

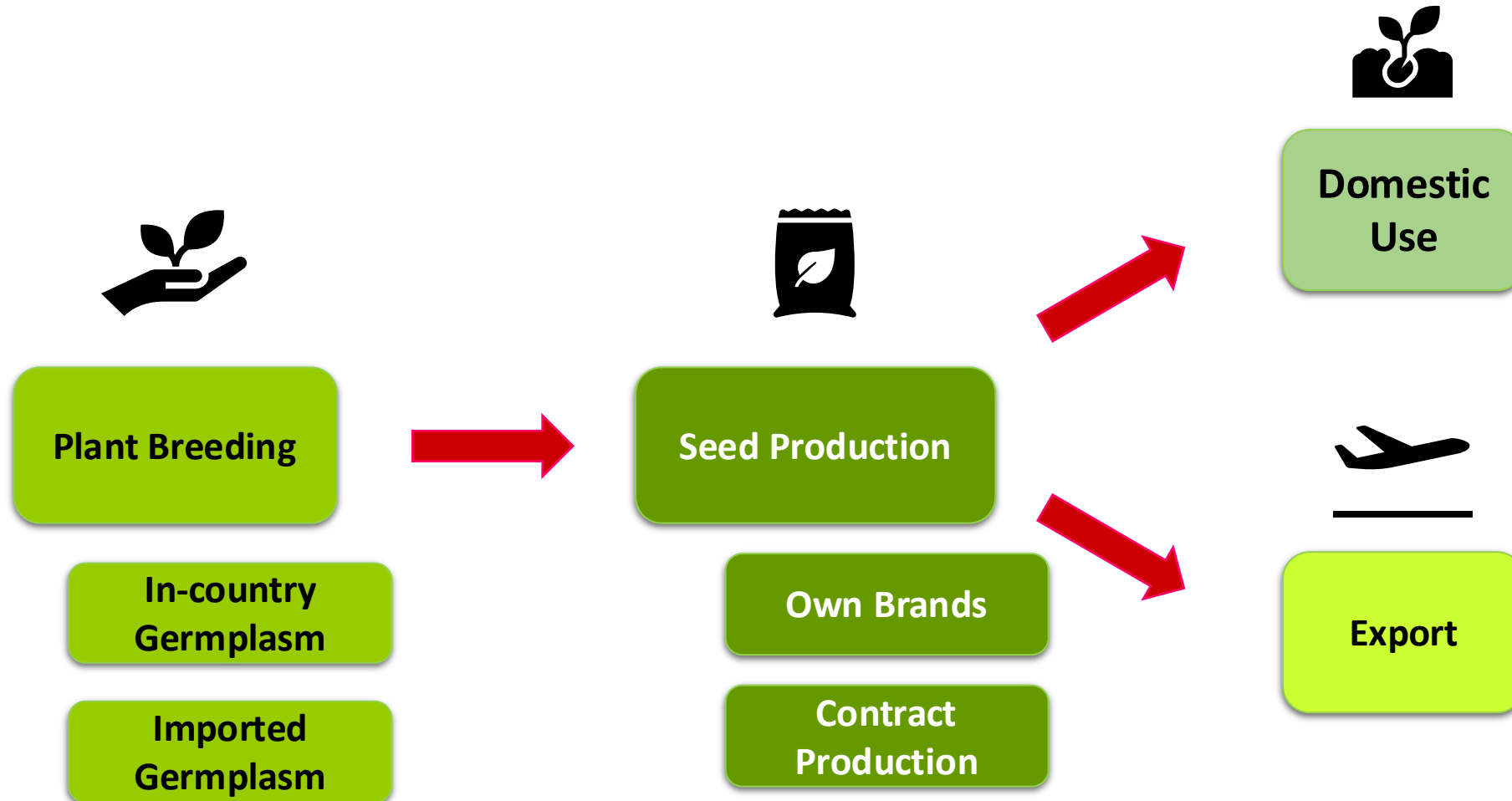
Plant Breeders' Perspective on Plant Variety Protection

