

**Access to Micro-finance & Improved Implementation of Policy Reform  
(AMIR Program)**

**Funded By U.S. Agency for International Development**

*Report on Protection of Plant Varieties*

Final Report

**Deliverable for Policy Component- Task No. 4.3.10 - Phase II  
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## SUMMARY

Plants contribute to everyday life of people in terms of the quantity, quality and cost of our requirements for food, fuel and fiber. In addition they also provide raw materials for industry, such as vegetable oils, rubber and pharmaceutical materials.

In order to address the challenge of feeding an ever-increasing population we must develop improved plants that can produce more food and fiber of increased quality on less land with less water. Plant breeders will make the major contribution to meeting these challenges since the essence of their craft is to develop plants that are genetically equipped to produce higher yields of quality products.

The breeding of new plant varieties is an economically important activity that contributes in many different ways to the social and economic well being of society, through research, commercialization and wealth creation.

Experience worldwide has shown that it is difficult for a breeder to recover his financial investment if he must sell his initial product without protection in the first years of a new variety's life. Under this scenario the breeder's competitors could secure supplies of propagating material and in a short time compete directly with him profiting from the many years of breeding effort. It may take between 10 and 20 years to develop new varieties in most plant species.

Plant variety protection regimes are implemented in order to:

- Provide breeders (frequently including institutions of the State) with an opportunity to receive a reasonable return on past investments,
- Provide an incentive for continued or increased investment in the future,
- To recognize the legal right of the innovator to be recognized as such and his economic right to remuneration for his efforts.

Harmonizing these laws and agreements within the global economy is the mandate of the International Union for the Protection of New Varieties of Plants (UPOV).

As part of its entry into the global economy through accession to the World Trade Organization, Jordan is implementing plant variety protection legislation in order to be compatible to those of other WTO member countries. This should open the doors to increased investment in plant breeding and the development of new markets for its innovative plant products.

The training program complements a prior report. The course should enhance the skills of the staff that will be responsible for the day-to-day operations of the PVP office.

I hope and trust that the training course and this report will assist the Government of Jordan in its important task of implementing regulations and operating a globally effective plant variety protection program and office.

John Dodds

It is my pleasure to submit to you as per the terms of reference of the above contract a final report as a result of my consultancy visit to Amman Jordan. The visit was based in large part on the basis of the training manual and PVP report prepared earlier in 2000 as part of this process.

The consultancy visit was I believe very successful in broad terms, and met the objectives that were set. I take this opportunity to thank the staff of the AMIR program in Amman for all their help and assistance during the visit.

### **The outcomes of the consultancy were as follows:**

#### INTERACTIONS WITH MINISTRY OF AGRICULTURE OFFICIALS IN REGARD TO PVP REGULATIONS.

There were extensive interactions with Dr Mohammad Moybadeen and his staff prior to the workshop, and subsequent to the workshop. These interactions I believe were most useful in terms of generating a deeper understanding of the topic, and thus to clearly determine next steps that are needed.

#### INTERACTIONS WITH IB LAW, THE AMMAN LAW FIRM THAT TRANSLATED THE REGULATIONS TO ARABIC AND IS COORDINATING THEIR REVIEW AND APPROVAL WITHIN THE MINISTRIES.

The local law firm has done an excellent job on translation of the documentation I prepared and is clearly well positioned in terms of interactions with the government to move the regulations forward for approval. The attorney primarily responsible for this work is dynamic and effective, despite a lack of deep understanding of the technical subject matter.

## THE PVP TRAINING COURSE.

A three-day workshop took place (June 10-12). There were 20 participants in the event, all of which were fully engaged for the entire period of the course. This constituted a mix of backgrounds, including Ministry of Agriculture officials, university representatives, private sector participants and representatives from international organizations. Both plant breeders, administrators and lawyers were present in the group.

The program of events were as follows:

## **WORKSHOP PROGRAM**

### **DAY 1**

#### **Morning Session**

- ❑ **Opening ceremony**
- ❑ **An Introduction to Intellectual Property Protection**
- ❑ **An Introduction to Plant Patents**
- ❑ **An Introduction to Plant Variety Protection**
- ❑ **UPOV What it is and what it does.**

#### **Afternoon Session**

- ❑ **The Jordanian Plant Variety Protection Law**
- ❑ **Status and Context of the Law**
- ❑ **Interface of PVP law with other Legal Instruments.**
- ❑ **Question & Answer Session**

**DAY 2****Morning Session**

- ❑ **The Jordanian Plant Variety Protection Regulations**
- ❑ **The legal basis of the regulations**
- ❑ **The status & context of the regulation**
- ❑ **The Plant Variety Protection Office**
- ❑ **Establishment of the Office**
- ❑ **Infrastructure of the Office**
- ❑ **Operations of the Office**
- ❑ **Interactions of Office with other Government Agencies**

**Afternoon Session**

- ❑ **Plant Variety Protection Application Process**
- ❑ **The forms**
- ❑ **How to distribute forms**
- ❑ **How to “file”**
- ❑ **Use of the UPOV technical guides**
- ❑ **The examination process**
- ❑ **Uniformity analysis**
- ❑ **Distinctiveness Analysis**
- ❑ **Stability Analysis**

**DAY 3****Morning Session**

- Example Session**
- Review an application**
- Meet with an applicant**
- Review the process**
- Perform an examination**
- Awarding a certificate**
- PVP and the seed sector**
- PVP and the private sector**
- PVP and the governmental sector**
- Round table discussion**

**Afternoon Session**

- How to deliver a refusal**
- The Appeal process**
- The judicial Appeal Process**
- The field Inspection Process**
- Public Awareness of PVP**
- Questions & Answer**

## Follow up actions still required:

As discussed in the wrap up session with the program manager, there are still a lot of activities that will need support within the Ministry of Agriculture in order to effectively start up and run a PVP office. These actions include:

- Review of English language version of final regulations.
- Review of English language version of the instructions / examiners manual.
- One on One training or small group training of the PVP registrar and examiners once appointed by the Govt.
- Review all final forms and form letters that will be used by the office.
- Assist in interactions with UPOV on provision of ALL documentation required for effective running of the office
- Assistance in the implementation and day-to-day running of the office in the first few months of its interactions.
- Review of mechanisms for receiving and storing biological samples of materials awarded a PVP Certificate.

The Law Offices of Dodds & Associates clearly stand ready to assist further with these matters should such a request be forthcoming.

In closing let me acknowledge again the support that was provided from the AMIR staff both in Amman and Washington DC, and thank Chemonics for the opportunity to provide this consultancy.