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PLANT VARIETY PROTECTION STUDY TOUR

Activity Report

July 2007

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PLANT VARIETY PROTECTION STUDY TOUR

ACTIVITY REPORT

TECHNICAL ASSISTANCE FOR POLICY REFORM II

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NATHAN ASSOCIATES INC.

USAID/EGYPT POLICY AND PRIVATE SECTOR OFFICE

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ENABLING POLICY ENVIRONMENT FOR BUSINESS

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ACTIVITY REPORT

PLANT VARIETY PROTECTION STUDY TOUR

INTRODUCTION

The Plant Variety Protection Study tour took place June 8 – 16, 2007. The tour was funded by the United States Agency for International Development (USAID) under Component D (Business Enabling Environment) of the Technical Assistance for Policy Reform II (TAPR II) project contract held by Bearing Point (Contract Number 263-C-00-05-00063-00) and implemented in conjunction with Nathan Associates Inc. (Subcontract Number AID-2005-I-00063-000-0027). The primary objective of the study tour was for the participants to learn about plant varieties, plant variety protection and the benefits to Egypt of strong plant variety protection and membership in UPOV. The secondary objective was for the tour to observe the operation of a successful, established PVP system and its effects on the availability of plant varieties, consumers and on the agricultural sector of an economy. The study tour achieved its objectives and provided the participants with not only with a unique learning experience, but with contacts to key members of the US PVP system who are eager to aid Egypt in its accession to UPOV.

The agenda and presentations were developed to expose the participants to a comprehensive discussion of PVP in the United States and the benefits for Egypt (both from a governmental and a private sector viewpoint). This included meetings with the administrators of PVP in the United States (the Plant Variety Protection Office and the US Patent and Trademark Office), the administrator of intellectual property rights for varieties produced by the USDA Agricultural Research Service (Office of Technology Transfer), the leading trade association for seed breeders (American Seed Trade Association), and research geneticists that create new plant varieties, among others.

It was clearly evident that, a result of the meetings, the participants gained a more thorough understanding of the concepts behind PVP (scientific as well as economic and political) and were able to hold in-depth discussions on the implications of a successful PVP regime in Egypt. Through exit evaluations, the group commented very favorably on the new knowledge and contacts acquired during the study tour. The participants from the Ministry of Agriculture were able to initiate a dialogue with US experts to aid them in further developing the new PVPO. Likewise, the journalists who participated in the study tour have since published many articles detailing their experiences and speaking in support of UPOV accession and the draft law.

BACKGROUND

The agriculture sector represents 16% of Egypt's GDP and more than 60 billion LE per year, and is the country's largest employer. Participating in an international system of Plant Variety Protection will give Egyptian exporters better access to desirable plant varieties developed abroad and provide plant breeders with exclusive rights to new varieties developed in Egypt.

As part of the EU-Mediterranean Partnership Agreement, Egypt agreed to join the World Intellectual Property Organization (WIPO) administered International Convention for the Protection of New Varieties of Plants (UPOV) by June 2008. Membership in UPOV is subject to strict review to ensure that the domestic laws of its members closely conform to the convention. The convention itself clearly prohibits additional requirements. UPOV informed Egypt's Ministry Agriculture and Land Reclamation that Egypt was not eligible with its current plant variety protection law (Book 4 of IPR Law 82/2002). To meet the UPOV standards and its goals of accession by June 2008, Egypt must amend its IPR Law. In order to prevent any derailment of the amendment, the Ministry of Trade and Industry and Ministry of Agriculture and Land Reclamation wanted to build public support for the benefits from membership in UPOV. One of the best methods for building public support is through media support.

Nathan's predecessor projects, including most recently, Intellectual Property Rights Assistance (IPRA), successfully demonstrated the benefits of educating journalists on technical subjects in order to garner public support. In order to build public support for UPOV accession, the TAPR II project proposed a study tour to the United States that would educate Egyptian journalists, and thereby the Egyptian public and decision-makers. The group would also include representatives from the Ministry of Agriculture to interpret similarities/differences between the US and Egyptian systems of protection and to be exposed to the US system themselves.

The tour consisted of eleven participants; three from the Ministry of Agriculture and eight from leading newspapers in Egypt.

Mr. Salah Mohamed Moawed, Director of the Central Administration for Seed Certification (under which the PVPO is housed), led the Ministry of Agriculture delegation, which included Mr. Gamal Swellum, Director of the Plant Variety Protection Office and Ms. Jacklien Shnoda, Legal Specialist with the PVPO.

The media participants included journalists and editors from Cairo's preeminent newspapers, both on the government and opposition sides, and included Agricultural specialty publications and more generalist publications. Mr. Aziz El Aziz Gira, Journalist, Agricultural Department, El Ahram El Ektesady Newspaper; Fatma Baraka, Deputy Editor in Chief, Akhbar El Youm Newspaper, Hani El Banna, Editor in Chief, Agricultural Magazine, Dar El Taawen For Publication; Helmi Fouad Ali Badr, Journalist, Agricultural Department, El Goumhourya Newspaper; Ibrahim El Boushy, Editor in Chief, El Taawen Newspaper, Dar El Taawen For Publication; Iskander Farag, Journalist, Agricultural Department, El Ahram El Masaay Newspaper; Metwally Nasralla, Journalist, Agricultural Department, El Masry El Youm Newspaper; Sanaa Mohamed El Karras, Journalist, Agricultural Department, El Ahrar Newspaper.

