

Current situation relating to Plant Variety Protection and interests linked to agricultural policies of Thailand



Ms. Thidakoon Saenudom

Director of Plant Varieties Protection Office

Department of Agriculture, Thailand

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Outline

01

Background of PVP system
in Thailand

02

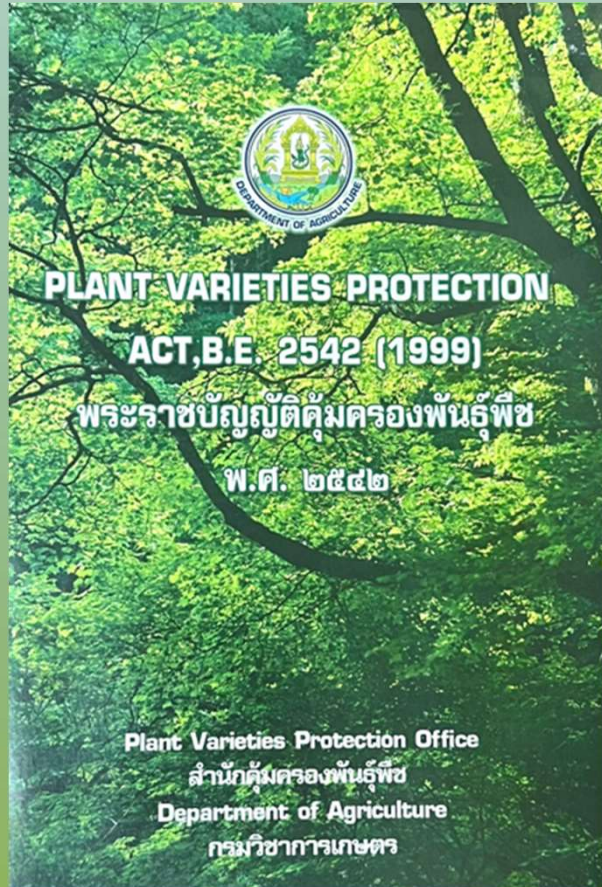
The agricultural policies
of Thailand

The legal system of PVP in Thailand

Thailand is a member of the World Trade Organization (WTO) in order to harmonize with the TRIPS agreement (27.3b), the Plant Varieties Protection Act B.E. 2542 (The PVP Act) was enacted to provide intellectual property protection for new varieties of plants. The PVP Act is based on the principles of the International Convention for the Protection of New Varieties of Plants Act of 1978 (UPOV 1978).

→ PVP law was drafted in 1995.

→ PVP Act B.E. 2542 entered into force
26 November 1999.



