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**“Plant Intellectual Property Regimes for Developing
Countries”**

Ms Serene Kuang Ting Chi and Dr Mike Adcock
University of Sheffield
UK

ABSTRACT

Article 27(3)(b) of the TRIPs agreement requires all WTO members, including developing countries, to introduce intellectual property protection over plant varieties either by patents and/or by an “effective *sui generis* system”. In order for developing countries to compete and develop their own seed industries, address issues of food security and protect their particular cultural and societal needs, they seek alternative forms of protection to traditional intellectual property regimes. While “effective *sui generis* system” would seem to allow for the development of alternative systems, the TRIPs Council appear to favour interpretations that follow the International Union for the Protection of New Varieties of Plants (UPOV) model. Developing countries argue that UPOV is too close to traditional intellectual property regimes and that favouring this model removes the opportunity to develop “effective” alternatives given in the wording and spirit of Article 27(3)(b).

This paper will highlight attempts by developing countries, particularly India and Thailand, to introduce “effective” and therefore internationally recognised intellectual property regimes, for the protection of plant varieties and the recognition of farmers’ rights.

Key Words: Intellectual Property; plant variety rights, farmers' rights and : developing countries.