



Current Situation Relating to Plant Variety Protection and Interest Linked to Agricultural Policies of Indonesia

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I. Introduction



II. Seed and Varieties System



III. Statistics



IV. Current Situation



V. Linked to Agricultural policies





I. INTRODUCTION

- ❑ Plant Variety Protection (PVP) is an important aspect of agricultural policies as it provides a legal framework to encourage investment in plant breeding and the development of new plant varieties. It allows breeders to have exclusive rights to their new varieties for a certain period, encouraging innovation in the agricultural sector.
- ❑ In Indonesia, as in many other countries, PVP is typically governed by specific laws and regulations (Law number 29 of 2000). The protection may be granted through a system that recognizes the rights of plant breeders and ensures fair compensation for their efforts in developing new and improved plant varieties.
- ❑ Indonesia had shown an increasing interest in strengthening its intellectual property protection, including PVP, to promote innovation in agriculture.



Legal Basis for PVP Implementation

- Law number 29 of 2000 concerning Plant Variety Protection
- Law number 11 of 2020 concerning Job Creation
- Law number 6 of 2023 concerning the Determination of Government regulation No. 2 of 2022 concerning Job Creation becomes law
- Government Regulation number 13 of 2004. Denomination, Registration and Use of Initial Varieties for the Production of Essential Derivative Varieties
- Government Regulation number 14 of 2004 Concerning Requirements and Procedures for Transferring Protection of Plant Varieties and Use of Protected Varieties by the Government
- Government Regulation number 26 of 2021 concerning the Implementation of the Agricultural Sector
- Government Regulation number 28 of 2023 concerning Types and Tariffs for Types of PNBPN that apply to the Ministry of Agriculture.
- Minister of Agriculture Regulation number 25 of 2021 concerning Application of PVP Rights Applications
- Ministry of Agriculture Regulation number 29 of 2021 concerning Denomination and Registration of Plant Varieties
- Ministry of Agriculture Decree number 318 of 2023 concerning Determination of DUS Testing Station

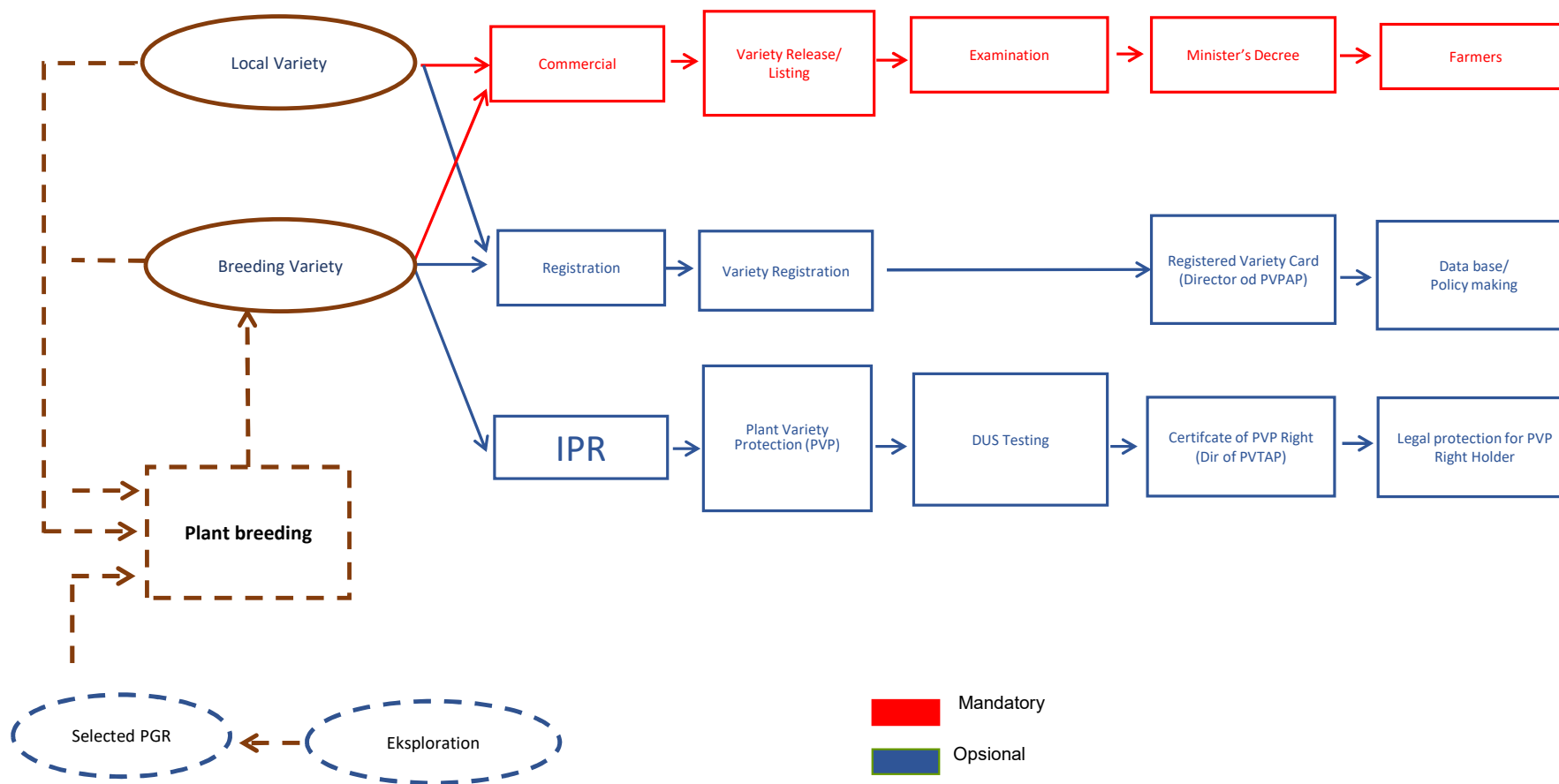


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II. INDONESIA SEED AND VARIETIES SYSTEM



