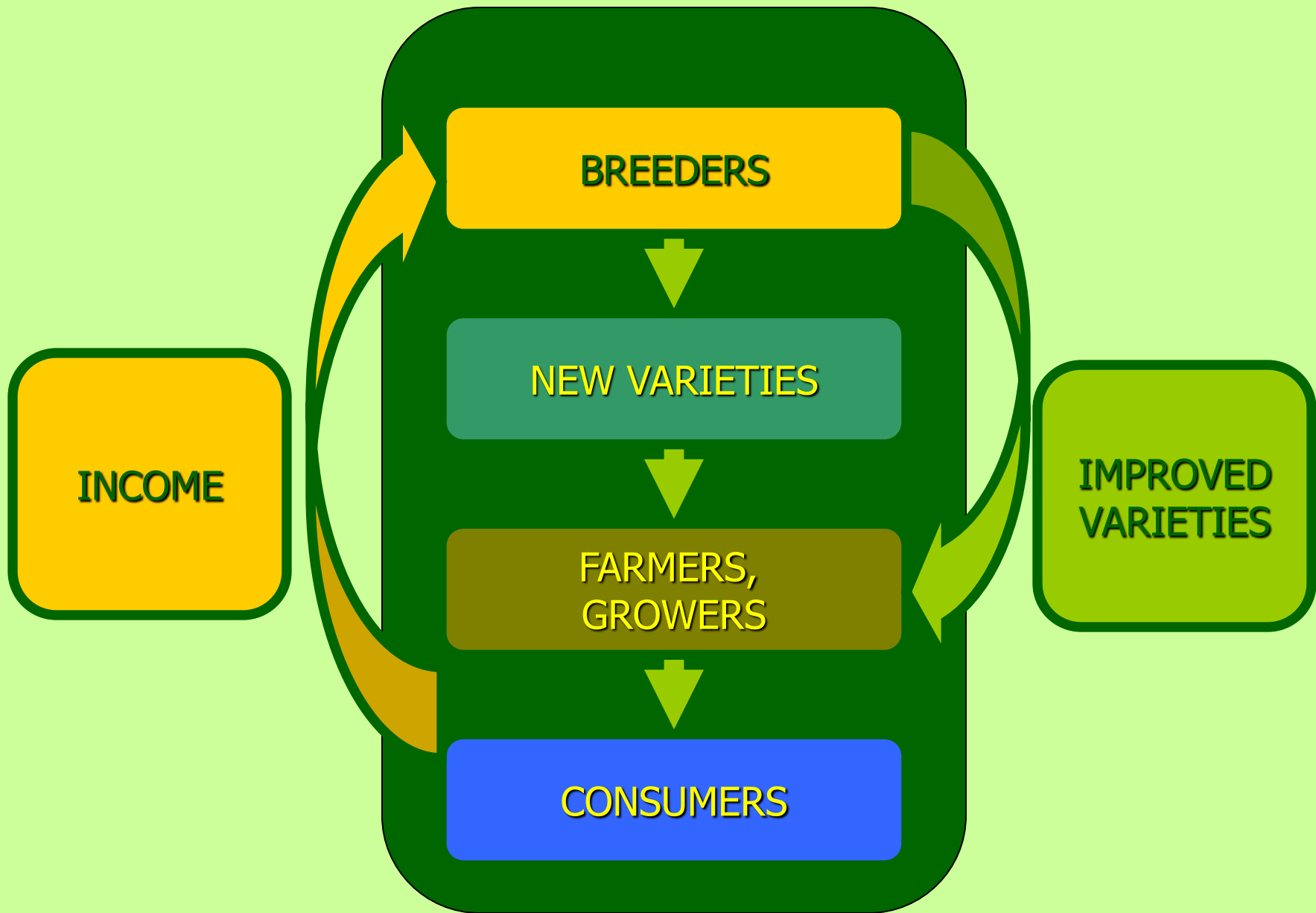
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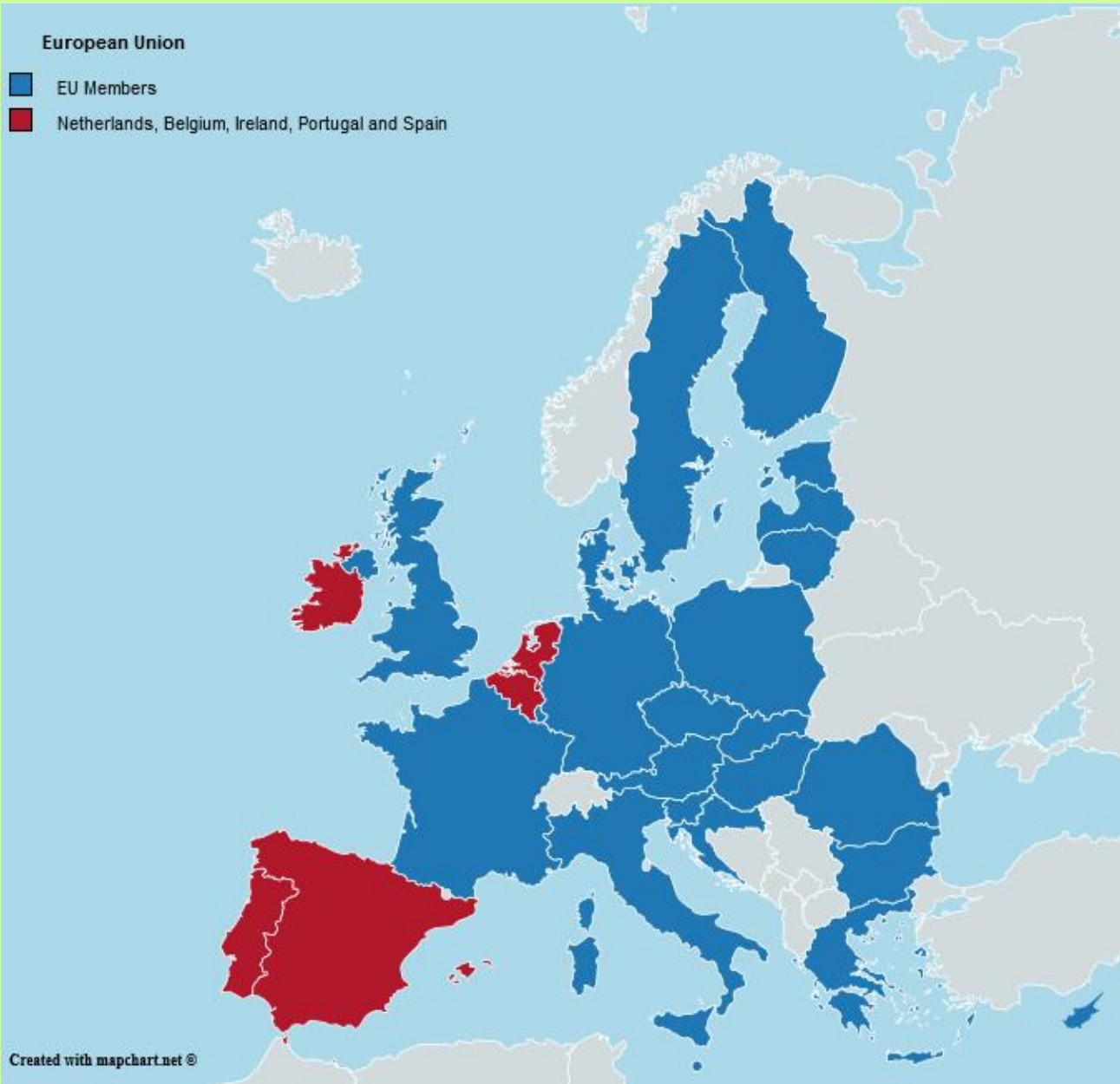
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European Union

- EU Members
- Netherlands, Belgium, Ireland, Portugal and Spain



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Benefits of UPOV

