Christophe ROUILLARD, Technical Manager Plant Health and Seed Trade

ESA

Community Plant Variety Rights :

What it gives and why it is needed

12.09.2017

INTRODUCING ESA

- **SINGLE** voice of the European seed industry

- Represents the European seed industry via the **European institutions** and their representatives

  - **European Commission**
  - **European Parliament**
  - **Council of Ministers**
  - **Community Plant Variety Office**

INTRODUCING ESA

- International involvement and observer status

  ISF, CPVO, UPOV, OECD, ISTA, IPPC, FAO, etc.

- Continuous contact with other industry associations:

  - **related to agriculture & biotechnology**
  - **non-governmental organisations**
  - **the international press**
  - **the wider interested public**

ESA'S PRINCIPAL FUNCTIONS

- **Inform**
- **Represent**
- **Lobby**

on all seed related issues:

- **seed marketing, incl. GM and organic seed**
- **IPRs ; biodiversity ; access ; research**
- **plant/seed health ; seed treatment ; environment**
- **land use and food production**

- **Help to solve collective problems of Members**

ESA MEMBERS TODAY

- 37 national seed associations **(ESA Association Members)**
- 38 direct company members **(ESA Individual Members)**
- 30 associate company members **(ESA Associate Members)**

ESA ASSOCIATION MEMBERS

ASSINSEL
ABV
AMSEM
AIC
AISR
ANSEME
ANOVE
APROSE
APVD
ASSOSEMENTI
BDP
BSPB
CMSSA
CSA
DAPB
DHSA
DSTA
EEPES
FSTA
PbB
P.I.N.
PLANTUM
P.V.D.O.
SAS
SASTAB
SAU
SEEMENLIIT
SEMZABEL
SS G.I.Z.
SSTA
SWISS SEED
TURKTED
TSUAB
UFS
USPA
VETOMAG
VDPUSO

ESA INDIVIDUAL MEMBERS

AGRICO
bejo
BARENBRUG
BASF The Chemical Company
Bayer CropScience
BNA
DLF TRIFOLIUM SEEDS & SCIENCE
DOW Dow AgroSciences
DSV
Elsoms
ENZA ZADEN
euralis NOURRIR VOTRE CONFIANCE
FLORIMOND DESPREZ
GERMICOPA
Germinal
GAUTIER semences
HZPC Growing with our potatoes
KWS
Limagrain de la terre à la vie
MAÏSADOUR semences
MONSANTO
NORIKA
npz
DUPONT PIONEER
PV Pop Vriend Seeds
Meijer FOR SURE
quality crops
RAGT SEMENCES
RAMIRO ARNEDO semillas
RIJK ZWAAN
SAKATA
SAATZUCHT STEINACH SEIT 1920
SEMILLAS fitó
SICASOV
Solana
syngenta
TAKII SEED
TOZER SEEDS

ESA ASSOCIATE MEMBERS

aib
ALTIUS advocaten avocats lawyers
ASOL MAROC
Arysta LifeScience
BASF The Chemical Company
Bayer CropScience
BREEDERS TRUST
BÜHLER
BVO Bundesverband der VO-Firmen e.V.
CERTIS
Chemtura
CHEMINOVA HELPING YOU GROW
Cibus
DRUMMONDS Limited
DUPONT
germains seed technology
hoopman equipment & engineering
incotec the seed enhancement company
KeyGene
KINCANNON & REED
Nufarm
novozymes Rethink Tomorrow
PETKUS
SATEC
SeedWORLD
TRIP ADVOCATEN & NOTARISSEN
SUET SUET Saat- und Erntetechnik GmbH
syngenta
Plant Breeding Academy UCDAVIS
vondst advocaten

EU SEED MARKET – KEY FACTS AND FIGURES

Item	Figure
Value EU seed market	€ 7 bn
Number of seed companies	7.200
Employment	ca 52.000
Annual R&D Spending	Up to 20% (of turnover)
R&D Stations	750
R&D Employees	ca 12.500
Seed production	1.6 bn ha

EU SEED MARKET – KEY FACTS AND FIGURES

EU SEED MARKET – KEY FACTS AND FIGURES

3.500

New varieties

are authorized for marketing within the European Union **each year.**

42.000

Different varieties

of agricultural and vegetable species are available to **farmers** in the European Union.

INNOVATION AND IMPACT

Annual R&D spending of seed industry EU	ca. 15% = € 1 bn
Value seed market EU	€ 7 bn
Farm gate value agric. Products EU	> € 70 bn
Value processed agric. Products EU	> € 700 bn

CPVR – Why it is needed.

IP protection in seed business

- Seed companies invest up to 20% of turnover in R&D
- Products of plant breeding are of

High value

Investment

Innovative

Challenges

- In an easy form to copy
- Future R&D investments require incentives
- IP allows a fair return on investment

IP stimulates Innovation

CPVR – Why it is needed.

Therefore plant breeders require an effective intellectual property protection system!

- Plant Breeders Rights – Protection of biological material such as parental lines and hybrids

- Need of having access to all forms of plant material including commercially available protected varieties for a successful plant breeding industry

Plant Breeders' Rights safeguards access to protected varieties by the "breeder's exemption"

CPVR – what it gives.

Community Plant Variety Rights :

allows intellectual property rights, **valid throughout the European Union**, to be granted for plant varieties

Art 13 – 2100/94 (EC)

The following acts shall require the authorization of the breeder:

(a) production or reproduction (multiplication);

(b) conditioning for the purpose of propagation;

(c) offering for sale;

(d) selling or other marketing;

(e) exporting from the Community;

(f) importing to the Community;

(g) stocking for any of the purposes mentioned in (a) to (f).

The holder may make his authorization subject to conditions and limitations

CPVR – Issues of the European Seed Industry

Community Plant Variety Rights:

to maintain a robust, reliable Intellectual property system at a reasonable cost

- Harmonization of procedures, methodologies on DUS, improve the quality and reduce the costs:
  - R&D projects
  - Examination offices entrustments, QAS
  - EU Technical protocols, phasing in period for disease assessment
  - IT Tools
  - Cooperation on PVR, national listing and Common Catalogues

CPVR – Concerns of the European Seed Industry

Enforcement of Plant Variety rights:

The European Seed Industry faces a wide range of infringements

- Farm Saved Seed (not allowed for CPVR protected varieties, unless mentioned)
- Vegetative reproduction of hybrids (Tomato, Eggplant)
- Reproduction and Sale of seeds of protected varieties without authorization

Need for awareness raising activities designed to foster respect for plant variety rights and to encourage the development of enforcement tools.

CPVR – Concerns of the European Seed Industry

Enforcement of Plant Variety rights:

The European Seed Industry faces a wide range of infringements

- Legal action to fight Plant Variety Rights infringement and fraud:
  - Time consuming
  - Expensive
  - Technically difficult to gather evidences

- Lack of specialized court / judge per Member State to improve PBR enforcement

- Sanctions too low to be effective, proportionate and dissuasive.

CPVR – Conclusive words

Community Plant Variety Rights System :

What it brings - why it is needed ?

- Efficient system to provide Intellectual Property right for new varieties
- CPVR system encourages and promotes the creation of new varieties (e.g. Breeders' exemption)
- Crucial to recover huge investments made by plant breeders.

- Still some room for improvement of the system and the enforcement of Community Plant Variety Rights…

CONTACT US

ESA European Seed Association
Avenue des Arts 52
B 1000 Brussels
T. +32 (0)2 743 28 60
secretariat@euroseeds.eu

FOLLOW US ON