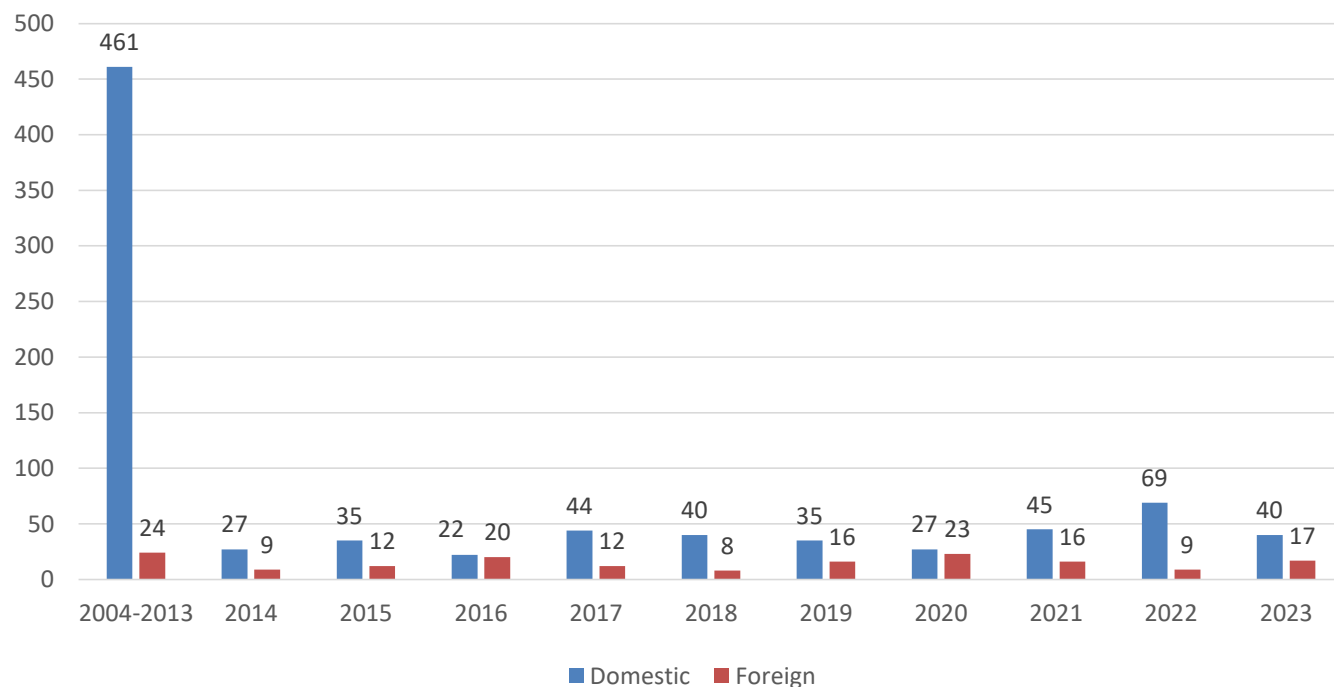


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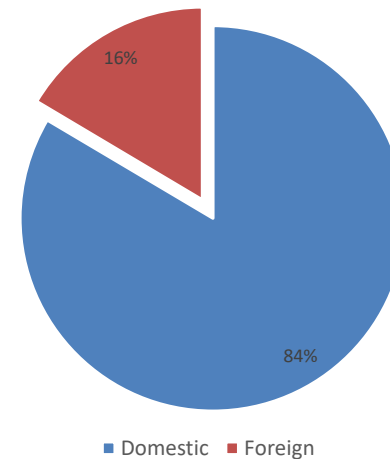


III. STATISTICS

Number of PVP Applications*



Percentage Foreign PVP Applications



*) Data from 20th Dec 2004 until 3rd Dec 2023

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BerAKHLAK
Berorientasi Pelayanan, Akuntabel, Kompeten,
Harmonis, Loyal, Adaptif, Kolaboratif

