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SPECIAL ISSUE

Generating Value in the Soybean Chain Through Royalty Collection: An International Study
PABLO BERGADÁ, MIGUEL A. RAPELA, ROBERTO ENRIQUEZ, DIEGO RISSO
AND JUAN F. MENDIZABAL FRERS

Working Group of the International Seed Federation, Field Crops Section

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SPECIAL ISSUE

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 (RRt) were introduced to the market in 1995, and the RRt 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 RRt 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 other plant breeding innovations. With soybeans, as is the case for wheat, current legislation, the structure of the seed business and prevailing farming practices in each 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 31 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.

PABLO BERGADÁ, MIGUEL A. RAPELA, ROBERTO ENRIQUEZ, DIEGO RISSO AND JUAN F. MENDIZABAL FRERS

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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 other plant breeding innovations. With soybeans, as is the case for wheat, current legislation, the structure of the seed business and prevailing farming practices in each 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.

INTRODUCTION

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RESULTS OF THE INTERNATIONAL STUDY

ARGENTINA

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SUMMARY AND CONCLUSIONS OF THE WORKING GROUP**ACKNOWLEDGEMENTS****WEBSITE REFERENCES**

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