In addition, two technical escorts, an interpreter and a home office coordinator accompanied the group. Mr. Ahmed Lutfy Emman, Public Awareness Advisor of TAPR II Component D, served as technical escort. Mr. Amr Hegazy, Management and IT Advisor assisted Mr. Lutfy

as technical escort and acted as a secondary interpreter. Ms. Walaa El Hennawy, served as interpreter for the duration of the tour. Ms. Lisa Hillmann, Nathan Associates' Project Coordinator for TAPR II, organized and led the tour. Dr. Hussein Mansour, Head of the Agricultural Office at the Egyptian Embassy, also joined the group for several meetings and led the visit to the private sector farm.

INDIVIDUAL SESSIONS

WELCOME & OVERVIEW OF US PVP SYSTEM NATHAN ASSOCIATES INC.

The week opened with an introductory session held at Nathan Associates to provide an overview of the US PVP system and answer any initial questions about the objectives for the week. Mr. Michael Hathaway stressed the importance of asking probing questions of the presenters in order to gain the most of the experience. The participants took this point to heart and made a distinct effort through the week of developing pointed questions, with some guidance from their technical escorts. The introductory session was particularly helpful in clarifying that accession to UPOV was voluntary and that it was an initiative supported by the Egyptian Ministry of Agriculture and Land Reclamation and the Ministry of Trade and Industry. Some of the participants were mistakenly under the impression that since the study tour was funded by the US government that the amended IPR law was a USTR-driven initiative. Mr. Hathaway stressed that though the United States is supportive of Egypt's accession to UPOV as it will promote increased trade and R&D exchanges between Egypt and the US, this study tour was not meant to have a political agenda.

PLANT PATENTS IN THE UNITED STATES US PATENT & TRADEMARK OFFICE

Considered by the participants as one of the best sessions of the week, the presentation by Karin Ferriter of the US PTO's Office of International Relations was also perhaps the most comprehensive. Ms. Ferriter, having worked with Egypt's Office of Industrial Design under the TAPR I project, was very familiar with the Egyptian IPR system. She presented an overview of the US Plant Variety Protection system and the role of US PTO as co-administrator of the US UPOV obligations. As the first technical presenter, Ms. Ferriter established the distinction in the US PVP system between plant patents (administered by PTO; applied to asexually propagated plants) and plant variety protection certificates (administered by PVPO; applied to sexually reproduced & tuber propagated plants). Throughout the week, this distinction remained a point of confusion, but whose understanding is critical in the history of the US PVP system.

She provided a brief history of the PVP system, key legal cases, and outlined key points in the system, including the validity of a patent or PVP certificate (20 years from filing or granting of certificate, respectively). She also stressed the need for patent examiners to have both a scientific and legal background in order to make a plant examination

determination. She also underlined that the US patent system is designed to be applicant friendly. A copy of her presentation can be found in Appendix 1.

INTERACTIVE ENFORCEMENT SESSION US PATENT & TRADEMARK OFFICE

The participants were invited by Ms. Ferriter to participate in an interactive session on enforcement of patents and trademarks held as part of a week-long session for judges. This program was also attended by Egyptian judges sponsored by the TAPR II project. This session was also highly rated by the participants, providing them with a better understanding of the application and enforcement of intellectual property. In addition, the case under discussion related to plant-derived cosmetics. A copy of the presentation and the worksheet from the session are found in Appendix 1.

In addition to the official sessions, the participants were introduced to two members of the Egyptian Patent Office in training with the US PTO for eight months, further underlining the linkages and ongoing dialogue between the US and Egypt on intellectual property issues.

PROTECTION & COMMERCIALIZATION OF PUBLIC AGRICULTURAL RESEARCH USDA ARS OFFICE OF TECHNOLOGY TRANSFER

Over two days, we met with several offices at the US Department of Agriculture's Agricultural Research Service Facility in Beltsville, Maryland. Funded by the US government, ARS scientists pursue research and development in four areas: natural resources & sustainability, plant production & protection, animal health & production and food nutrition.

The Office of Technology Transfer (OTT) facilitates and coordinates partnerships between the ARS and the private sector in order to enhance development of new technologies and promote marketing. As part of its responsibilities, the OTT helps ARS scientists determined whether they should apply for plant patents or PVP certificates.

June Blalock, Technology Licensing Coordinator with the OTT, and Martha Steinbock, Deputy Assistant Administrator of the OTT presented an overview of their department and its role within the ARS. They were joined by representatives of the OTT's Marketing, Patent, and Technology Transfer staff. The participants were intrigued by the role of the OTT and its mechanisms for partnering with private firms, particularly in that even if the private sector jointly funds research, the USDA maintains control over the direction of the research. In addition, they were surprised that the US government did not seek patents or PVP certification on all of its new technologies; that often with standard crops they would release the new plant variety or other technology for open use by farmers. They were also interested in the compensation mechanisms for the individual scientists: in the US the government takes claim of the invention, but the scientists gets a share of the license revenue.