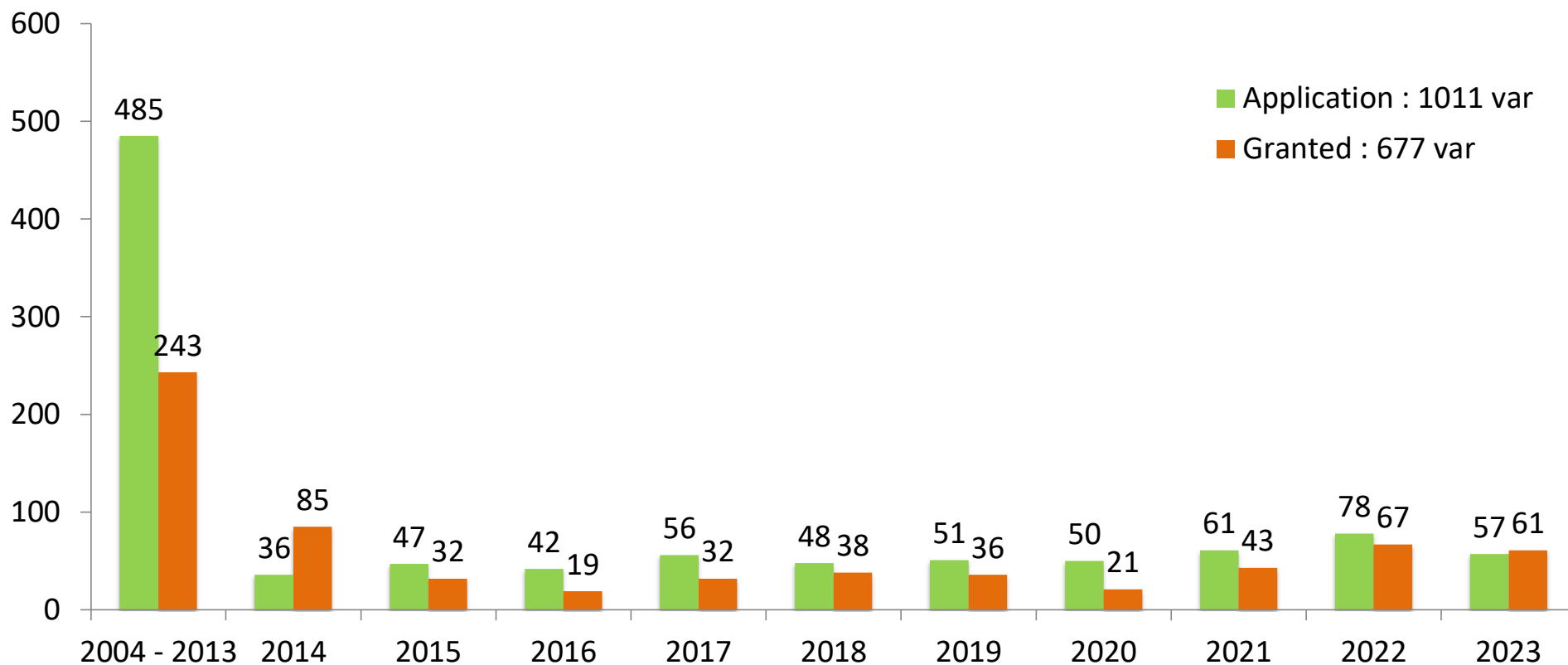
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Number of PVP Application and PVP Granted*



*) Data from 20th Dec 2004 until 3rd Dec 2023

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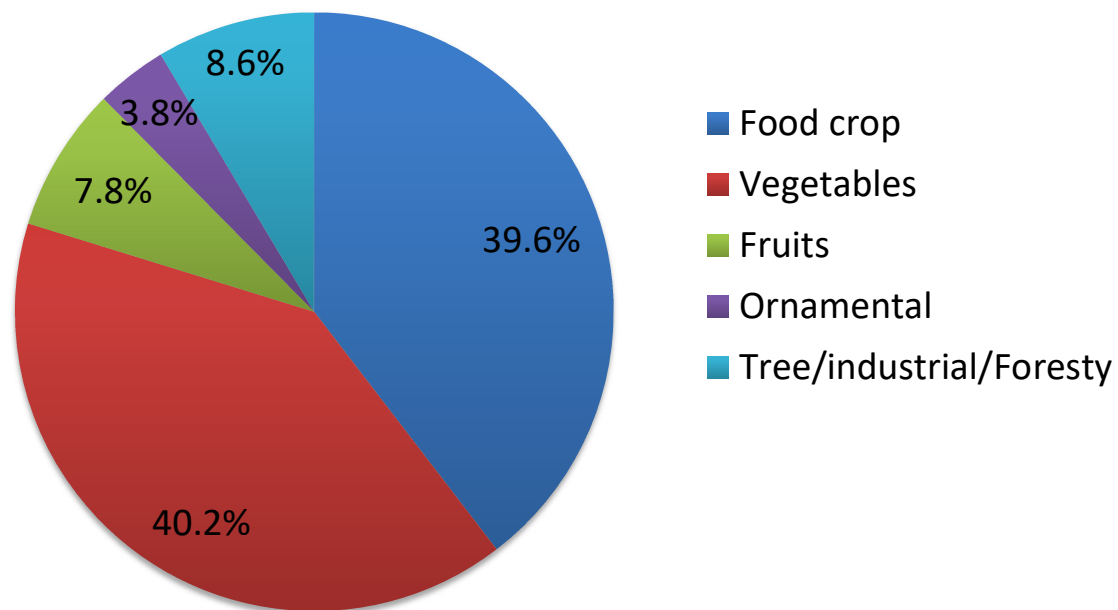
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PERCENTAGE OF PVP GRANTED*

Category	Number of PVP Granted
Food crop	268
Vegetables	272
Fruits	53
Ornamental	26
Tree/industrial/Forestry	58
Total	677