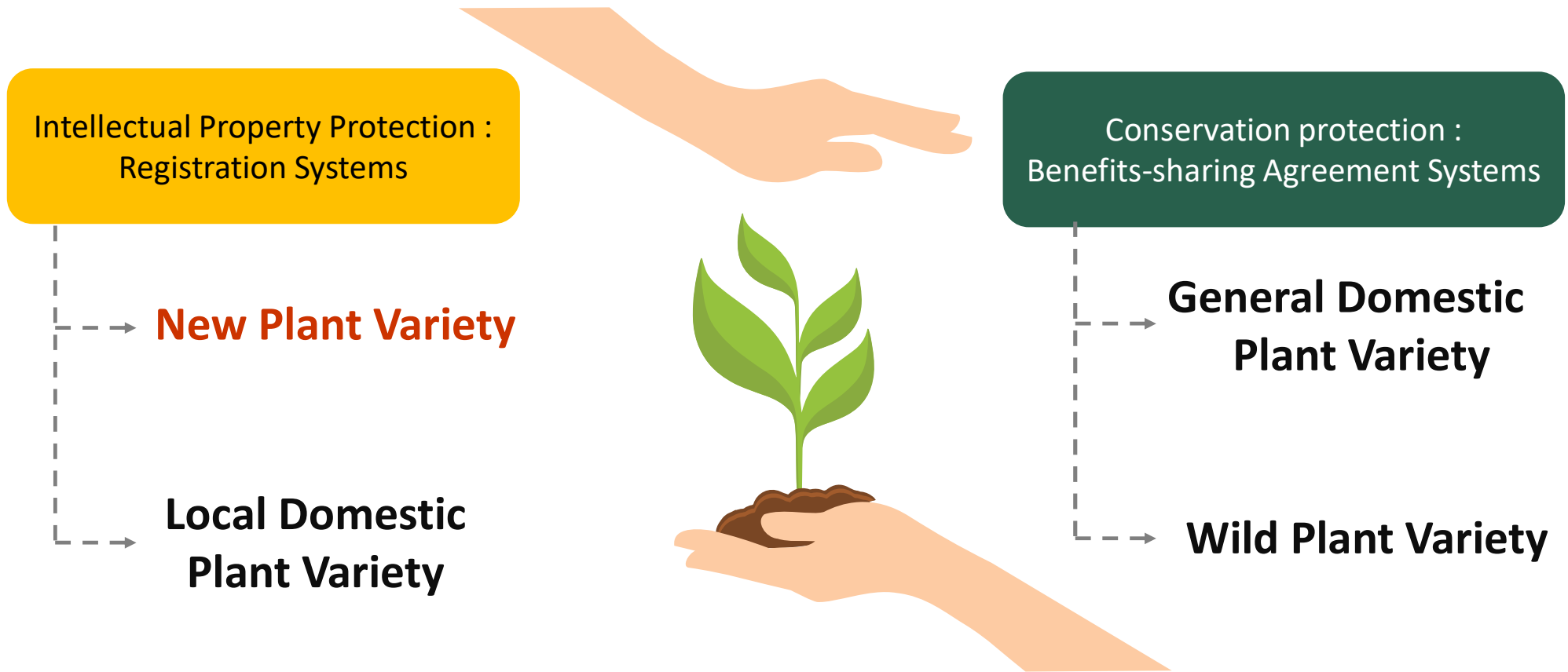
PVP ACT, 1999

To encourage breeders to develop and breed new varieties of plants by providing the protection of Plant Breeder's Right

To promote conservation and sustainable use of plant genetic resources