INTERNATIONAL PROGRAMS OF THE USDA AGRICULTURAL RESEARCH SERVICE USDA ARS OFFICE OF INTERNATIONAL PROGRAMS

Jointly with the OTT, the group met with Mr. Ibrahim Shaqir, Director of Middle East and North Africa, in the Office of International Research Programs (OIRP). Mr. Shaqir very kindly made his presentation in Arabic, which was very well received. He explained that the OIRP manages overseas laboratories in Europe and Asia and facilitates international research activities by promoting exchanges of innovation and collaboration and cooperation on mutually beneficial high priority agricultural research.

He explained that the USDA's Foreign Agricultural Service negotiates Science & Technology Agreements as well as Specific Cooperative Agreements.

In answer to questions, he explained that the ARS has a budget of \$1 billion per annum, with 80% allocated for research, and 20% for salaries.

He also touched on issues of Avian Influenza and Wheat Rust. He highlighted that ARS scientists are working jointly with counterparts in East Africa to develop a strain resistant to wheat rust and that they are engaging in the international effort to ensure that the disease does not spread. He also pointed out that the US State Department, together with APHSI, is currently providing workshops and training in Egypt and the Middle East on AI.

PUBLIC RELATIONS IN THE AGRICULTURAL RESEARCH SERVICE AGRICULTURAL RESEARCH MAGAZINE

The Agricultural Research Magazine acts as an in-house public relations tool for the ARS. Ron Sowers, Editor of the magazine, stressed that its material focused only on ARS research, with content written solely by its internal staff. This session was of particular interest to the journalists, who pointed out that the Egyptian Agricultural Research Center, similar to the ARS, also has an in-house magazine. The participants asked very targeted questions. Though Mr. Sowers pointed out that the magazine does not have any private sector advertising so as not to be influenced, he did mention that their target audiences of US farmers, scientists and Congress dose occasionally solicit pressure in their selection of topics.

VISIT WITH THE EGYPTIAN AMBASSADOR

We were fortunate, through the assistance of Dr. Mansour, to gain a private audience with the Egyptian Ambassador. He emphasized the importance of the US-Egyptian relationship, particularly long term relations. The journalists in the group asked a wide range of questions relating to cultural and economic relations, including questions on US in technical assistance to Egypt (decrease in funding; promotion of knowledge exchanges), promotion of Egyptian exports to the United States, and obstacles to trade between the two countries.

PLANT VARIETY PROTECTION IN THE UNITED STATES PLANT VARIETY PROTECTION OFFICE

Following a brief overview on the PVPO as co-administrator of UPOV, the journalists were taken on a tour of the National Agricultural Library and shown the many resources which are accessible to the public. This provided an opportunity for Janice Strachan, Senior Examiner PVPO to give the Ministry of Agriculture representatives a detailed and comprehensive

presentation on the history and administrative procedures of the US PVPO. Mrs. Strachan actively participated in the process to amend the Plant Variety Protection Act in 1994 and is conversant with the legislative history and the changes that were enacted. She has written amendments to the PVP Regulations and Rules of Practice. In the last revision of the regulations (2005), she included language for and fee increase and for deposit of voucher samples directly into approved depositories. She is knowledgeable about the clerical and examination procedures of the PVP Office and the maintenance of the computer databases. Mr. Gamal Bayoumy Swellum, Head of Egypt's PVPO, was able to ask in-depth procedural questions to assist him in the development of his office. Ms. Strachan explained that their operating budget was based solely on what was collected from applicants, and therefore, application fees were relatively high (\$5150). Mr. Gamal pointed out that in Egypt they were currently only charging 100 Egyptian pounds (under \$20) for an application.

Mrs. Strachan offered to continue the dialogue and provide additional information as needed to assist the new office in Egypt.

PLANT VARIETY RESEARCH & DEVELOPMENT USDA ARS RESEARCH GENETICISTS

The mission of the Vegetable Lab is to improve, enhance and sustain quality and develop disease resistance in vegetable crops. The major research objectives of the laboratory include investigation of fundamental processes underlying crop quality, nutritive value, and host-pathogen interactions; development of new technologies for crop improvement; enhancement of germplasm quality and disease resistance via conventional breeding and transgene technologies; identification, testing and optimization of biocontrol agents to control plant pathogens; and elucidation of mechanisms that optimize plant performance in sustainable crop production systems. Specific crops slated for improvement and quality enhancement are: potato, tomato, beans, peppers, and eggplant. Dr. John Stommel and Dr. Robert Griesbach recently bred an ornamental pepper named 'Black Pearl' that received a Plant Variety Protection Certificate in September 2006.

PRIVATE SECTOR FARMING IN THE UNITED STATES POLYFACE, INC.

Dr. Hussein Mansour, Head of the Agricultural Office of the Egyptian Embassy, arranged a visit for the group to a unique family-owned farm in rural Virginia. The group was also accompanied by Keith Long of the Virginia Department of Agriculture, 's Office of International Relations, who stressed the importance of the US-Egyptian relationship for Virginia. Virginia is one of the primary exporters of wheat to Egypt.