*Data updated Dec, 3rd 2023

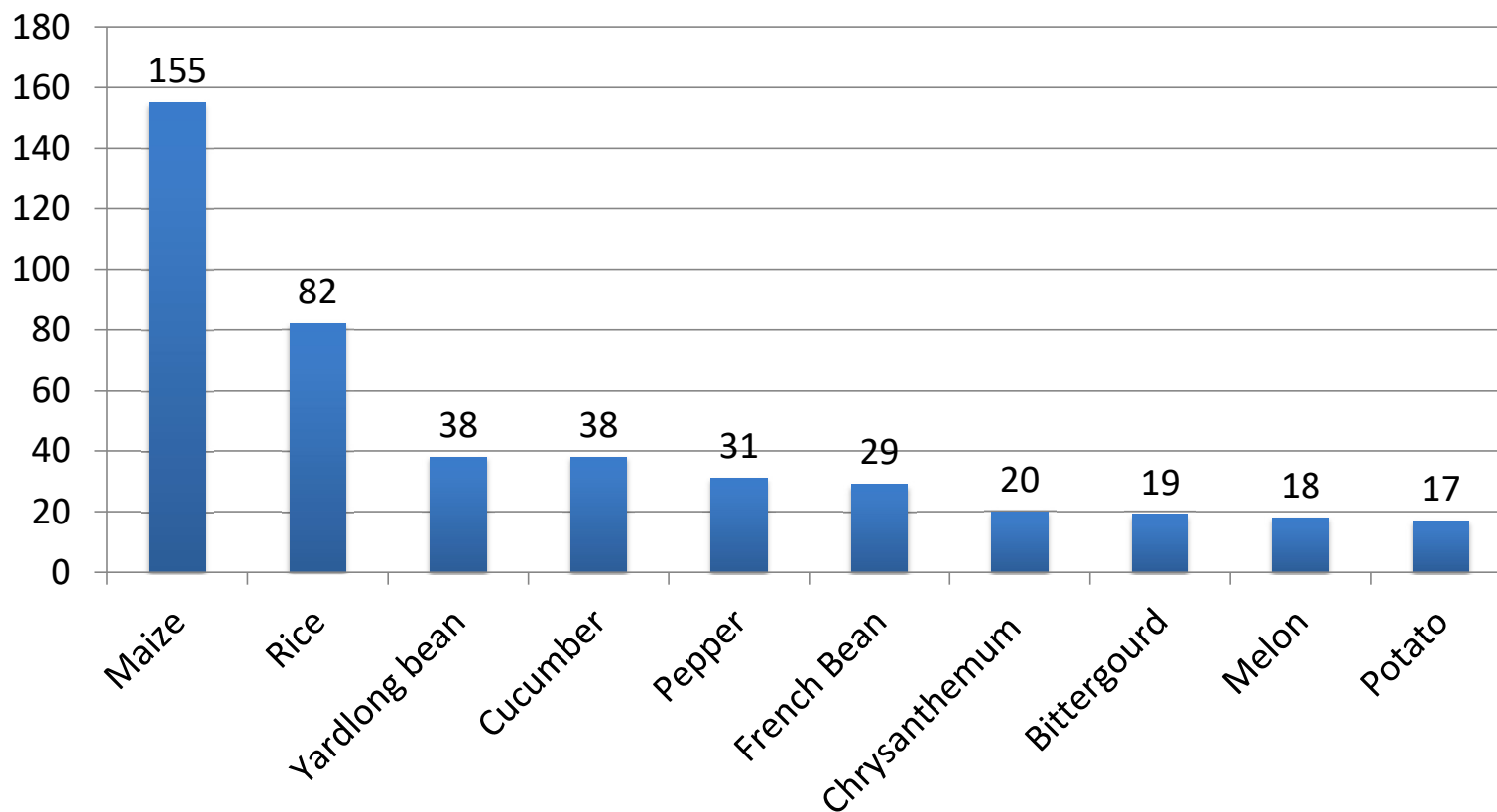




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Top Ten PVP Granted By Plant Species Data 5th January 2007 - 3rd December 2023



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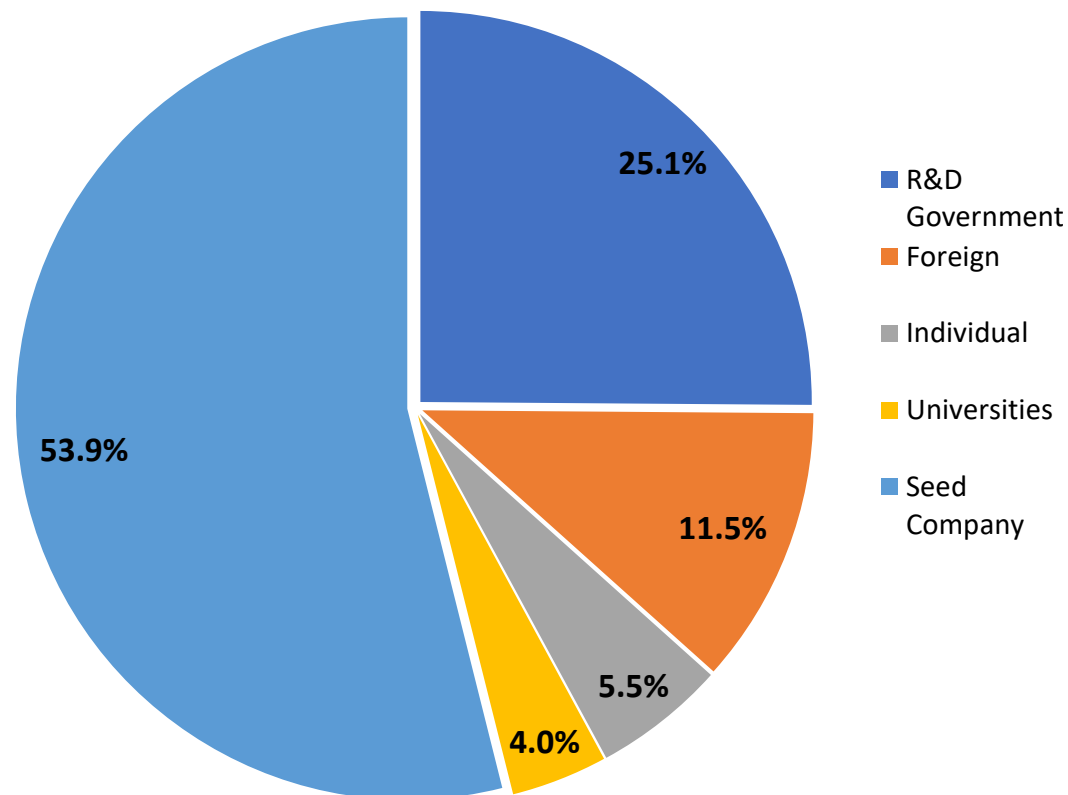
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Percentage Of PVP Granted Per Category Of Applicant*