To enable community to participate in the conservation and sustainable use of plant genetic resources

Scope of Protection under the Thai PVP Act

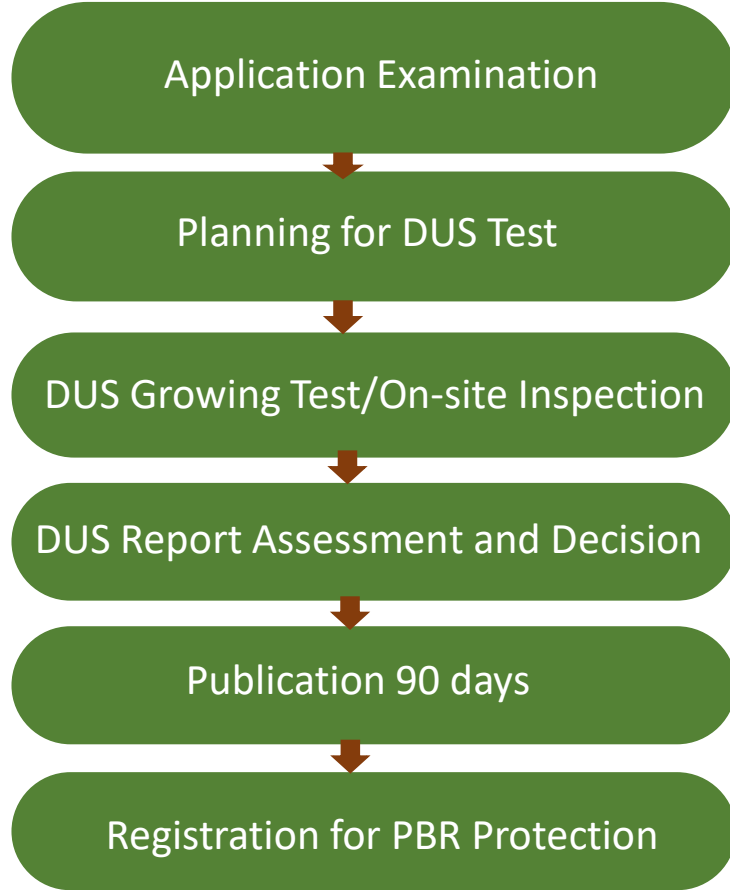
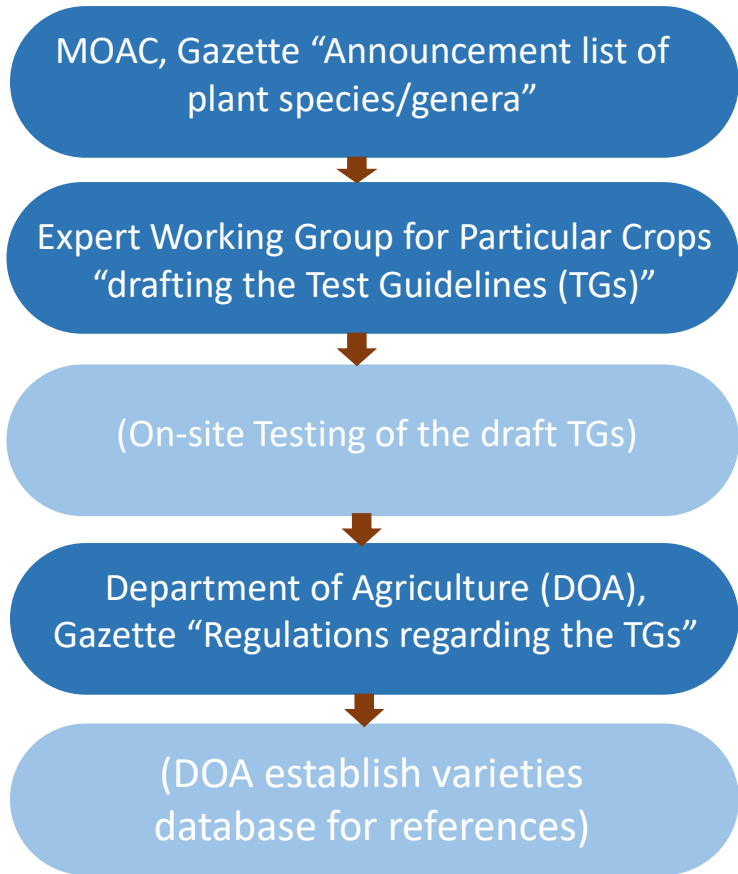


