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Subject PBR Enforcement - Issues Paper
Classification UNCLASSIFIED
Privacy

Dear Cameron

I read with interest the Issues Paper prepared by ACIP on "A review of enforcement of Plant Breeder's Rights (PBR)". I have been involved in the commercialisation of new plant varieties in Australia since 1992 across the horticultural, grains and pasture industries in Australia. The paper provides a very good overview of PBR in general and the challenges of enforcing PBR when there is an infringement.

I have been involved in three possible infringements of PBR involving a globe artichoke variety, a faba bean variety and a barley variety. In each case I worked with the PBR office to assist in enforcing the PBR but they indicated their key role was in administering the Act. There was an exchange of solicitors letters for each case, but as in most instances of infringement, they did not proceed to court. The PBR office should have the ability and willingness to assist in the protection of PBR and enforcement of the rights when infringements occur. At the very least they should have a documented process or procedure to assist PBR holders on how to tackle infringements. This is an issue included in the paper under 4.2.12 - Increasing awareness.

I believe the formation of a peak body, similar to the BSPB in the UK and CPTA in Canada would assist in strengthening the rights of PBR holders and plant breeders. It would encourage more breeding organisations to invest in plant breeding and obtain PBR for new varieties. This is important in the challenging growing environment that Australian Agriculture is currently experiencing.

The issue of collecting royalties is also key to breeders obtaining PBR. As the breeding organisations in Australia become more commercial, in particular in the grains industry, royalties will become an ever increasing source of income to continue operations.

One small typo on page 9 is Grain Corp is listed instead of Grain Pool at the end of the last paragraph.

I would be interested in participating in the proposed consultation process as contained in the issues paper. If you require any further information before then, please contact me. I look forward to hearing from you in due course.

Kind regards

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