Boonyanath Nathwong

President

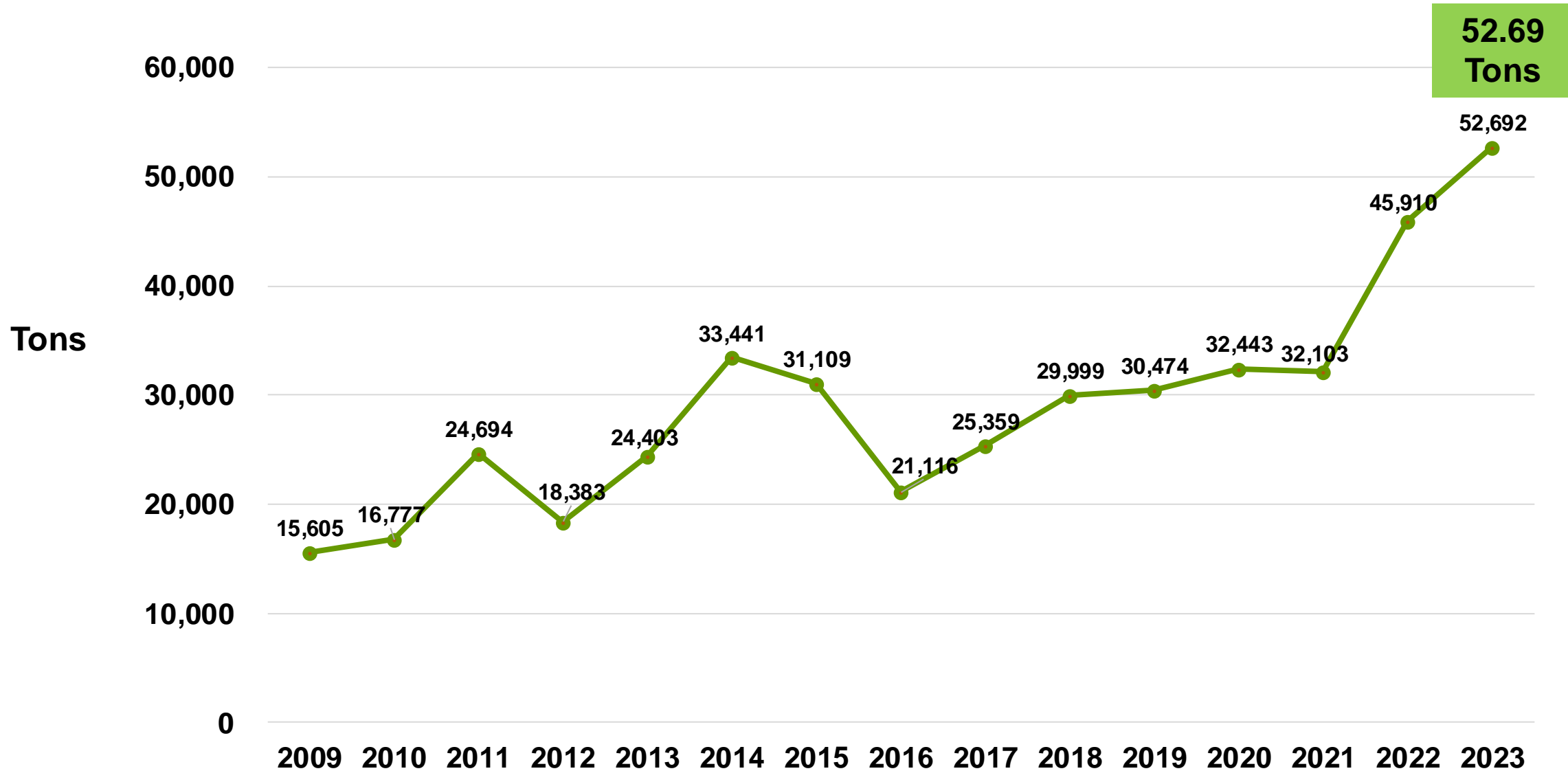
Thai Seed Trade Association

Overview of Thai Seed Industry

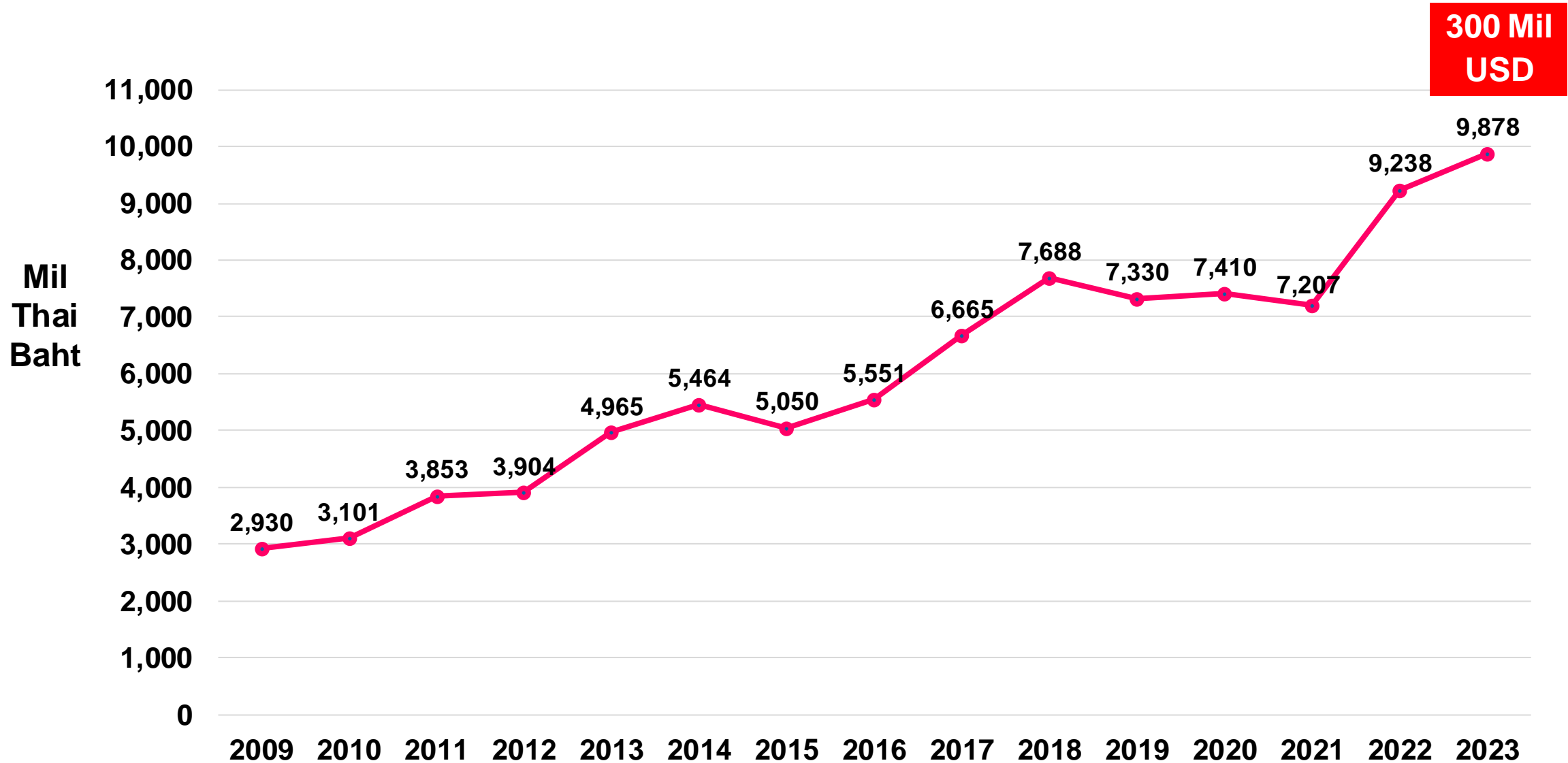




Thailand Seed Export Quantity 2009 – 2023



Thailand Seed Export Value 2009 – 2023



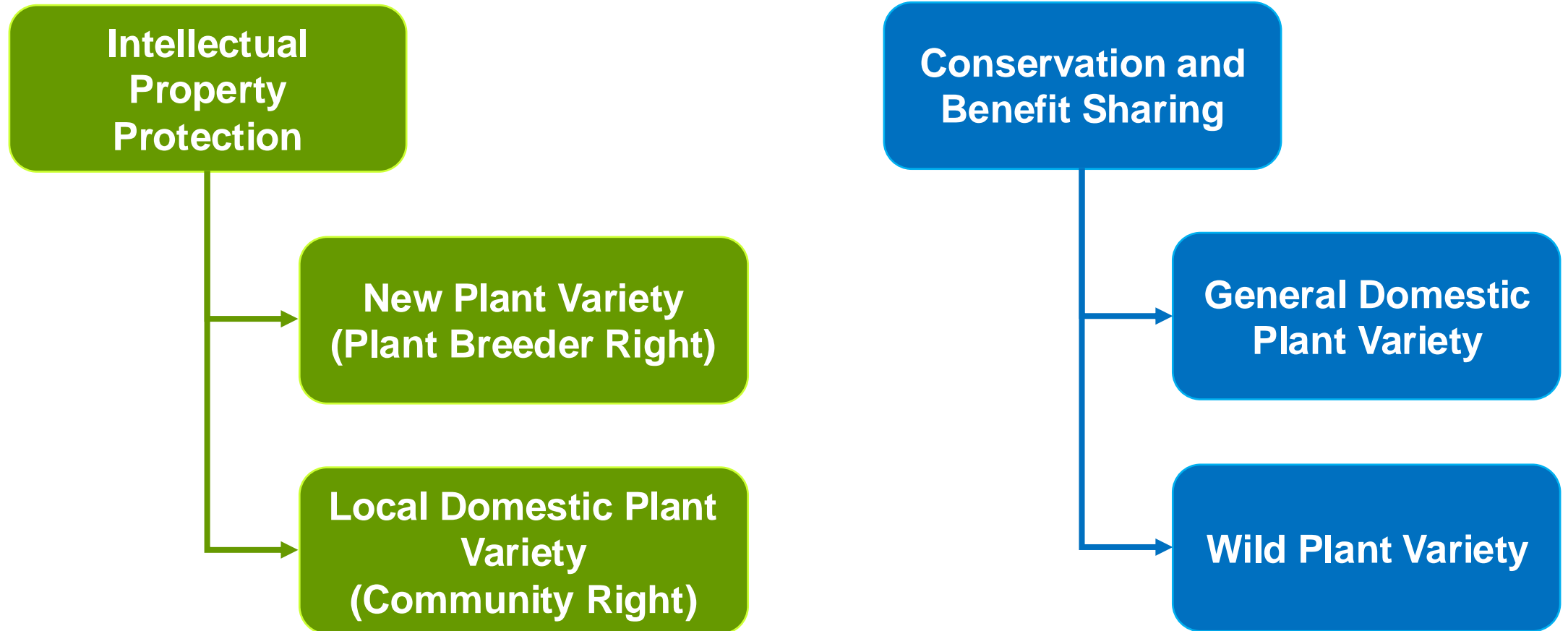
Ensuring Growth of Seed Production and Food Security

- **Constant new plant variety development to address**
 - Demands from farmers *e.g., high productivity, disease resistance*
 - Demand from market (consumers) *e.g., nutrition, taste, shape and colour*
 - Climate change *e.g., drought tolerance, effective fertilization usage, low carbon emission*
- **Appropriate incentive for Plant Breeders to put long term effort in plant variety development**
 - Sufficient and effective protection for plant breeders' right to reward hard working breeders who spent long time, high cost, and passionate effort to develop new varieties

Plant Breeders' Right Protection in Thailand

- Thailand is not a UPOV member
- Thailand Plant Variety Protection (PVP) Act issued in 1999
