

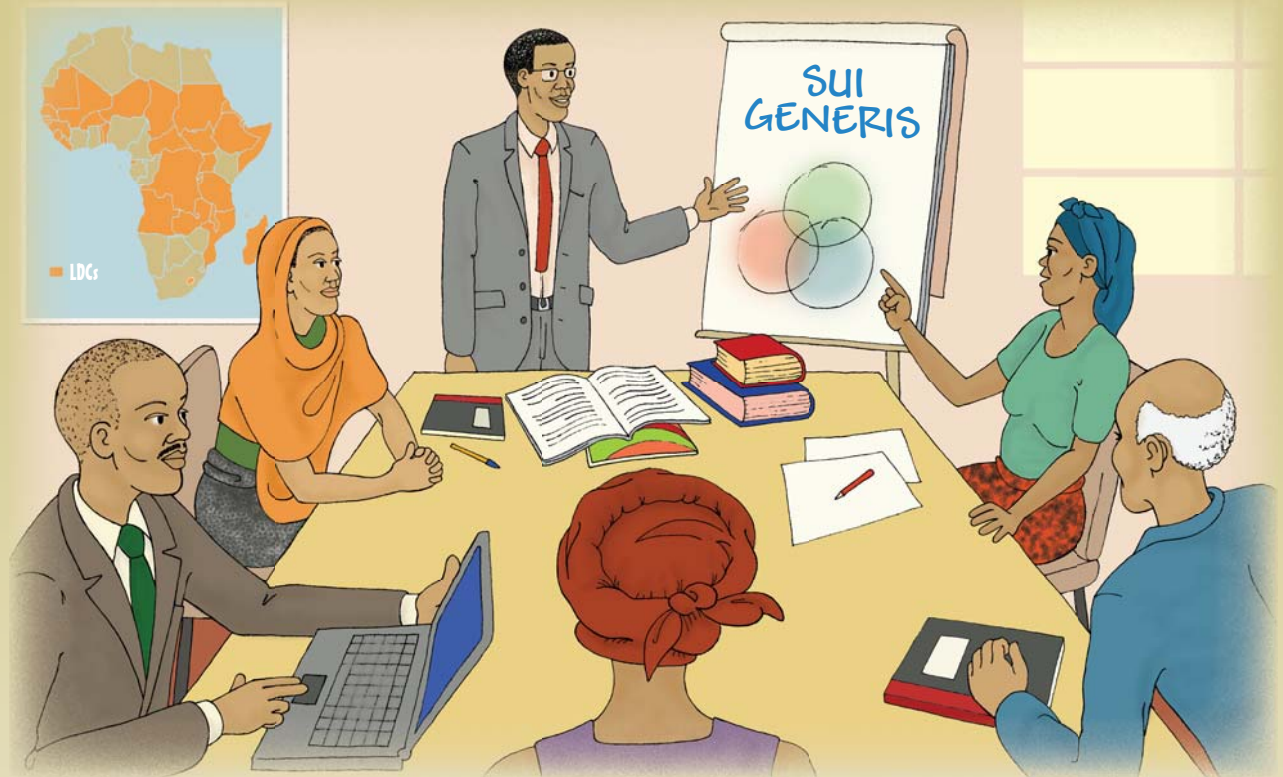
# SUI GENERIS LAWS FOR PVP/PBR PROTECTION

The World Trade Organisation (WTO), which deals with rules of trade between its member nations, has an agreement known as Trade-Related Aspects of Intellectual Property Rights (TRIPs). Forty-two African countries are members of the WTO and TRIPs.

TRIPs requires members of the WTO to provide plant variety protection (PVP) through plant breeders' rights (PBRs). It allows countries to put in place any system of PBR that suits the needs of their agricultural systems and economic situation. This is called a *sui generis system* (one which is unique, or of its own kind).

## LDCs

Most African countries have very little or no experience with PBRs, or with the private seed sector. But even though Least Developed Countries (LDCs) do not have to put **ANY** PVP system in place until July 2021 – and may even gain more time after that – many LDCs in Africa are rushing to adopt national and regional PBR frameworks based on UPOV 1991, an international agreement that favours commercial seed breeding.



Developing countries such as Malaysia, India and Thailand have sui generis PBR systems. These systems protect farmers' rights. It is important to have all stakeholders involved in developing a PBR sui generis system for a country in order to balance the interests of all affected groups, including farmers, consumers, indigenous communities and seed breeders. Such a system should not clash with farmer-managed seed systems or try to replace them with another system, as the UPOV system does.