Composition of Thailand Plant Varieties Protection Act B.E. 2542

- 01 ➤ **Protection of New Plant Varieties**
(Plant Breeder's Right, PBR)
- 02 ➤ **Protection of Local Domestic Plant Varieties**
(Community's Right)
- 03 ➤ **Protection of General Domestic Plant Varieties
and Wild Plant Varieties**
(Access and Benefit Sharing, ABS/CBD)
- 04 ➤ **Plant Varieties Protection Fund**



Procedure of Registration for the Protection of New Plant Variety



Sl. No.	Particulars	Days
1	Application Examination	1
2	Planning for DUS Test	2
3	DUS Growing Test/On-site Inspection	3
4	DUS Report Assessment and Decision	4
5	Publication 90 days	5
6	Registration for PBR Protection	6



publications for a period of 90 days.



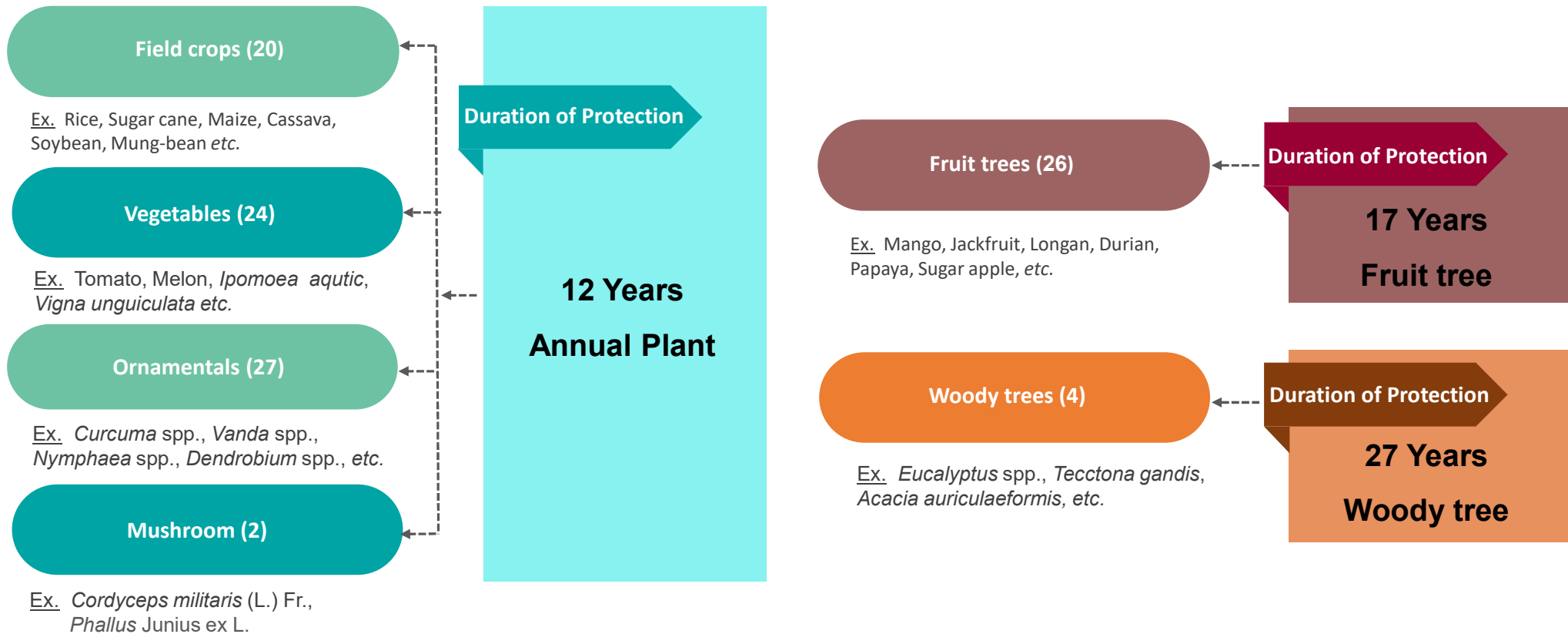
The list of Protected Plant Species

Protected plant species 103 items	
Plant Categories	Items
Field crops (20)	Rice, Soybean, Mung-bean, Oil palm, <i>Ananas comosus</i> , <i>Gossypium hirsutum</i> , <i>Sesamum indicum</i> , Sugar cane, Maize, Cassava, Vetiver, <i>Pennisetum purpureum</i> & hybrids, Poaceae : Bambusoideae, <i>Brachiaria ruziziensis</i> & hybrids, <i>Arundo donax</i> , <i>Cannabis</i> L., <i>Arachis hypogaea</i> , <i>Zoysia</i> Willd., <i>Nicotiana</i> L., <i>Gossypium</i> L., <i>Morus alba</i> L., <i>Morus</i> L.,
Vegetables (24)	Tomato, chili, Asparagus pea, <i>Solanum melongena</i> , <i>Luffa acutangular</i> , <i>Cucurbita moschata</i> & hybrids, Winter melon, Bitter gourd, <i>Phaseolus vulgaris</i> , <i>Lactuca sativa</i> , Chinese Cabbage, <i>Ipomoea aquatica</i> , Cucumber, Chinese broccoli, Melon, <i>Cucumis melo</i> cv. Cantaloupensis & <i>Cucumis melo</i> cv. Reticulatus & hybrids, <i>Abelmoschus esculentus</i> , <i>Brassica oleracea</i> L. Capitata Group, <i>Raphanus raphanistrum</i> subsp. <i>sativus</i> , <i>Ipomoea batatas</i> , <i>Solanum tuberosum</i> , <i>Ocimum tenuiflorum</i> , <i>Centella asiatica</i> , <i>Allium ascalonicum</i>
Ornamentals (27)	<i>Euphorbia millii</i> , <i>Euphorbia lactea</i> , <i>Nymphaea</i> spp., <i>Aglaonema</i> spp., <i>Plumeria</i> spp., <i>Adenium</i> spp., <i>Caladium bicolor</i> , <i>Phalaenopsis</i> Blume. & hybrids, <i>Cattleya</i> Lindl. & hybrids, <i>Vanda</i> spp., <i>Dendrobium</i> spp., <i>Cymbidium</i> Sw., <i>Paphiopedilum</i> Pfitzer, <i>Curcuma</i> spp., <i>Zinnia</i> L., <i>Anthurium</i> Schott, <i>Rosa</i> L., <i>Tagetes</i> L., <i>Chrysanthemum morifolium</i> , <i>Hippeastrum</i> Herb., <i>Nepenthes</i> L., <i>Sansevieria</i> Thunb., <i>Euphorbia</i> L., <i>Platynerium</i> Desv., <i>Dischidia</i> R. Br., <i>Cymbidium</i> Sw. & hybrids