Category	Number of PVP Granted by Applicant Category
R&D Government	170
Foreign	78
Individual	37
Universities	27
Seed Company	365
Total	677

*) Data from 5th Jan 2007 until 3rd Dec 2023

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IV. CURRENT SITUATION

Indonesia PVP Current Situation (linked to Agricultural policies)

1. There are some inharmonious seed regulations other than PVP : PVP to protect PBR, but for seed commercial we use another Act (Seed release/seed registration system)
There's No Plant Genetic Resources Act to protect local/ indigenous varieties: stated in article 7 in PVP Law 29 of 2000, which are not harmonized with UPOV Act 1991
2. New Government Regulation and Ministerial Degree for PVP annual fee policies
3. Indonesia agricultural policies focus on “National movement for handling impact of El NINO”
4. Indonesia Global Food Security Index (GFSI)
5. Pros and Cons of Indonesia’s membership In UPOV



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Indonesia PVP Current Situation (linked to Agricultural policies)

1. Inharmonious seed regulations other than PVP

Initiation/formulation of the concept of harmonization between PVP and VCU/ released variety

Formula



- Registration
- Released
- PVP



FGD Forum with related parties



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Indonesia PVP Current Situation (linked to Agricultural policies)

2. “New Government Regulation & Ministry of Agriculture Regulation for PVP annual fee policy”

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New Regulation on PVP Annual FEE : Government Regulation No. 28 of 2023 Minister of Agriculture Regulation No. 36 of 2023

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- **Zero Rupiah** for the first 3 years of Annual fee for Indonesian; individual breeder, breeder from universities, breeder from government institution
- **Rp. 150.000,- (\$ 10) (10% for the fourth year and beyond)** of Annual fee for Indonesian; individual breeder, breeder from universities, breeder from government institution

JENIS PENERIMAAN NEGARA BUKAN PAJAK		SATUAN	TARIF (Rupiah)
II. JASA PEMBERIAN HAK DAN PERIZINAN BERUSAHA			
A. Jasa pelayanan Perlindungan Varietas tanaman (PVT)			
1. Permohonan hak PVT			
a. Perorangan warga negara Indonesia, lembaga penelitian milik pemerintah, perguruan tinggi dalam negeri	per varietas		150.000,00
b. Perorangan warga negara asing, perusahaan, dan lembaga penelitian nonpemerintah	per varietas		250.000,00
2. Pencatatan pengalihan hak PVT			
	per varietas		250.000,00
3. Pencatatan perjanjian lisensi/pencatatan perjanjian lisensi wajib			
	per lisensi		1.500.000,00
4. Biaya tahunan (sejak tanggal penerbitan sertifikat hak PVT)			
a. Tahun ke- 1 sampai dengan tahun ke-3 bagi perorangan warga negara asing, perusahaan, dan Lembaga penelitian non pemerintah	per varietas		1.500.000,00
b. Tahun ke-4 sampai dengan tahun berakhirnya masa perlindungan bagi perorangan warga negara asing, perusahaan dan lembaga penelitian non pemerintah	per varietas		1.500.000,00
c. Tahun ke-4 sampai dengan tahun berakhirnya masa perlindungan bagi perorangan warga negara Indonesia, lembaga penelitian milik pemerintah, perguruan tinggi dalam negeri	per varietas		1.500.000,00
			10%
5. Petikan daftar umum PVT			
	per varietas		100.000,00
6. Salinan sertifikat hak PVT			
	per sertifikat		100.000,00
7. Fotokopi dokumen PVT			
	per lembar		5.000,00
8. Permohonan surat bukti hak prioritas			
	per varietas		500.000,00
9. Permohonan banding			
	per varietas		3.000.000,00
10. Pendaftaran konsultan PVT			
	per konsultan		5.000.000,00
11. Biaya penanaman dan pemeliharaan dalam rangka pemeriksaan substantif (Uji BUSS)			
a. Umur tanaman ≤ 6 bulan	per varietas		1.750.000,00
b. Umur tanaman > 6 bulan	per varietas		2.250.000,00
12. Pemeriksaan substantif melalui metode pemeriksaan dokumen			
	per varietas		6.000.000,00



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Indonesia PVP Current Situation (linked to Agricultural policies)

3. “National movement for handling impact of EI NINO”

