

**WIPO-UPOV SYMPOSIUM ON THE CO -EXISTENCE OF  
PATENTS AND PLANT BREEDERS' RIGHTS  
IN THE PROMOTION OF BIOTECHNOLOGICAL DEVELOPMENTS**

Mr. Karl Olov Öster  
President of the UPOV Council

on behalf of

Dr. Kamil Idris  
Director General of the World Intellectual Property Organization  
Secretary-General of the International Union for  
the Protection of New Varieties of Plants

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Ladies and gentlemen,  
Friends and colleagues,

It is a pleasure and an honor for me to address such a distinguished assembly at this Symposium on the co-existence of patents and plant breeders' rights in the promotion of biotechnological developments.

WIPO and UPOV are convening this important gathering to address the challenges facing inventors and plant breeders in light of developments in the world of plant biotechnology and, in particular, genetic engineering.

Biotechnology is likely to play an increasingly important role in improving every day life. Biotechnology is a fast growing area of the world economy, for both developed and developing countries. The biotechnology industry has more than tripled in size since 1992. The use of biotechnology concerns society as a whole.

Plant biotechnology, in particular, seeks to respond to the challenges posed by pests and diseases, limited resources (land, fertilizer, water, chemicals), the need to improve productivity and quality, and meeting more sophisticated consumer preferences. In short, it seeks to meet the current demands of society. During the 1990s, the growth rate of biotechnology patents (10%) was double that of total patent applications (5%).

Biotechnology is one of the most research-intensive industries in the world. In the field of genetic engineering, research and development require considerable high-risk investment and adequate protection in order to promote developments in this field.

In the international context, the objective of both WIPO and UPOV to protect and promote intellectual property is essential in encouraging the development of plant biotechnology for the benefit of society.

The international agreements on intellectual property rights provide a flexible framework within which intergovernmental organizations, individual States and stakeholders in intellectual property can and have addressed various policy issues. The Paris Convention, for instance, sets out general principles for obtaining patents that have accommodated and fostered the growth of new industries. This is precisely the case of the industrial sector often referred to with the broad label "biotechnology" that did not exist when the early treaties were first adopted. Further, the Patent Cooperation Treaty has been an exemplary tool that has facilitated access to patent systems around the world by innovators from all regions of the globe.

The objective of the UPOV Convention is the protection of plant breeders' rights. The conditions for protection, as well as the scope of protection and related exceptions, are designed specifically for plant varieties. Of particular interest is the extent to which important elements of the UPOV Convention, namely the concept of

the breeder's exemption and essentially derived varieties are relevant for plant breeders' rights in relation to the rights provided by patents.

Recent technological developments, for example the rising number of gene-related patents and rapid progress in the field of genetic engineering, may have considerable effects on plant breeding and, as a consequence, have repercussions on the co-existence of the two systems.

These sessions of today's Symposium will identify the areas of interface between the two systems, current practices, and possible problems and solutions. The Symposium will focus on:

- recent developments affecting intellectual property protection systems related to plants and plant varieties;
- accessibility of protected inventions and plant varieties for further innovation and breeding;
- case studies of private sector experience concerning intellectual property strategies and licensing in the field of biotechnology.

I should like to express from the outset, our gratitude to our distinguished speakers who have kindly accepted the invitation of WIPO and UPOV to participate in this event. Their knowledge and experience on the topics of the Symposium will no doubt enlighten our discussions.

I thank you for your attention and I wish you all a successful Symposium.

I herewith declare the WIPO - UPOV Symposium open.