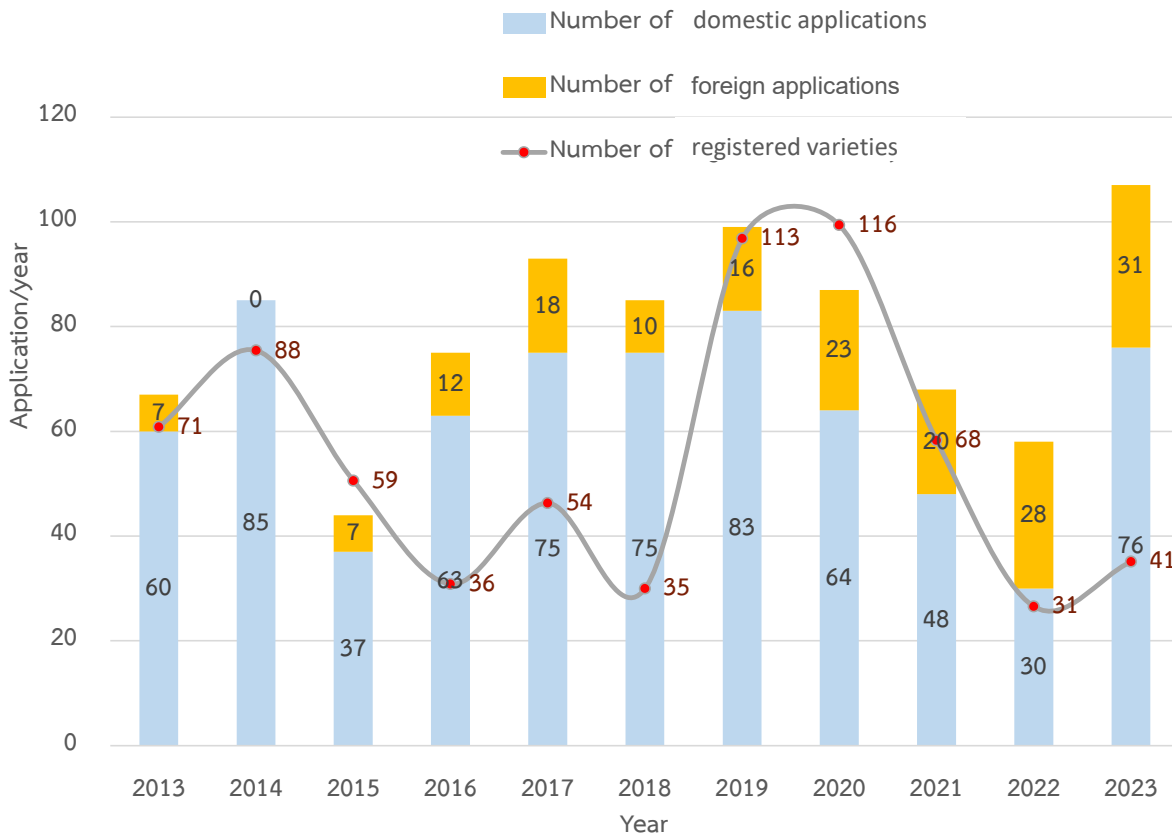
The list of Protected Plant Species (Cont.)

Protected plant species 103 items	
Plant Categories	Items
Fruit trees (26)	Longan, Litchi, Mango, Tamarind, <i>Citrus aurantifolia</i> & hybrids, <i>Bouea</i> spp., <i>Musa</i> spp., <i>Artocarpus heterophyllus</i> , Durian, Papaya, Pomelo, <i>Averrhoa carambola</i> , <i>Annona squamosa</i> , <i>Psidium</i> spp., <i>Citrus reticulata</i> & hybrids, Rambutan, <i>Hevea brasiliensis</i> , <i>Persea americana</i> , <i>Phoenix dactylifera</i> , <i>Coffea</i> L., <i>Cocos nucifera</i> , <i>Syzygium samarangense</i> , <i>Citrus sinensis</i> , <i>Morus</i> L., <i>Theobroma cacao</i> & hybrids
Woody trees (4)	<i>Eucalyptus</i> spp., <i>Tectona gandis</i> , <i>Acacia auriculaeformis</i> , <i>A. auriculiformis</i> , <i>A. mangium</i> , <i>A. aulacocarpa</i> , <i>A. crassicarpa</i> & hybrids
Mushroom (2)	<i>Cordyceps militaris</i> , <i>Phallus Junius</i> ex L.

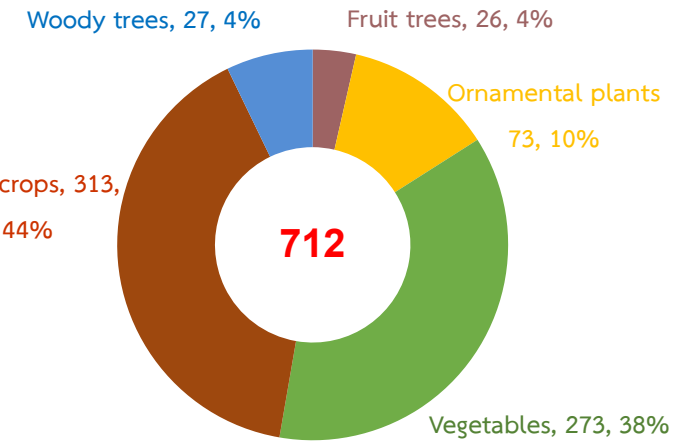
Duration of the PBR Protection



Number of Applications and Registered Varieties (Recent 10 years)