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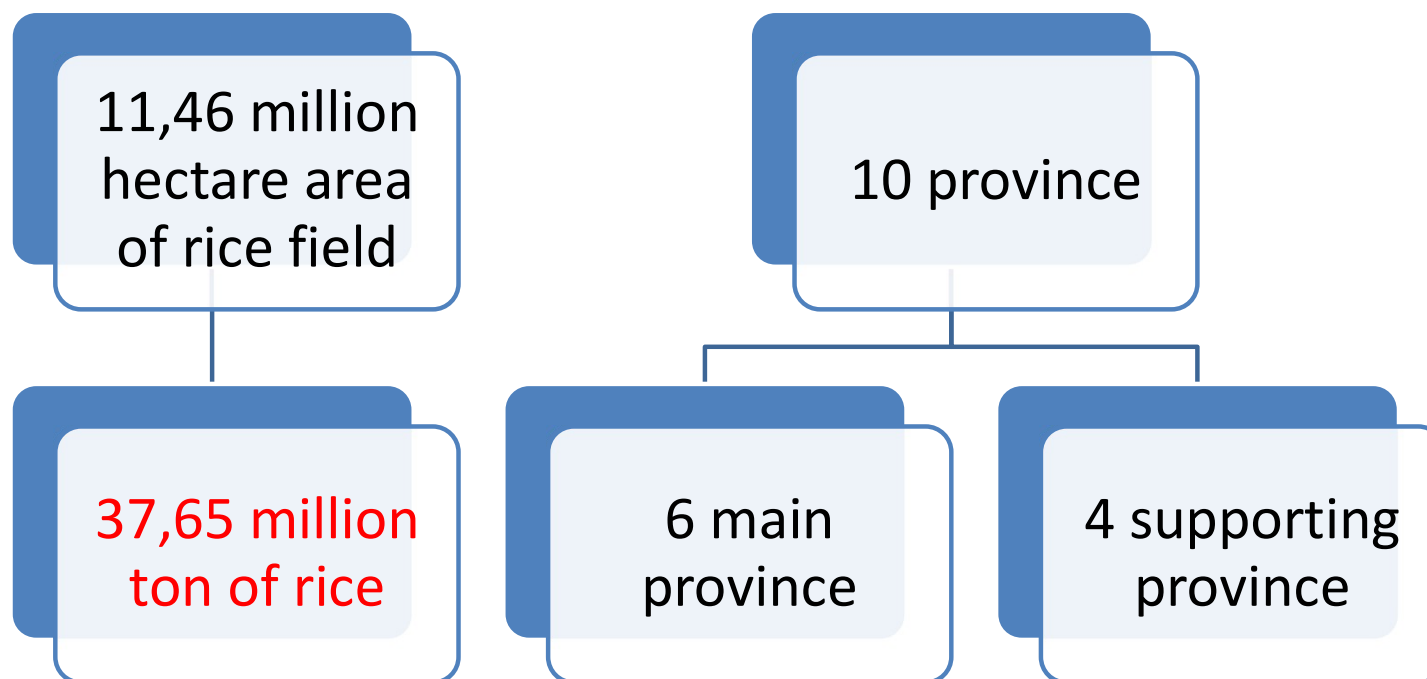
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2022-2024 Indonesian Agricultural policies:

The national movement for handling the Impact of El-Nino

→ expanding cultivated area





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Indonesia PVP Current Situation (linked to Agricultural policies)

4. “Indonesia Global Food Security Index (GFSI)”

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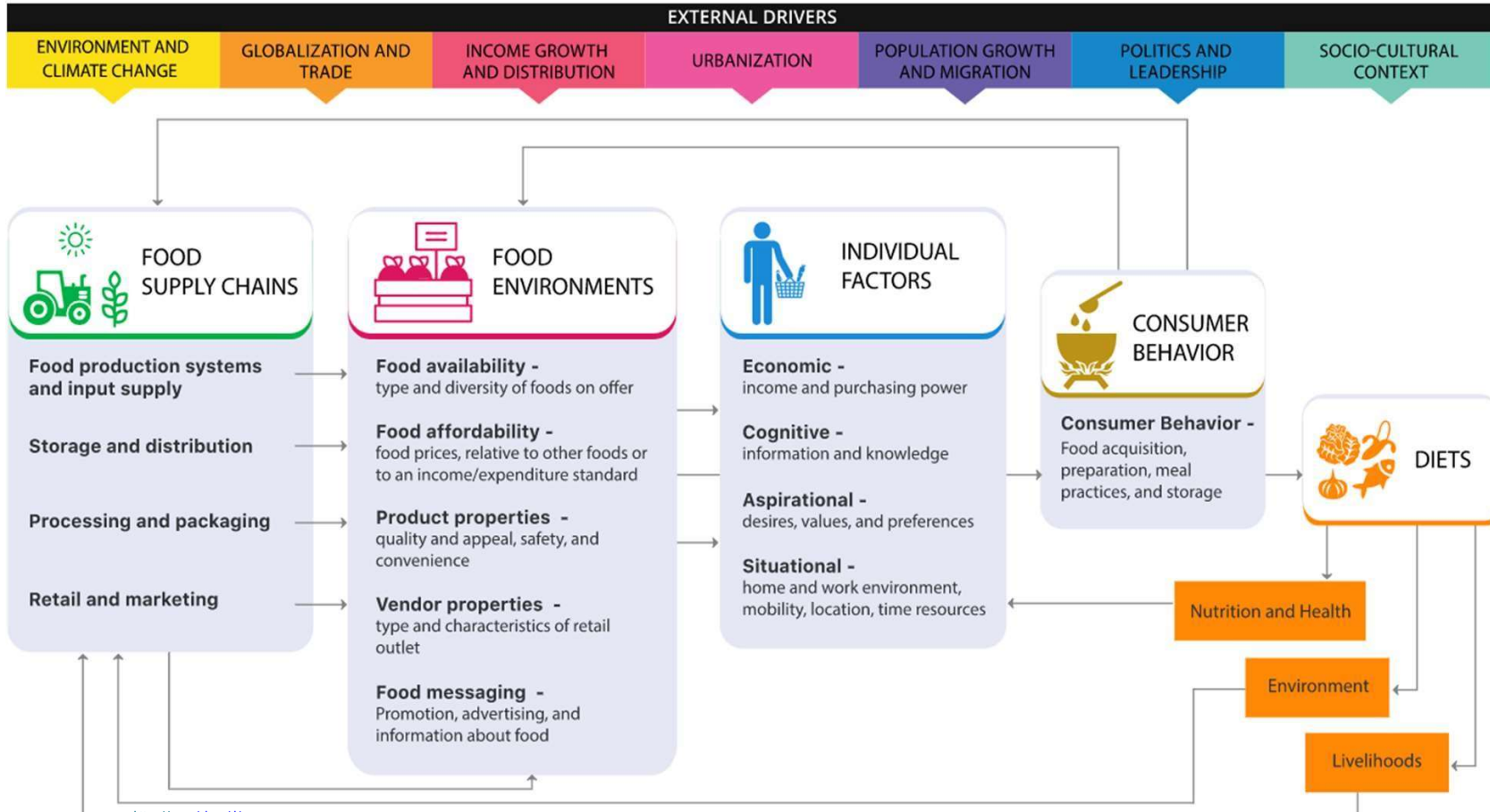
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Food System Approach