The owner of Polyface, Inc. Joel Salatin, took the group on a tour of his farm, demonstrating the benefits of eco-friendly farming from a humane, nutritional, health, and economic perspective. The visit was a rare opportunity for the group to gain first hand exposure to small, family-owned farming in the United States, as well as an introduction to an alternative, organic, and highly profitable farming method. Polyface Inc. has been featured in SMITHSONIAN MAGAZINE, NATIONAL GEOGRAPHIC, GOURMET and countless other

radio, television and print media. Polyface services more than 1,000 families, 4 retail outlets, and 30 restaurants through on-farm sales and metropolitan buying clubs.

PRIVATE SECTOR SUPPORT FOR PLANT VARIETY PROTECTION AMERICAN SEED TRADE ASSOCIATION

ASTA is an association of seed producers with 800 member companies, 60-70% of which is domestic and 30-40% international. The delegation was welcomed by the President/CEO of the American Seed Trade Association, who welcomed and encouraged Egypt's updated PVP laws and stressed that Egypt was moving in the right direction. ASTA's Vice President for Scientific and Technical issues, who also serves on the Advisory Board of the Plant Variety Protection Office, Dr. Bernice Slutsky, underscored that enforcement of Plant Variety Protection is critical to the success of a vibrant seed industry. She pointed out that most countries in the world rely on a PVP certificate system, while only Australia, Japan and the United States have a system that allows for patenting of plant varieties. Alexis Ellicot, ASTA's Director for International Programs detailed ASTA's activities in North and East Africa providing education and capacity building assistance, usually jointly through USDA and USAID. She responded to participant questions and offered that ASTA would be interested in engaging on capacity building for Egypt.

SUPPORT FOR FOREIGN MEDIA IN THE UNITED STATES FOREIGN PRESS CENTER

This brief meeting with the Program Officer for Middle East and North Africa demonstrated the facilitating role of the US State Department's Foreign Press Center as "one stop shop" for foreign journalists.

ECONOMIC BENEFITS OF PLANT VARIETY PROTECTION USDA ECONOMIC RESEARCH SERVICE

Three economists from the USDA Economic Research Service's Agricultural Biotechnology Department detailed key research conducted by ERS in the area of plant variety protection and demonstrated how the participants could take advantage of the economic analysis and reporting available on their website. They highlighted a report which demonstrated the positive impact of PVP for cotton farmers in the United States and the joint impact of PVP on technology. They also underscored the important distinction in the United States between the protective role of utility patents as opposed to PVP certificates.

EVALUATIONS

At the end of the study tour we administered evaluations and presented the participants with graduation certificates. Overall, the study tour was quite highly rated, though the comments demonstrated that there were great differences of opinion as to which sessions were most informative and interesting. This was in part due to the fact that three of the participants were from the Ministry of Agriculture, and therefore more interested in the technical and

procedural aspects of PVP, whereas the journalists were more interested in the conclusions and impact of PVP for Egypt.

The introductory session with Michael Hathaway of Nathan Associates, the two sessions with the US PTO, and our visit to the private farm in Virginia were the highest rated sessions on average. The lowest rated session was our last session with the USDA Economic Research Service. The ERS provided information on helpful research papers related to PVP, but admittedly did not engage the group very well.

The comments showed a wide disparity in the view of the participants. Two participants stated that the meeting with ASTA was the most informative, while two participants marked it as the least informative. Several participants noted that they would have liked to spend more time with the Office of Technology Transfer and would like more follow-up on that topic, even though that session was not marked as the most informative.

Table 1: Summary of Evaluations

Session	Presenter	Average Score (out of 5)
Overview & Introduction	<i>Michael Hathaway</i>	4.91
Role of USPTO in UPOV & PVP	<i>Karin Ferriter</i>	4.45
Interactive Exercise on Patents, Trademarks & Copyrights	<i>Karin Ferriter</i>	4.64
Office of Technology Transfer	<i>June Blalock</i>	4.05
Office of International Research Programs	<i>Ibrahim Shaqir</i>	4.41
ARS Agricultural Research Magazine	<i>Robert Sowers</i>	3.14
Tour of ARC Facility	<i>Jay Greene</i>	3.94
Visit to Behnke Nursery		3.88
Meeting with Egyptian Ambassador		4.38
Plant Variety Protection Office	<i>Janice Strachan</i>	3.82
Vegetable Laboratory Plant Breeders – Potatoes, Tomatoes & Peppers, Beans	<i>John Stommel</i>	3.82
Tour of Polyface, Inc.	<i>Joel Salatin/Dr. Hussein Mansour & Keith Long</i>	4.80
American Seed Trade Association	<i>Bernice Slutsky</i>	4.30
Foreign Press Center	<i>Algis Silas</i>	4.15
USDA Economic Research Service	<i>David E. Schimmelpfennig & John King</i>	2.50
Total		

Despite the range of opinions, the participants were all very enthusiastic about their visit and were encouraged about Egypt's future in acceding to UPOV and taking advantage of the opportunities for the Egyptian agricultural sector.

