VOLUME 15 ISSUE 5 ISSN 1365-8867

BIO-SCIENCE law review

Incorporating LIFE SCIENCES: LAW AND BUSINESS

CONTENTS

SPECIAL ISSUE

LAWTEXT PUBLISHING

BIO-SCIENCE
law review

VOLUME 15 ISSUE 5 ISSN 1365-8867

SPECIAL ISSUE

Bio-Science Law Review - Volume 15 - Issue 5

Special Issue on

GENERATING VALUE IN THE SOYBEAN CHAIN THROUGH ROYALTY COLLECTION: AN INTERNATIONAL STUDY

The principal objective of the present study, carried out by a working group comprised of members of the International Seed Federation's Field Crops section, is to analyse the effectiveness of different royalty collection systems in soybean. Soybean is the most widely planted biotechnological crop in the world. Glyphosate-tolerant soybeans (RR1) were introduced to the market in 1995, and the RR1 gene has since been bred into many different soybean varieties. Today almost 100 per cent of the soybean cultivated area in Argentina, the United States, Paraguay and Uruguay contains the RR1 gene or other biotech developments.

Most of the soybean varieties cultivated in the world are protected through a plant breeders' right (PBR) derived from the UPOV Convention, but protected varieties can also contain patented traits or technologies. The latter may be transgenic events, or inventions related to otherplant breeding innovations. With soybeans, as is the case for wheat, current legislation, the structure of the seed business and prevailing farming practices ineach country have an important influence on the type and effectiveness of the local royalty collection systems. Soybean differs from wheat, however, in the presence of patented traits within varieties. The consequence of this is the coexistence of property rights, which potentially opens new ways to collect royalties. In the case of soybeans, any royalty collection system may potentially be based on plant breeders' rights, patent law, civil law, contract law, or any combination thereof.

This study reviews the various mechanisms for protecting IP in soybean, analyses the different systems for collecting royalties,and considers the legal, political and practical farming factors that influence the efficiency of the royalty collection process. Market data and information from 11 countries have been assembled by the working group. The relationship between the efficiency of royalty collection and the number and type of IP protection mechanisms and enforcement measures in place is analysed for each country included in the study. A discussion of the results and key influencing factors is presented for each country examined.

BRAZIL
JOSÉ AMÉRICO PIERRE RODRIGUES

CANADA
CROSBY DEVITT AND TERESA NEUMAN

FRANCE
ANTOINE ALEGRE DE LA SOUJEOLE

GERMANY
ALEXANDRA BONSCH

HUNGARY
GABOR POLGAR

ITALY
STEFANO CONTI

PARAGUAY
MARIA ESTELA OJEDA G

SERBIA
SVETLANA BALESEVIC-TUBIC

SOUTH AFRICA
EDDIE GOLDSCHAGG

UNITED STATES OF AMERICA
BILL BLEZER AND BRYAN GERARD

URUGUAY
DIEGO RISSO

SUMMARY AND CONCLUSIONS OF THE WORKING GROUP

ACKNOWLEDGEMENTS

WEBSITE REFERENCES

-