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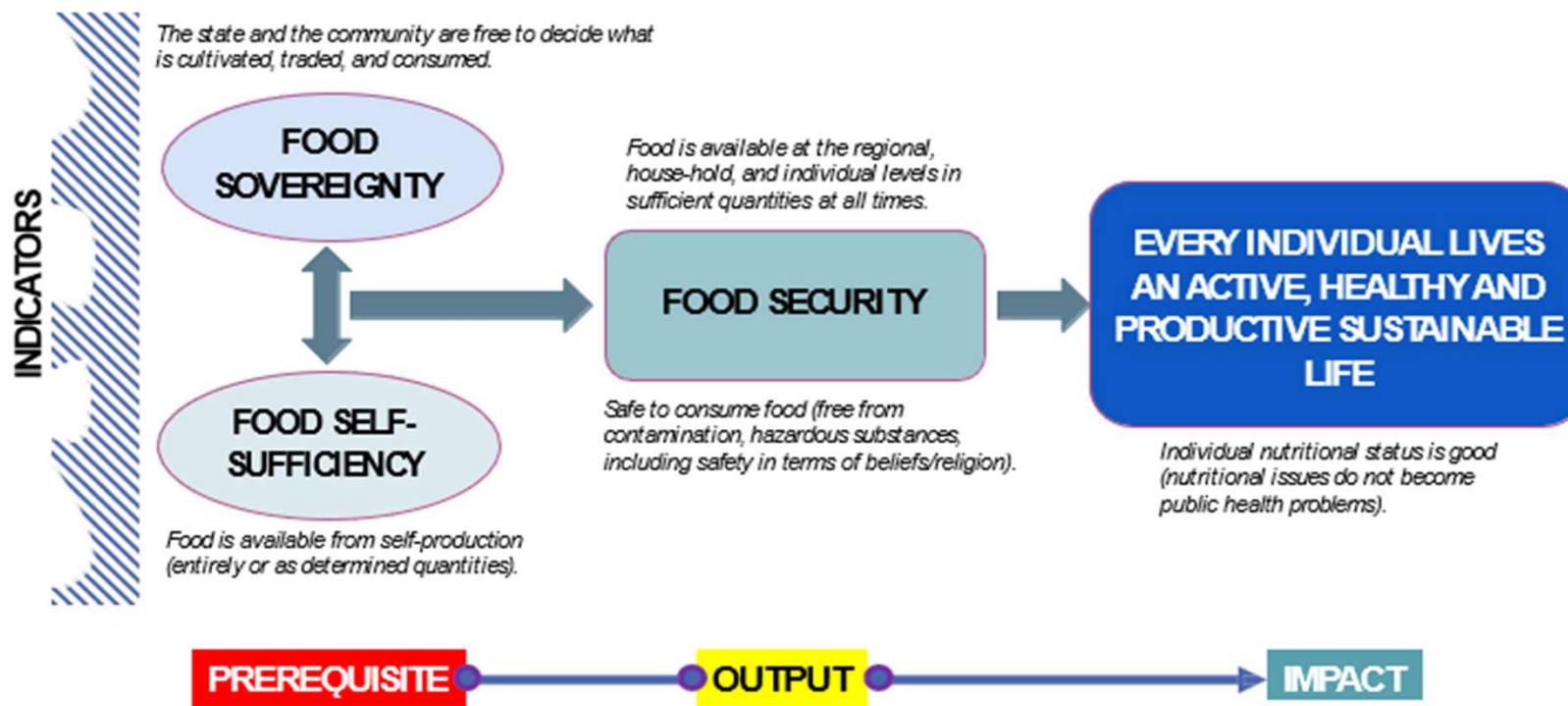


ADAPTED FROM: HLPF (2017). NUTRITION AND FOOD SYSTEMS. A REPORT BY THE HIGH LEVEL PANEL OF EXPERTS ON FOOD SECURITY AND NUTRITION OF THE COMMITTEE ON WORLD FOOD SECURITY, ROME, ITALY.