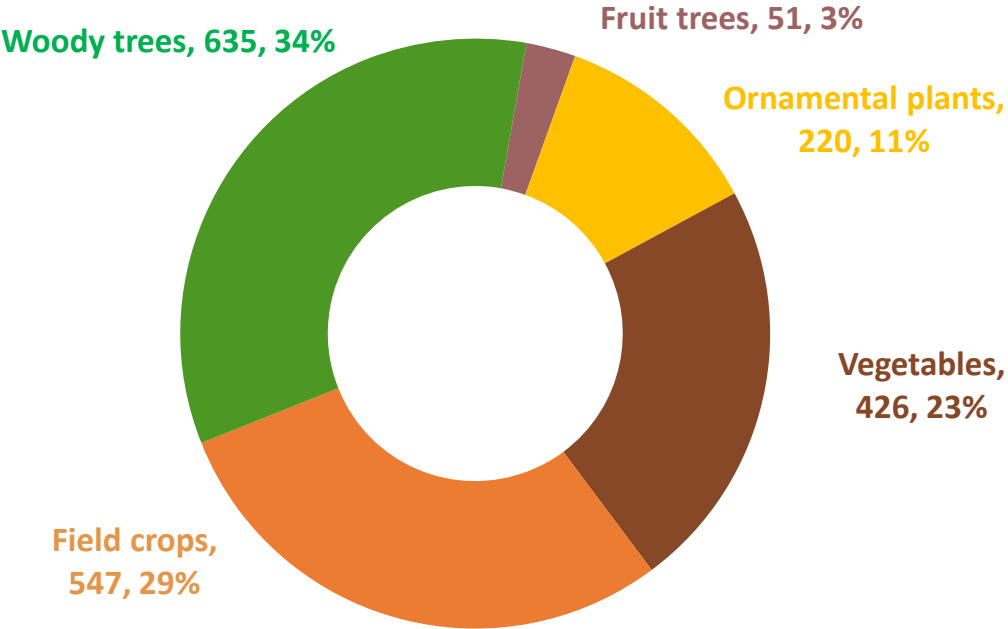


Total Number of Registered Varieties



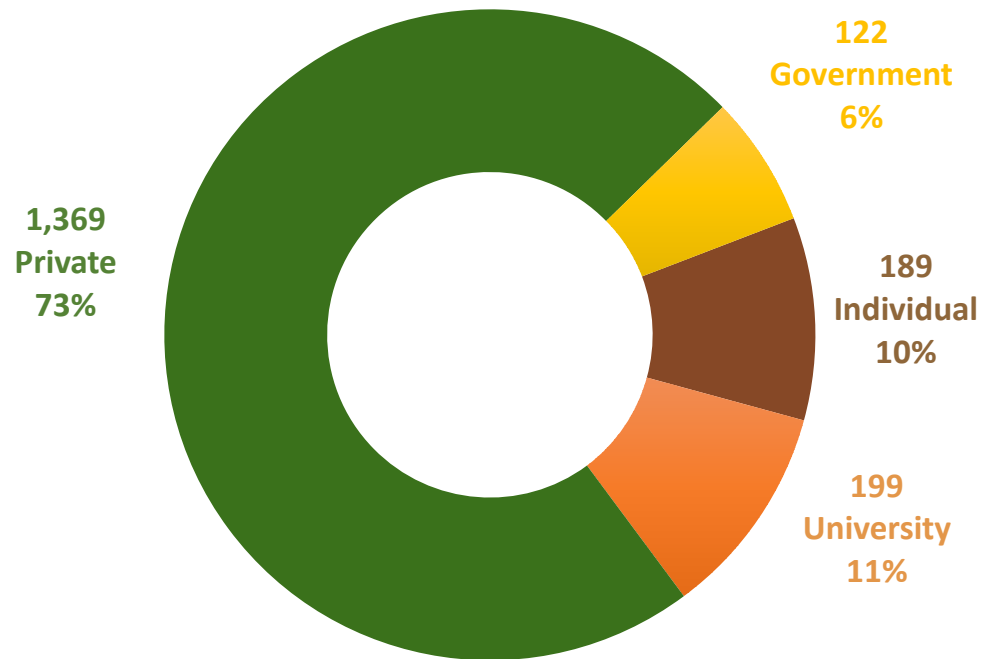
Country	Total number of applications
Domestic	696
Foreign	172

