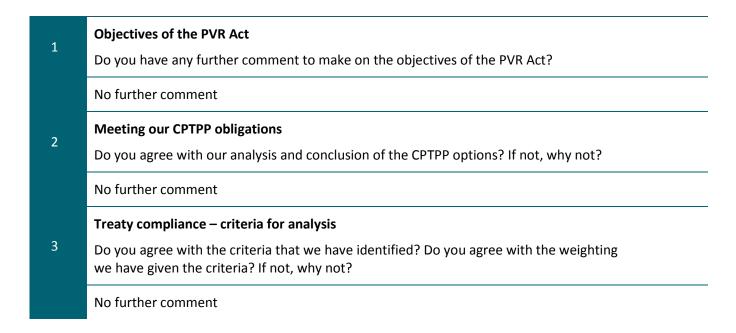
Plant Variety Rights Act 1987 review: Options Paper

Your name and organisation

consideration by MBIE.

Name	Tony Hendrikse
Email	tony@eurogrow.co.nz
Organisation/Iwi	Eurogrow Potatoes Limited, PO Box 12513, Chartwell, Hamilton
	ct 1993 applies to submissions. Please check the box if you do <u>not</u> wish your name information to be included in any information about submissions that MBIE may
	to upload submissions received to MBIE's website at www.mbie.govt.nz . If you do mission to be placed on our website, please check the box and type an explanation
I do not want my submission placed on MBIE's website because [Insert text]	
I would like m	if your submission contains confidential information: by submission (or identified parts of my submission) to be kept confidential, and asons and grounds under the Official Information Act that I believe apply, for

Responses to questions in the Options Paper



	Treaty compliance – key terms
4	Do you agree with our proposed approach to these key terms?
	Do you have any comments on the principles listed above and how they might apply in practice? For example, would it be useful to specifically list non-indigenous species of significance?
	No further comment
5	Treaty compliance – options analysis
	Do you agree with the proposed options? Are there alternatives we have missed?
	Do you agree with our analysis and conclusions? If not, why not?
	No further comment
6	UPOV 91 alignment – criteria for analysis
	Do you have any comment to make about our approach to, and criteria for, the preliminary options analysis in this paper?
	No further comment
7	Definitions – breed
	Our preferred option is to incorporate the definition of "breed" that was considered in the previous review to address concerns around discovery of varieties in the wild.
	Do you agree? If not, why not?
	No further comment
8	Definitions – general
	Do you have any comments on the definitional issues discussed in this Part?
	No further comment
9	Scope of the breeder's right
	Do you have any comments about these new rights required by UPOV 91?
10	No further comment
	Exceptions to the breeder's right
	Do you have any comments about the exceptions required by UPOV 91?
	No further comment
11	Term of the right
	Do you agree with the proposed options? Are there alternatives we have missed?
	Do you agree with our analysis and conclusions? If not, why not?

As per my original submission I wish to see the option for extension to the standard term as done in EU. I object to proposed Options 1 &2 and support proposed Option 3. My objection has been repeated in section 206 of the report and I stand by this. I challenge your reference in section 207 to locally bred varieties. Locally bred varieties now make up less than 15% of total potato production in New Zealand. Furthermore, Plant and Food Research no longer has potato breeders following the recent retirement of the two principal breeders. They have been unable to find replacement breeders and have given a strong indication that the potato breeding program is under serious threat of ceasing. I challenge your statement and inference of "No local potato breeder suggested that the PVR term for potatoes be extended. This suggests that the current 20 year term is sufficient...". A lack of a submission can not in any way be connected to inference that the status quo is supported. Please provide evidence as to how you have reached this conclusion? The likely cessation of the local potato breeding program further increases the need for longer than 20 years of PVR for potatoes. As outlined in my original submission the need to import via quarantine significantly reduces the timeframe for commercialisation of potatoes.

Essentially derived varieties

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

No further comment

Rights over harvested material

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

No further comment

Farm saved seed

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

No further comment

15

Compulsory licences – general issues

Do you agree with the discussion and the proposals in relation to the five issues discussed above? If not, why not?

Other than the two substantive issues below, are there other issues we have missed?

No further comment

Compulsory licences – grace period

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

No further comment

	Compulsory licences – section 21(3)
17	Do you agree with the proposed options? Are there alternatives we have missed?
	Do you agree with our analysis and conclusions? If not, why not?
	No further comment
18	Enforcement – infringements
	Do you agree with the discussion and the proposals in relation to the four issues discussed above? If not, why not?
	Should the PVR Act provide that infringement disputes be heard in the District Court?
	Are there others issues relating to infringements that we have missed?
	No further comment
	Enforcement – offences
19	Do you agree with the proposed options? Are there alternatives we have missed?
	Do you agree with our analysis and conclusions? If not, why not?
	No further comment
20	Exhaustion of the breeder's right
	Do you have any comments about the exhaustion provision required by UPOV 91?
	No further comment
21	Cancellation and nullification of the breeder's right
	Do you have any comments about the cancellation and nullification provisions required by UPOV 91, and MBIE's additional proposals discussed in this section?
	No further comment
22	Extending coverage to algae
	Do you have any comments to make about whether or not algae should be included within the definition of "plant" for the purposes of the PVR regime?
	No further comment
23	Provisional protection
	Do you agree with our preferred option for dealing with provisional protection? If not, why not?
	No further comment
	No further comment Transitional provisions
24	
24	Transitional provisions What is your view on the options presented here in relation to this issue? Are there

Other comments

[Insert response here]