- Thailand PVP developed based on UPOV 1978 and Convention on Biological Diversity (CBD)
 - A combination of Plant Breeder Right and Conservation & Benefit sharing in the law

Protection under Thai PVP Act



Plant Varieties Under Thai PVP Act

1. New Plant Variety

- has not been exploited within or outside Thailand for more than 1 before application
- distinguished from other recognized plant varieties in relation to cultivation, consumption, pharmaceutical purposes, production or processing

2. Local Domestic Plant Variety

- a plant variety which exists in a particular locality within Thailand

3. Wild Plant Variety

- a plant variety which exists or used to exist in the natural habitat and is not commonly cultivated

4. General Domestic Plant Variety

- a plant variety originating or existing in the country and commonly exploited

General Domestic Plant Variety

- General Domestic Plant Variety means a plant variety originating or existing in the country and commonly exploited

General tomato vs Bred tomato

- *Collecting general domestic plant varieties for the purposes of variety development or research for commercial interest required permission from authority and subjected to profit-sharing agreement*

Key Concerns on Plant Breeders' Right under PVP Act

- **Thailand is not a UPOV 1991 member**
 - Tedious, time consuming, and high cost to register for protection of varieties developed by Thai breeders in other countries
- **Impacts of Ambiguity in definition of General Domestic Plant Variety**
 - Tomato is tomato! No matter how much effort put in variety development ???
 - Investment in open pollinated or inbreeding plant variety development e.g., rice, soybean
 - Confidence in long term investment of breeders ???
 - GDPV vs Benefit sharing: Who hold the right? Does breeder have to pay for what they developed?
- **No EDV protection on Thai PVP Act**
- **Protection period under PVP is considerably too short for important plants in seed industry**
 - 12 years for annual plant that bears fruits after being cultivated for less than two years
 - 17 years for fruit trees
 - 27 years for woody tree