



Australian Nurserymen's Fruit Improvement Co. Ltd

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Orcharding for the Future

Tuesday, 11 September 2007

Mr Cameron Stack
Secretariat
Advisory Council on Intellectual Property
PO Box 200
WODEN ACT 2606

Dear Cameron,

Re Horticulture Industry Submission for the Review of Enforcement of Plant Breeder's Rights

I have been contacted by several colleagues in the various Horticultural Industries where we work and I would like to provide a submission for this review.

The Australian Nurserymen's Fruit Improvement Company (ANFIC) Ltd has been involved in all aspects of new fruit variety management in Australia and globally, through our membership of the Associated International Group of Nurseries (AIGN), for more than 25 years. AIGN is a member of CIOPORA and all AIGN members are actively involved in IP protection in our respective territories.

The Australian Nurserymen's Fruit Improvement Company (ANFIC) is a National company made up of twelve progressive nursery members. The company was formed in 1983 and is now registered in all states of Australia. It was incorporated in NSW in 1984.

The objectives for which the company was established are: "To undertake, promote and further the improvement, import and export of fruit varieties and rootstocks to the horticultural industry on its own behalf or on behalf of any member or non-member."

As the nursery group which introduced the internationally recognised 'Royal Gala' apple variety to Australia in 1980, ANFIC recorded its first 'managed variety' tree sales in 1988. This was one of the first 'managed' fruit varieties in Australia with a tree royalty and IP protection was provided via non-propagation agreements as PVR was not available at the time of introduction.



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ANFIC now manages more than 1,200 fruit varieties (from 35 breeding programs located in 12 countries) across many fruit industries so we are well qualified to provide information for this review.

I would like to provide information on some of the issues outlined in the Issues Paper dated March 2007 in the Review of enforcement of Plant Breeder's Rights. I have provided 2 attachments; one Confidential and one Public Disclosure document.

Yours truly,

GWPorter

Dr Gavin W Porter
CEO



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