



Department for Promotion of Industry and Internal Trade  
(Ministry of Commerce and Industry, Government of India)  
Chair on IPR&CIPRA-**National Law School of India University**, Bangalore

The International Round Table

on

**Achieving global food security through instrumentalities of Plant  
variety and other related disciplines (Patent, Trade Secret, ABS &  
Regulatory framework)**

Date: 05.03.2021 & 06.03.2021

Time: 1.00 pm IST Onwards

National law School of India University.

## **CONCEPT NOTE**

The use of new plant varieties is the key element in increasing productivity and product quality of agricultural production. The availability of adapted plant genetic resources, plant varieties and new forms of plant innovation can therefore be a decisive factor in improving the rural economy and achieving food security and nutrition-goals. Additionally, Climate-smart agriculture or nutrition friendly strategies also include the development of improved varieties. It is thus a major challenge to establish a fair, sustainable, and effective system of plant genetic resource exchange, plant variety protection and other intellectual property protection that encourages the co-development of new varieties of plants by researchers, farmers, and breeders, while also encouraging smallholder farmers to be recognized and rewarded for their longstanding contributions to biodiversity maintenance.

The main contention is to encourage the development of these new plant varieties and plant innovation and the achievement of global food security considering the interrelated disciplines of Intellectual Property. To address this issue, Plant Variety protection instruments and other intellectual property instruments must ensure and improve food security globally and laws that can address access and distribution of seeds.

### **Intellectual property rights for plant breeders:**

The protection of the rights of plant breeders is an important stimulus for the development of better plant varieties. This includes the protection of various forms of intellectual property rights of plant breeders, such as legal protection of plant varieties, patentable inventions, genomic and phenomic data, trade secrets and confidential know-how or germplasm. These possibilities to claim intellectual property rights on a variety and on many related innovation and inventions gives a breeder the exclusive rights to prevent third party access and use.

Many countries are therefore developing and implementing a legal framework for the protection of plant varieties in their respective intellectual property regime, which interacts and connects with patents, trade secrets, regulatory market approval for seeds and even access to genetic resources and benefit-sharing for plant genetic resources. Besides developing legislation, the implementation of the Plant Breeders' Rights system has far-reaching effects of a legal, technical, and commercial nature.

### Expected outcome of the round table.

This **round table** will help to equip **Researchers/Scientists/Students/Faculty involved in developing and protecting new plant varieties and related intellectual property (patentable inventions, trade secrets, biological data) or genetic material (ABS) for achieving global food security**. Further, awareness amongst various stakeholders in the country would amount to an increased plant variety and other IP portfolio and competitiveness of the seed industry both domestically and globally, thereby achieving balanced economic growth. Depending on the results of the Roundtable, NLSIU will implement a research and teaching focus on relevant legal issues during the coming 2021-22 trimesters, the results of which will be reported in a possible follow-up Roundtable.

### THE ROUNDTABLE

CIPRA NLSIU, Bengaluru wants to analyse the state of the art in plant variety protection and related branches of the law (patents, trade secrets, copyright for data, ABS for genetic resources) and with special reference to India by bringing the expertise in the field by this round table platform to discuss issues related to Plant variety and related intellectual property protection to achieve the following objectives:

To critically evaluate the following aspects of plant variety protection & plant innovation:

- legal aspects – legal framework for protection of all intellectual property rights relevant to plant breeding and plant innovation, including requirements of the PPV&FR Act, International Union for the Protection of New Varieties of Plants (UPOV), other IPR systems, such as patent system and trade secrets, as well as regulations relating to genetic resource use.
- Institutional aspects – procedures and administration, organizational setup, variety and related intellectual property registration systems, collaboration, and testing.
- Technical aspects – For PVs: the principle of Distinctness, Uniformity and Stability (DUS), practical DUS-testing, PPVFRA and UPOV guidelines, field testing, biochemical/molecular techniques, statistics, data analysis, reporting, variety denomination. For patentable inventions: the principle of novelty, inventive step and industrial applicability, patent examination guidelines related to plant inventions and licensing of patent rights, with a view to new

technologies such as CRISPR Cas and genome sequencing. For data: originality requirements and copyright protection; trade secret protection and data licensing; technological protection measures for data; ABS for digital sequence information; AI and DLT for sequence data.

- Exploitation of plant breeders' rights – enforcing rights, royalty collection, farm saved seed.

The objective of this Roundtable is to lay the foundation for a research and teaching focus of CIPRA, NLSIU on legal issues resulting for plant varieties from new technologies and policy developments, such as big data, artificial intelligence, molecular genetic characterization of genetic resources (genome sequencing) and genome editing for designer crops. Depending on the outcomes of the Roundtable, this focus will be implemented in the 2021-22 trimesters.