RESULTS / FOLLOW-UP

In the weeks following the study tour, several articles were published by the participants speaking out in favor of plant variety protection and the need to pass the amended draft law [Book 4 of the IPR Law 82/2002]. The participants thanked USAID for supporting the Ministry of Agriculture in its efforts to reform and promote economic growth. A selection of these articles, translated into English, is found in Appendix 3.

During the study tour, there was much discussion of collaboration between US entities and the Egyptian Ministry of Agriculture, particularly the new Plant Variety Protection Office. The introductions made during this visit will be invaluable in the future and should be fostered.

- Janice Strachan, of the US PVPO, encouraged Mr. Gamal Bayoumy Swellum, to follow-up with her for further discussions of the administrative procedures of the PVPO. She provided copies of the US law on PVPA and an extensive background on PVPO procedures.
- The American Seed Trade Association welcomed Egypt's active participation in UPOV. Alexis Ellicott, Director of International Programs and an active participant in developing PVP systems in developing countries, encouraged the PVPO and Egyptian research institutions to contact ASTA. ASTA would be interested in discussing joint capacity building projects.
- Karin Ferriter of the USPTO, who previously traveled to Egypt under the TAPR I project, underscored her willingness to provide further information and capacity building assistance to Egypt.
- The USDA ARS Research Geneticists encouraged the Ministry of Agriculture to request seed samples of their new varieties for research purposes.

We hope that the participants will continue the dialogue on Plant Variety Protection in Egypt and take advantage of their new contacts with US experts.

APPENDIX I: AGENDA

MONDAY, JUNE 11	INTRODUCTION TO INTELLECTUAL PROPERTY & PLANT VARIETY PROTECTION
Marriott Residence Inn, 1199 Vermont Avenue, NW, Washington, DC 20005	
8:30	Meet at Hotel Lobby
Nathan Associates Inc., 2101 Wilson Blvd. Suite 1200 Arlington, VA	
9:00 – 10:30	Welcome & Introduction to Plant Variety Protection in the US <i>Michael Hathaway, Principal Associate</i> <i>Nathan Associates Inc.</i>
US Patent and Trademark Office, 600 Dulany Street – Alexandria, VA	
11:15	Arrive at USPTO Tour of PTO Museum
12:00 – 1:00	Lunch on your own @ USPTO -Meet with Egyptian officials on assignment with USPTO
1:00 – 3:00	US Patent and Trademark Office <i>Karin Ferriter (previously worked with Egypt Industrial Design Office under TAPR I)</i> — USPTO Role in UPOV Administration and Regulation
3:00 – 5:00	Introduction to Patents, Trademarks and Copyrights: Role Play Exercise --Interactive Exercise on how to protect a plant-based cosmetic invention

TUESDAY, JUNE 12	AGRICULTURE RESEARCH IN AMERICA
Marriott Residence Inn, 1199 Vermont Avenue, NW, Washington, DC 20005	
7:45	Meet at Hotel Lobby
USDA Beltsville Agricultural Research Center, Beltsville, MD George Washington Carver Center (GWCC). Room 4-1159	
9:15 – 11:00	Office of Technology Transfer <i>June Blalock, Technology Licensing Program Coordinator</i>
11:00 – 11:45	International Research Programs <i>Ibrahim Shaquir</i>
12:00 – 1:00	Lunch on your own @ ARS Cafeteria
1:15– 2:00	Agricultural Research Magazine, Room 1-2240, GWCC <i>Robert Sowers, Editor</i>
2:15 – 3:30	Tour of the Agricultural Research Center <i>Jay Green</i> <ul style="list-style-type: none"> — Guided tour of 7,000-acre Beltsville Agricultural Research Center. Dynamic, highly diversified research facility, dating back to livestock experiments in 1910. — Trip to the ARS Visitor Center will provide guests a broad picture of agricultural research in America.
3:45 – 4:15	Visit to Behnke Nursery <ul style="list-style-type: none"> – Discussion of consumer behaviors in reaction to plant variety protection
5:00 – 6:00	Meeting with the Ambassador of the Arab Republic of Egypt to the United States, Hon. Nabil Fahmy <ul style="list-style-type: none"> – Private audience with the Ambassador

WEDNESDAY, JUNE 13		PLANT VARIETY PROTECTION & BIOTECHNOLOGY	
Marriott Residence Inn, 1199 Vermont Avenue, NW, Washington, DC 20005			
8:00	Meet at Hotel Lobby		
USDA Beltsville Agricultural Research Center, Beltsville, MD			
National Agricultural Library Building			
9:00 – 12:00	Plant Variety Protection Office, Room 400 <i>Janice Strachan, Senior Plant Variety Protection Examiner</i>		
12:15 – 1:15	Lunch on your own		
USDA Beltsville Agricultural Research Center, Beltsville, MD			
Building 010A 2 nd Floor conference room			
2:00 – 4:00	Vegetable Laboratory Field Tour w/ Plant Breeders <i>John Stommel, Research Geneticist, pepper/tomato</i> <i>Marcial A. Pastor Corrales - Research Plant Pathologist, beans</i> <i>Kathleen G. Haynes – Research Geneticist, potato</i>		