Number of Applications by plant categories (2003 – Oct. 2023)



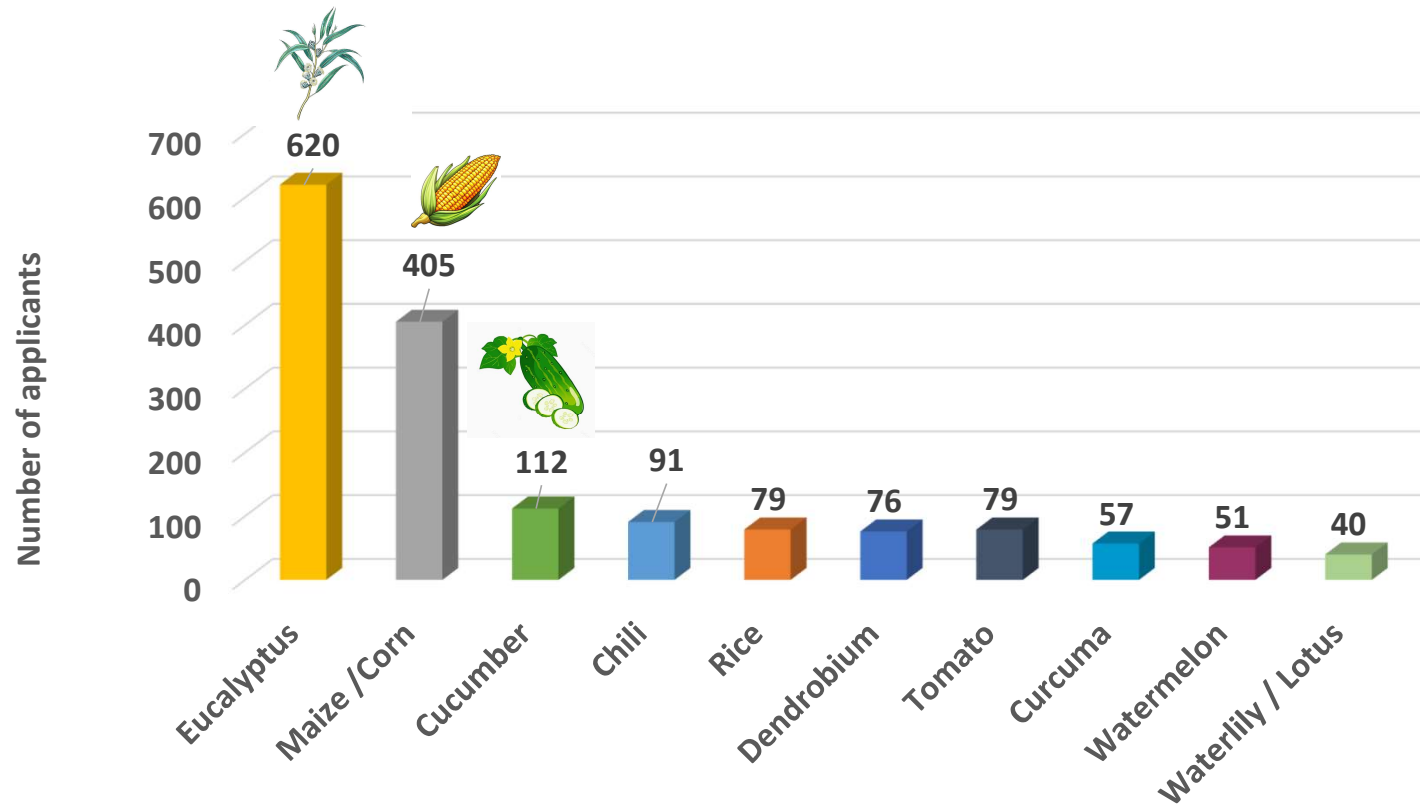
Plant categories	A number of applications
Woody trees	635
Field crops	547
Vegetables	426
Ornamental plants	220
Fruit trees	51
Total	1,879

Number of Applications by applicant categories (2003 – Oct. 2023)



Applicant categories	A number of applications
Private	1,369
University	199
Individual	189
Government	122
Total	1,879

Number of Applications of Top 10 crops





Ministry of Agriculture and Cooperatives (MOAC)



Department of Agriculture (DOA)



Plant Variety Protection Office (PVPO)

PVPO

Management Structure

● **Plant Variety Protection Research Group (10)**

- Research on CITES Plants Group
- Herbarium and Research Group
- Administrative Sub - division

Thailand

PVP Team



Significant Differences between Thailand PVP Act and the Convention of UPOV 1991

Novelty

Thai PVP Act.