## Tentative Schedule:

### Day 1

<b>Time</b>	<b>Agenda</b>
Opening Session 1:00 Pm IST to 1:15 Pm IST	<p><u><i>Welcome &amp; Opening remarks:</i></u> <i>Prof. (Dr.) T. Ramakrishna</i> Chair Professor, IP-Chair, NLSIU</p>
1:15 Pm IST to 1:30 Pm IST	<p>Address by: <i>Prof. (Dr.) Sudhir Krishnaswamy</i> Vice-Chancellor, NLSIU, Bengaluru. (Introducing NLSIU)</p>
1:30 Pm IST to 1:45 Pm IST	<p><u><i>Address by:</i></u>  <i>1) Marianela Araya Quesada</i> Secretariat of Convention on Biological Diversity (CBD), Montreal, Canada.</p>
1:45 Pm IST to 2:00 Pm IST	<p><i>2) Kent Nnadozie</i> Secretariat of the International Treaty (ITPGRFA), Rome, Italy.</p>
2:00 Pm IST to 2:15 Pm IST	<p><i>3) Shakeel T. Bhatti</i> World Intellectual Property Organization (WIPO), Geneva, Switzerland.</p>
2:15 Pm IST to 2:30 Pm IST	<p><i>4) Peter Button</i> Secretariat of the International Union for the Protection of New Varieties of Plants (UPOV), Geneva, Switzerland.</p>
2:30 Pm IST to 2:45 Pm IST	<p><i>5) K.V. Prabhu</i> Chairperson of Protection of Plant varieties &amp; Farmers Rights Authority (PPV&amp;FR), India.</p>
2:45 Pm IST to 3:15 Pm IST	<p>Q&amp;A</p>

<p>Session: II</p> <p>3:30 Pm IST to 3:55 Pm IST</p> <p>3:55 Pm IST to 4:20 Pm IST</p> <p>4:20 Pm IST to 5:45 Pm IST</p> <p>5:45 Pm IST to 6:10 Pm IST</p> <p>6:10 Pm IST to 7:35 Pm IST</p>	<p>Theme:  <b><i>The Impact of Emerging Issues in Law, Technology and Business on Plant Innovations and Plant Varieties.</i></b></p> <p><b>1) Szonja Csorgo</b>  European Seed Association, Brussels, Belgium  <i>(Global Perspectives on Legal Implications of the New Breeding Techniques for IPR &amp; ABS law, Focusing on Genome Sequencing &amp; Editing.)</i></p> <p><b>2) Puji Lestari</b>  Indonesian Agency for Agricultural Research and Development, Bogor, Indonesia  <i>(Scientific and Policy Implications of Genomic Sequencing of Plant Genetic Resources (PGRs) for IPR and ABS Management in Plant Breeding)</i></p> <p><b>3) Sharan Angadi</b>  Ankur Seeds, India  <i>(An Industry Perspective on the Impact of PVP on Food and Nutritional Security)</i></p> <p><b>4) Elsy</b>  Kerala Agricultural University, India.  <i>(Farmers' Varieties Registration and Its Impact on Plant Innovations)</i></p> <p>Q&amp; A</p>
<p><i>Day-1 Conclusion remarks</i></p>	

## Day 2

Time	Agenda
Session: I	Theme: <i>The Practice of Plant Variety &amp; Trade Secret Protection in Plant Breeding &amp; Plant Innovation</i>
1:00 Pm IST to 1:25 Pm IST	<b>1) A. R. Sadananda</b> Agrreva Technologies LLP, Bengaluru, India <i>(Plant Variety Protection in a Breeder's Perspective)</i>
1:25 Pm IST to 1:50 Pm IST	<b>2) Malathi Lakshmikumaran</b> LKS, New Delhi, India <i>(Enforcement of PVP Rights)</i>
1:50 Pm IST to 2:15 Pm IST	<b>3) Sunita K. Sreedharan</b> SKS Law Associates, New Delhi, India <i>(PVP Regime in Relation to Biodiversity, &amp; Other Related Laws)</i>
2:15Pm IST to 2:35 Pm IST	<b>4) Claudia Seitz</b> Faculty of Law and Criminology, Ghent University, Ghent, Belgium <i>(Trade Secrets and Plant Variety Protection in the Light of Global Food Security)</i>
2:35 Pm IST to 3:00 Pm IST	Q&A
3:00 pm IST to 3:15 pm	Remarks
3:15 pm IST	Presentations*
	Conclusions of the Roundtable on further work of CIPRA, NLSIU
	Vote of Thanks & Closing of the Round Table.

\*Presentation from students/faculties on different themes of the roundtable and impact of PPV on food security farmers varieties and case studies.

## **Registration Details:**

### **Participants:**

Researchers from both public ICAR/CSIR; State Agricultural and Horticultural Universities; and traditional universities faculties and students. Private sector practitioners who are involved in plant breeding, private seed companies, NGOs, IP attorneys, etc.

Registration Link:

Day 1:

<https://nlsiu.webex.com/webappng/sites/nlsiu/meeting/info/92eafc6b437842649e839890632069e0>

Day 2:

<https://nlsiu.webex.com/webappng/sites/nlsiu/meeting/info/c6d3adb1ab9c441e928d7d11e05cc5c0>

### ***No Registration fees***

\*Prior registration is mandatory.

\* Certificates for all the participants.

## **Advisory Committee**

### **Prof. (Dr.) Sudhir Krishnaswamy**

Vice-Chancellor, National Law School of India University  
Bengaluru, Karnataka, India

### **Prof. (Dr.) T. Ramakrishna,**

Chair Professor of Law,  
DPIIT, Ministry of Commerce and Industry, Govt. of India  
Head, Centre for IP Research and Advocacy (CIPRA)  
National Law School of India University, Bangalore.

### **Dr. P.E. Rajasekharan.**

Principal Scientist  
Division of Plant Genetic Resources  
Indian Institute of Horticultural Research

### **Dr. Lawwellman,**

Assistant Professor, Dept. of Law  
Govt. Law College, Kozhikode



Co-ordinator:

Mr. Jnana Teja Bandi,  
Patent Agent-IN/PA-3704,  
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Ms. Jothsna Chikkodi  
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