THURSDAY		US PRIVATE AGRICULTURAL INDUSTRY	
Marriott Residence Inn, 1199 Vermont Avenue, NW, Washington, DC 20005			
8:00	Meet at Hotel Lobby		
Tour with Head of Agricultural Office, Egyptian Embassy DC			
	<p><i>Dr. Hussein Mansour</i> <i>Agricultural Minister Plenipotentiary & Head of the Agricultural Office</i> <i>Embassy Of the Republic of Egypt</i></p> <p><i>Keith Long</i> <i>Virginia Department of Agriculture</i></p>		
11:00 – 2:00	<p>Visit to Polyface, Inc , Staunton, Virginia</p> <p>-Polyface, Inc. is a family owned, multi-generational, pasture-based, beyond organic, local-market farm and informational outreach in Virginia's Shenandoah Valley.</p> <p>-Discussion of successful small enterprise and diverse activities of US farming community</p>		
2:00 – 3:00	Lunch		
3:00 – 5:00	Return to DC		

FRIDAY, JUNE 15	PRIVATE SECTOR/ECONOMIC BENEFITS OF PVP
Marriott Residence Inn, 1199 Vermont Avenue, NW, Washington, DC 20005	
8:15	Meet at Hotel Lobby
American Seed Trade Association, 225 Reinekers Lane, Suite 650 Alexandria, VA 22314	
9:00 – 10:30	American Seed Trade Association <i>Bernice Slutsky, Ph.D., Vice President, Science & International Affairs, PVPO Advisory Board</i> <i>Andrew Lavigne, President & CEO</i> <i>Alexis Ellicott, Director, International Programs</i>
Foreign Press Center, National Press Building, 529 14th Street (E F Street), NW, 8th Floor	
11:00 – 12:30	Tour of the Foreign Press Center & Briefing <i>Algis Silas, Program Officer for the Middle East and North Africa</i>
12:30 – 1:45	Lunch on your own
USDA Economic Research Service	
2:30 – 4:00	USDA Economic Research Service <i>David E. Schimmelpfennig</i> <i>John King</i> -Economic Benefits of Plant Variety Protection
Nathan Associates Inc., 2101 Wilson Blvd. Suite 1200 Arlington, VA 22201	
4:30 – 5:30	Discussion of Lessons Learned, Evaluations, and Graduation Ceremony

APPENDIX II: PRESENTATIONS

APPENDIX III: ARTICLES

Al-Akhbar – January 8, 2007

Cairo International Seed Conference to study IPR Law Amendments

The Second International Conference on Seed Trade is due to be held next November under the auspices of the Egyptian Prime Minister. The conference will tackle seed trade issues in Northern Africa and Central and Western Asia, and will be attended by all international organizations working in the field of seed trade as well as by the International Union for the Protection of New Varieties of Plants (UPOV), the Organization for International Cooperation and Development, the International Seed Testing Association, the International Seed Federation, and the Council for Seeds in Western Asia and Northern Africa.

The conference will be organized by the Ministry of Agriculture's Seed Council headed by Dr. Fawzi Naeem Mahrous, in cooperation with Egyptian seed associations and public and private sector companies and traders.

Eng. Salah Abdel Wanis, seed expert and conference rapporteur, said that the conference will discuss international and regional seed trade and modern technology applications used in seed industry. "Intellectual property rights related to new plant varieties, small economic entities and their role in seed trade, and consistency of seed procedures on the regional level will be among the topics that we will discuss," expounded Abdel Wanis, adding that small workshops will be held on the sidelines of the conference to discuss seed trade in Egypt, amendments of the law governing seed trade, and seed privatization.

"The conference will endeavor to pass on recommendations and decisions that will reshape seed trade into an investment/export-appealing industry," he added.

Al-Taawon (front page), June 26, 2007

Egyptian Plant Varieties Protected By June 2008

Washington, Ibrahim Al-Boushy

Upon an invitation from the USAID-funded Technical Assistance for Policy Reform Project, I participated in a study tour to the United States from June 8-16 to learn from the American IPR experience in protecting plant varieties and breeders' rights.

The project's main focus is to provide training to Egyptian law enforcement officials in the field of intellectual property and breeders' rights and to step up public awareness activities designed to help the public better understand IPR-related commitments. The project also

offers IT assistance to update the records of the Plant Variety Protection Office to facilitate its new tasks.

Amin Abaza, Minister of Agriculture and Land Reclamation, stated that the idea of providing international protection to breeders is a product of human intellectual activity. "Particular attention began to be paid to plant variety protection late in the nineteen fifties and early in the sixties with the adoption of the International Convention for the Protection of New Varieties of Plants," explained Abaza, adding that this convention had later been modified to establish the fact that plant variety development is an intellectual activity, and to foster the principle of free trade and remove customs barriers, a priority of the new global system.

The Minister noted that the GATT Uruguay Round of Multilateral Trade Negotiations has yielded the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement that induced many laws covering various branches of intellectual property. These include plant variety protection and breeders' rights which are protected by virtue of protection certificates.

"The Plant Variety Protection Office was established in the Central Administration for Seed Certification to receive applications and grant protection certificates where legal and technical requirements are fulfilled," Abaza pointed out. "The IPR Consultative Council was established to remove any obstacles the PVPO may face," he said, adding that the another office, the Technology Management and Commercialization Office, was established in the Agricultural Research Center to submit protection applications on behalf of breeders to the PVPO.