Being a plant variety the propagating material of which has not been exploited, whether by means of sale or distribution in any manner whatsoever, in or outside the Kingdom by the breeder or with the breeder's consent for more than one year prior to the date of filing the application

UPOV 1991

The plant variety has not been sold or otherwise disposed of to others, by or with the consent of the breeder in the territory of the contracting party in earlier than one year before that date and in a territory other than that of the contracting party in earlier than four years or, in the case of trees or of vines, earlier than six years before the date of filing of the application.

Significant Differences between Thailand PVP Act and the Convention of UPOV 1991

Scope of the Breeder's Right

Thai PVP Act.

The scope of breeders' right covers only on the propagating materials.

UPOV 1991

respect of the propagating material of the protected variety shall require the authorization of the breeder: production or reproduction (multiplication), conditioning for the purpose of propagation, offering for sale, selling or other marketing, exporting, importing, plant species that cannot be clearly different, the varieties that are essentially derivatives of protected varieties (EDVs), the varieties that are necessary to use protected varieties in production every time such as 1st generation hybrids (F1 Hybrid).

Significant Differences between Thailand PVP Act and the Convention of UPOV 1991

Exceptions to the Breeders' Right (Farmers' Privilege)

Thai PVP Act.

The cultivation or propagation by a farmer of protected new variety from the propagating material made by himself is allowed.

UPOV 1991

Optional each contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety.

Significant Differences between Thailand PVP Act and the Convention of UPOV 1991

Duration of the Breeder's Right

Thai PVP Act.

The period of protection is different depending on plant categories such as field crops/vegetables/ornamentals for 12 years, fruit trees/perennials for 17 years, and woody trees for 27 years.

UPOV 1991

The period of protection shall not be shorter than 20 years from the date of the grant of the breeder's right. For trees and vines, the said period shall not be shorter than 25 years from the said date.

The policies of Thailand



Policy Statement of the Council of Ministers

Delivered by
Prime Minister Srettha Thavisin
to the National Assembly

The Government has an approach to generate income by utilizing proactive economic diplomacy to open up doors to new markets for Thai products and services, such as the European Union, countries in the Middle East, India, Africa, and South America, as well as maintaining importance placed on existing markets, including in neighboring countries. This will be pursued through meetings with leaders of different countries in order to invite them to trade goods and services, which will increase opportunities for products and services created with the skills of the Thai people. **The Government will also accelerate Free Trade Area (FTA) negotiations** as well as negotiate visa-free arrangements for Thai passport holders to allow Thais to travel to more countries.

The policies of Thailand (Cont.)



Policy Statement of the Council of Ministers

Delivered by
Prime Minister Srettha Thavisin
to the National Assembly

ตลาดนำ นวัตกรรมเสริม เพิ่มรายได้

As for those in **the agricultural sector**, the Government will generate income in this sector by implementing the principles of **market-led, innovation-driven and income-growth** by jointly supporting the efficiency and productivity of the agricultural sector. There will be an integration of knowledge on effective water management to meet the demand for water in each region, and the utilization of agricultural plots with precision farming, **research and development of species and varieties**, in order to increase productivity and the value of crop yield, as well as finding markets for agricultural products to be sold at reasonable prices, encouraging changes in agricultural practices to suit the natural environment and the economy, and increasing the value of agricultural products by means of processing.

The agricultural policies of Thailand

By: <https://www.moac.go.th/pyp-dwl-files-402791791893>



ขับเคลื่อนนโยบายรัฐบาลด้านการเกษตรสู่ความสำเร็จ

- สร้างวิธีการทำงานสู่การปฏิบัติ
- รับมือภัยธรรมชาติ
- ประกาศสงครามสินค้าเกษตรเถื่อน
- ยกระดับสินค้าเกษตร เสริมศักยภาพเกษตรกร
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- อำนวยความสะดวกด้านการเกษตร

“เกษตรกรต้องอยู่ดี สินค้าเกษตรมูลค่าสูง ทรัพยากรเกษตรยั่งยืน”



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Communication: PVPO Thailand

<https://www.doa.go.th/pvp/>

50 Phaholyothin Road, Chatuchak,
Bangkok 10900, Plant Variety Protection Office,
Department of Agriculture

Email: pvpo@doa.in.th **Tel.** +66 2940-7214





Plant Varieties Protection office

THANK YOU

thidakuns@hotmail.com