Source: IPB University, 2023



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Perspective on Indonesian Food System according to Law Number 18 of 2012 concerning Food.

Source: IPB University, 2023



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Indonesia Global Food Security Index (GFSI)

- Indonesia is ranked **63rd out of 113 countries** with a GFSI score of 60.2
- A comprehensive strategy involving various stakeholders is needed** to realize national food security especially for Availability, Quality & Safety and Sustainability & Adaptation issues

1 AFFORDABILITY	81.4	↑ +12.4
1.1 Change in average food costs	86.5	↑ +30.0
1.2 Proportion of population under global poverty line	80.9	↑ +26.6
1.3 Inequality-adjusted income index	55.1	↓ -1.4
1.4 Agricultural trade	78.5	↑ +1.8
1.5 Food safety net programmes	100.0	↔

2 AVAILABILITY	50.9	↑ +3.9
2.1 Access to agricultural inputs	33.6	↑ +16.8
2.2 Agricultural research & development	25.7	↑ +5.8
2.3 Farm infrastructure	66.2	↑ +42.8
2.4 Volatility of agricultural production	85.0	↓ -3.4
2.5 Food loss	75.0	↑ +5.9
2.6 Supply chain infrastructure	42.8	↑ +11.4
2.7 Sufficiency of supply	32.1	↓ -37.4
2.8 Political and social barriers to access	55.3	↑ +3.1
2.9 Food security and access policy commitments	47.5	↔

3 QUALITY AND SAFETY	56.2	↓ -2.9
3.1 Dietary diversity	34.6	↓ -2.2
3.2 Nutritional standards	61.3	↓ -16.1
3.3 Micronutrient availability	49.1	↓ -1.5
3.4 Protein quality	49.1	↑ +7.2
3.5 Food safety	85.7	↓ -1.8

4 SUSTAINABILITY AND ADAPTATION	46.3	↑ +3.3
4.1 Exposure	50.2	↔
4.2 Water	27.6	↔
4.3 Land	47.9	↓ -6.1
4.4 Oceans, rivers and lakes	67.7	↑ +0.7
4.5 Political commitment to adaptation	28.0	↑ +15.3
4.6 Disaster risk management	61.4	↑ +8.5



Source: IPB University, 2023

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Indonesia PVP Current Situation (linked to Agricultural policies)

5. Pros and Cons of Indonesia's membership In UPOV

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Say No to UPOV from NGOs

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Statement about UPOV:

1. UPOV 1991 restricts farmers' right
2. UPOV 1991 contradicted the UNDROP declaration and the ITPGRFA agreement
3. UPOV 1991 Causes erosion of biodiversity
4. UPOV 1991 burdens farmers' production costs

KOMITE RAKYAT UNTUK TRANSFORMASI SISTEM PANGAN
Membaca Ancaman UPOV dan Upaya Perlindungan dan Penghormatan Hak Petani atas Benih melalui UNDROP
 Kamis, 2 Desember 2021 | 10.00 - 12.30 WIB/11.00 - 13.30 WITA

Kartini Samon, GRAIN
 Ancaman UPOV terhadap Kedaulatan Benih Petani

REGISTRASI VIA ZOOM
<https://tinyurl.com/NOUPOV>

LIVE STREAMING
 Serikat Petani Indonesia


Zainal Arifin Fuad, Serikat Petani Indonesia
 UNDROP dan Upaya Perlindungan dan Penghormatan terhadap Hak Petani atas Benih

Henry Simarmata, Pakar Hak Asasi Petani
 Upaya Pengadopsian UNDROP ke dalam Peraturan dan Perundang-Undangan Nasional

MODERATOR
Dian Pratiwi Pribadi
 KIBAR & Pemerhati Isu Benih (Dikonfirmasi)

Qamarun Najmi, Serikat Petani Indonesia
 Praktik-Praktik Terbaik Petani dalam Mempertahankan Keanekaragaman Benih Lokal


#NoUPOV
Why should we say NO to UPOV?
 Sumber: Grain.org



UPOV Denies Farmers' Rights
 UPOV does not recognise or support communities' inherent rights to biodiversity and their space to innovate.

UPOV Will Exacerbate Biodiversity Erosion
 Chemicals or genetic engineering will be needed to compensate for crop vulnerability, which farmers cannot afford.

UPOV Dominated by Corporate Interests
 National nurseries and local seed companies will be bought by foreign companies, so the freedom and rights of local farmers are lost





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Recent Developments in PVP

- 1) movement toward UPOV membership (for non-UPOV member)
 - Cost and benefit Study of UPOV membership (2021)
 - Public Discussion on UPOV membership (2022)
 - Legal Analysis/ Study of UPOV membership (2024)
 - **FGD Strengthening** the UPOV Indonesia Membership Plan with the Penta helix approach involving 5 (five) elements of Government, Academics, Industry or business entities, society or communities, and Media (2023-2024)

- 2) revision of PVP-related Laws and Regulations
 - Compiling an inventory list of PVP problems in regulation (review existing law of PVP) – 2021



CENTER FOR PLANT VARIETY PROTECTION
MINISTRY OF AGRICULTURE REPUBLIC OF INDONESIA



#Creative

#Innovative

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