Al-Taawon also knew that Egypt wants to accede the UPOV by June 2008, this is why TMCO is currently nurturing its relation with the UPOV and seeks its consultancy on the amendments of BOOK IV of Law 82/2002 on Intellectual Property Rights Protection.

Cooperation between the previous USAID-funded Intellectual Property Rights Assistance (IPRA) Project, presided over by Jaleen Moroney, and CASC's PVPO produced positive outcome that played a part in stimulating the tasks of the Plant Variety Protection Office and reduced protection requirements.

At the end, we have to emphasize the fact that protecting plant varieties as a form of intellectual property will significantly reflect on Egypt's agricultural sector, and will make breeders feel protected and secure.

(Details on page 3)

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I received a personal invitation from the Technical Assistance for Policy Reform Project to participate in a study tour to the United States from June 8-16 to learn more about plant variety protection and what Egypt will gain from strengthening protection enforcement and

joining the UPOV. In addition to this primary objective, the study tour also aimed, from my point of view, to see how a successful plant variety protection system works and how it affects consumers as well as the agricultural sector in any economy.

On the sidelines of the study tour, the participants visited the Foreign Press Center in DC to learn about its activities. The center covers all American national and foreign news and has two other branches, one in New York and the other in Los Angeles. Annual tours to the center are organized for journalists from around the globe. The center, mostly visited by Japanese, Italian, and French journalists, holds many conferences, especially in relation to elections in the United States.

Participants also visited the USDA's Economic Research Service where they learnt about the center's activities and studies, particularly those related to food, economic issues, consumption, population, and crop productivity assessment and how it better maintains plant varieties.

Among the participants were Eng. Gamal Eissa Attiya, President of the Egyptian Plant Variety Protection Office, Eng. Salah Mohamed Ahmed Muawwad, President of the Central Administration for Seed Certification, Mrs. Jaclyn Salim Metwally, PVPO's legal consultant, Mr. Ahmed Lutfy, Public Awareness Officer of TAPRII Project, and the translators Amr Hegazy and Walaa Al-Hennawy. The tour's coordinator was Lisa Hillmann and it included a group of agricultural journalists from various Egyptian newspapers.

Turning point

The agricultural sector generates 7% of Egypt's GDP¹, i.e. more than 60 billion pounds annually, and is the country's most job-generative activity. Enforcing international protection of plant varieties will definitely give a better chance to Egyptian exporters² to get the foreign-developed plant varieties they want. It will also provide breeders with consultative rights on the varieties they develop in Egypt.

In order for Egypt to join the Euro-Mediterranean Partnership, it has to become a member of the International Convention for the Protection of New Varieties of Plants. Accession to the UPOV requires careful revision of the national laws of member states to ensure compliance and make certain that no extra requirements are imposed. In order to meet the UPOV standards, Egypt must amend its Law on Intellectual Property Rights Protection and build more support for the benefits that we will gain from joining the UPOV.

Adoption of amendments

Eng. Salah Mohamed Ahmed Muawwad, President of the Central Administration for Seed Certification, highlights the importance of having the amended Book IV of the IPR Law adopted by the People's Assembly before June 2008 so that Egypt can join the UPOV. "This agreement will stimulate seed trade and foster protection of plant varieties and breeders' rights," Muawwad added.

¹ The article says 7%, but according to the World Bank, agriculture represents 14% of Egypt's GDP.

² The article says "Egyptian importers," but it does not fit the context.

According to Muawwad, the UPOV currently includes 63 member states, including Jordan and Morocco who have recently acceded to the agreement.

He also explained that distinctiveness, uniformity, and stability tests (DUS) of plant varieties seeking protection are carried out in CASC according to the established technical rules.

“For varieties that have been previously registered in Egypt for commercial purposes, results of DUS tests carried out at the time of registration will be considered,” Muawwad said.

PVPO

Eng. Gamal Eissa Attiya, President of the Egyptian Plant Variety Protection Office, says that the office was established in 2003 by virtue of a prime ministerial decree to receive plant variety protection applications that are filled on the proper forms. Applications receive serial numbers and are recorded in the Plant Variety Register. The varieties are then examined and a decision is made according to the procedures set by the decrees of the Minister of Agriculture. Upon the recommendation of the office and the approval of the Minister of Agriculture, the office grants protection certificates to the varieties that meet the requirements enumerated in Book IV of Law 82/2002.

“Our pursuit of joining the UPOV will lead us to the Euro-Egyptian Partnership,” explains Eissa. “According to the Ministry of Scientific Research, the previous law was flawed, and has been amended to satisfy the provisions of the UPOV,” noted Attiya.

Office of Technology Transfer

Our tour to the Beltsville Agricultural Research Center included a visit to the Office of Technology Transfer where we met June Blalock who told us that the United States seeks, through the office, partnership opportunities with businesses, other federal agencies, state and local governments, and universities. These partnerships are designed to augment research programs, expedite research results to the private sector, exchange information and knowledge, stimulate new business and economic development, enhance U.S. trade, and preserve the environment by moving technologies resulting from scientific research to the marketplace. The office depends on governmental funding as well as license fees.

