



Intellectual Property Rights and Plants

Sarah Smith

Interviewees

- Dr Penny Maplestone – BSPB
- Dr Michael Kock – Syngenta
- Prof Jim Dunwell & Prof Donal O’Sullivan – University of Reading
- Prof Richard Mithen – Institute of Food Research
- Elizabeth Scott – NIAB
- Peter Button - UPOV
- Andy Mitchell & Elspeth Nicol – DEFRA
- Marien Valstar – The Netherlands PVR office
- Martin Ekvad – CPVO
- Dr Nicki Curtis – UKIPO
- Dr Edgar Krieger – CIOPORA
- Martin Emmett - Binsted and Walberton nurseries
- Simon Crawford – RHS
- Wendy Staniforth – ProVar
- Graham Spencer – Plants for Europe
- Cecilia Buffery – Kew Gardens



Overview

Plant Variety Rights

- Entitle the holder to prevent others from propagating, reproducing, commercialisation, etc. their protected variety
- Exemptions to PVR
- Discussion of the criteria to determine if a variety can be covered
- A move toward patenting – not just GM



Patents

- EPO grants European patents
 - not an EU institution but aligns itself through the EPC.
- Exemption - “essentially biological processes for the production of plants...”
- Tomatoes and Broccoli cases clarified the law
- Outcome – biological processes cannot be patented but the products of those processes can
- Controversy over decisions



- Transparency and licensing – PINTO database, International Licensing platform for vegetables.
- A new unitary patent system – EU states subject to a unified patent court
- Concerns for the future relating to IPR and plants – market consolidation, access to genetic material and innovation



Thank you!

