



Enforcement of PVR in the ornamental sector The growers point of view

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Introduction to AIPH

- Coordinating body representing horticultural producers and landscapers organisations
- Established in 1948
- 35 organisations
- Representing 25 countries
- Europe, Asia, Africa, Australia and Americas



Objectives of AIPH

- Promoting the material interest of the global ornamental sector and by that the welfare of growers
- Platform for exchange knowledge and experience
- Statistical yearbook
- Horticultural exhibitions
- Several standing committees like Novelty Protection, the Green City, Marketing



Committee for Novelty Protection

- Formulating the growers point of view regarding plant breeders rights
- Brought to the attention of national and international institutions (CPVO,UPOV)
- Observer status in UPOV
- Open exchange of information > ability to influence legislation



Basis points of the growers point of view on PVR (1)

- Equal responsibility in the chain
- Breeders deserve recompense
- But: rights regarding production and marketing belongs to growers
- Grower is taking the risk of production
- Actions grower have influence on breeders compensation
- PVR is of mutual interest to parties in the supply chain



Basis points of the growers point of view (2)

- Selling as much as possible is a risk for growers
- Launching of novelties decided by market forces: supply & demand
- Trial test in constructive co-operation between growers and breeders
- Joint marketing and promotion of varieties and novelties



Denomination

- Clear use of the several denominations used in the sector
- Always using the verifiable (registered) name in case of selling or trading
- Order: botanical id, variety name, trademark. Example: Rosa L. 'Champion' Perfection®

Scope of PVR

- Scope of protection restricted to propagation material
- Exception: Art. 14, sub 2 UPOV 1991
- See the basis in UPOV, European PVR system and nat. legislations



Use of Trademarks

- Trademark only for distinguishing origin and producer
- Only protection by trademark means no protection by PVR
- Identify cultivars by using the registered variety name
- Breeder has to inform grower about TM- and PV-rights
- More transparency about the different IP-rights in the ornamental sector



Contract law

- Commercial relation based on a licence contract
- Relation licensor (breeder) and licensee (grower) = contract law
- This means: parties are free to agree on the conditions
- Beware for far reaching restrictions
- AIPH checklist for licence agreement



Final conclusions

- PVR legislation = to recompense breeders work > based on principle of the IP system > stimulate inventions in the benefit of society > breeder gets monopoly position
- Breeder depends nevertheless of the links in the production chain
- So: every individual link in the chain depends on all others to ensure a good end product for the consumer.

Final conclusions

- Breeders and growers need each other to stay on the market
- Good functioning legislation on PVR
- Balanced positions in the production chain are crucial



➤ For further information
please visit our website:

www.AIPH.org





International Association
of Horticultural Producers

Thank you for your attention