The office also helps USDA scientists decide if they should apply for a patent or PVP certificate, and helps write Cooperative Research and Development Agreements.

Ibrahim Shaqir, International Affairs Specialist³ at the Technology Transfer Office said that cooperation was being built up with Northern African countries, Egypt, and Turkey, to fight certain diseases such as Puccinia graminis, Mediterranean fruit fly, desertification, and drought.

³ The title according to the article is “vice chairman of the Technology Transfer Office”, but according to the Agriculture Research Service’s website it is “International Affairs Specialist.”

“I believe that technology is a process where scientific discoveries are turned into products that serve the society,” Shaqir said, adding that these discoveries are the product of complex procedures that lead to creative production, and this is why intellectual property must be governed by a management system. “Any country or institution can have its own creative production in the field of agriculture at different levels,” Shaqir said, “but this process requires constant and ardent support from the government to scientific research, and ability to set up partnerships between the public and the private sectors,” he noted.

According to Shaqir, these requirements are basic for intellectual property management because they effectuate partnerships and facilitate transfer of technology to multiple parties, a very beneficial process that helps research institutions offer new products, services, and job opportunities. This process, however, is multifaceted; it involves political, economic, and administrative aspects. “Any technology transfer authority must depend on a solid ground of effective strategies, economic assessments, and strong relations with other institutions to help establish efficient partnerships and gain relevant experience,” Shaqir illustrated.

Agreement

The new global system requires more collaboration among all stakeholders in the field of agriculture, both in private and public sectors. Exchanging technology is a pillar on which technology transfer offices in most universities and research centers are based, and it became necessary for them to pay attention to intellectual property rights and not to tamper with patents owned by other parties, particularly that modern technology is in the most part owned by global corporations. In this sense, technology transfer does not merely mean to pass on new technology, but it entails offering technical assistance and information as necessary for using this technology. Technology transfer is implemented by licensing, selling, or granting for free a certain technology according to certain conditions that both the grantor and the grantee agree to. There are also agreements to transfer biological materials and they are always used for research purposes.

Culture

Technology transfer is immeasurably connected to local culture and social values. To transfer a technology you do more than translating it into a local language, you rather implant it in the national culture and adapt it to the prevalent cultural norms.

Why protection is important?

During the study tour, we met Michael Hathaway from Nathan Associates Inc. who elaborated on the importance of providing worldwide plant variety protection. “Some countries do not have their interests satisfied in negotiations because they need to amend their laws to be consistent with UPOV requirements,” said Hathaway.

USPTO

We met with Karin Ferriter from the United States Patent and Trademark Office who said that the Congress had passed a law for plant variety protection before the United States joined the UPOV.

“For a variety to be protected in America it has to be characterized by novelty, distinctiveness, uniformity, and vegetative reproduction,” she added.

Ferriter explained that protection is granted for twenty years from the date of receiving the protection application, this protection guarantees breeders’ rights and prevents any sale or exploitation of protected varieties. “Protection is applied only within the United States,” she noted.

“The USPTO has 18 thousand patents, 3900 utility models, and 1642 patents of non-genetically engineered plant varieties,” Ferriter said.

Ferriter pointed out that the office includes 9000 employees; 5000 patent examiners⁴, each 15 of whom report to one supervisor, in addition to 6-12 examiners who work for the Technology Transfer Office.

“The office includes departments for industrial designs, IT, Congress relations, and ruling enforcements,” Ferriter explained

“The USPTO is funded by the government and also receives fees from applicants. Our budget is around 1.2 billion dollars,” she added.

Ferriter stressed that any invention must be protected by a patent. “Patents protect all kinds of technology, and they help prevent unauthorized exploitation of inventions,” she said.

The Egyptian delegation also participated in a patent course attended by Egyptian judges.

The Agricultural Research Center

During the study tour, we visited the 7,000-acre Beltsville Agricultural Research Center. A dynamic, highly diversified research facility, dating back to livestock experiments in 1910.

We also listened to a lecture on the new varieties of beans, tomatoes, and how they are bred. Janice Strachan explained to us the center’s role and resources and how it receives applications and protects breeders’ rights.

We also visited the American Seed Trade Association, an institution that includes 800 companies and has a budget of four million dollars. The association’s subscription fee is \$

⁴ “Patent judges” according to the article.

350 and it acts as a link between companies and the government, and helps the congress pass laws that cope with the progress achieved in the seed production field.

Large Farm

At the end of the study tour we visited a farm in Virginia owned by someone called Roy. The farm occupies 2400 acres and sells poultry and meat to 30 restaurants and serves 1000 families. This farm is categorized as a large farm because the value of its production exceeds \$ 4000. The farm applies the new outdoors poultry breeding system which proved a big success. It breeds 4000 chicken and 500 meat-producing cows. An acre in this area is worth 4200 dollars, but it can be rented for 25 dollars a year. We were accompanied in our visit to the farm by Keith Long, USDA representative, and Dr. Hussein Mansour, agricultural consultant in DC who took the initiative to arrange this meeting.

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