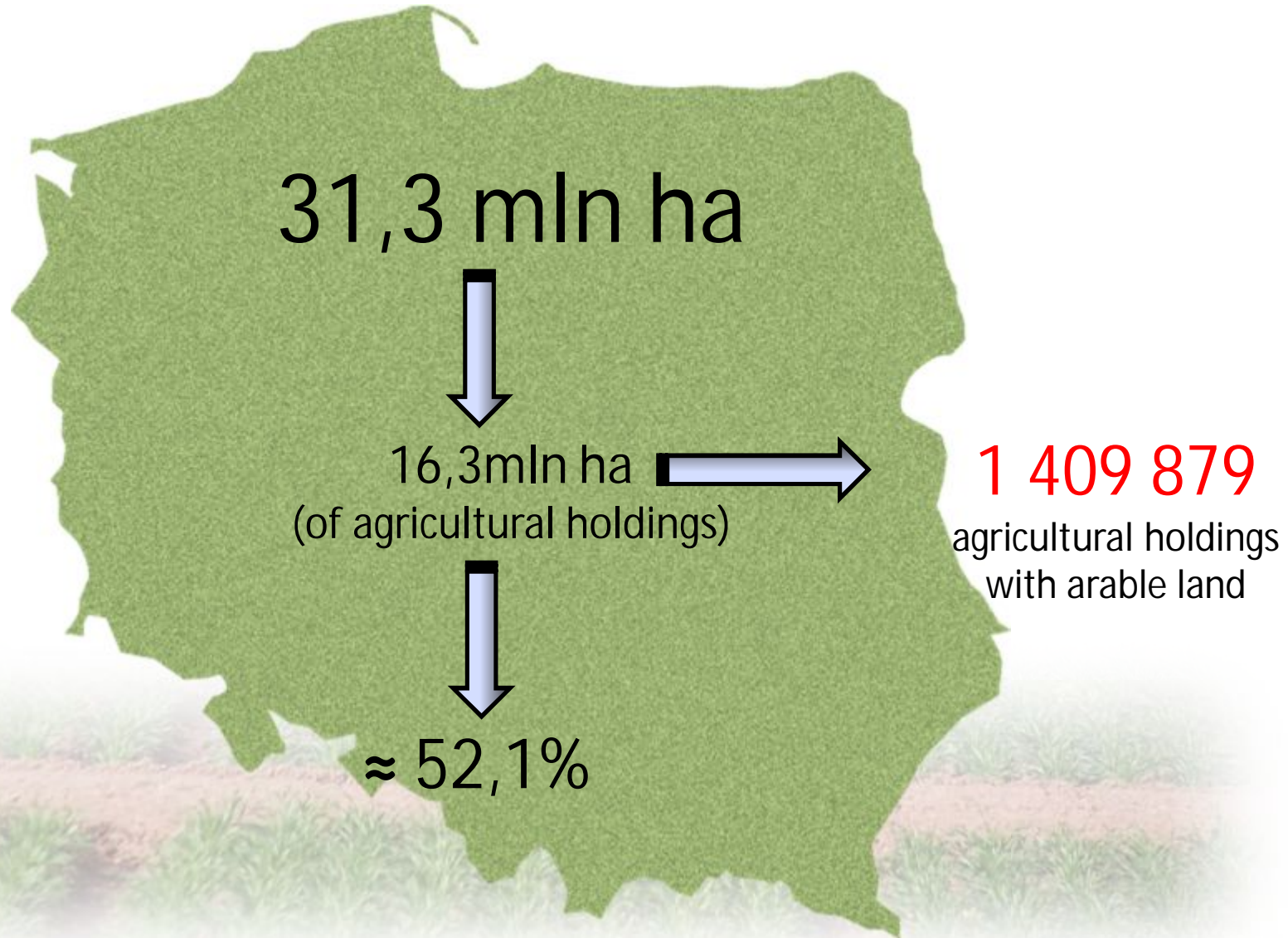




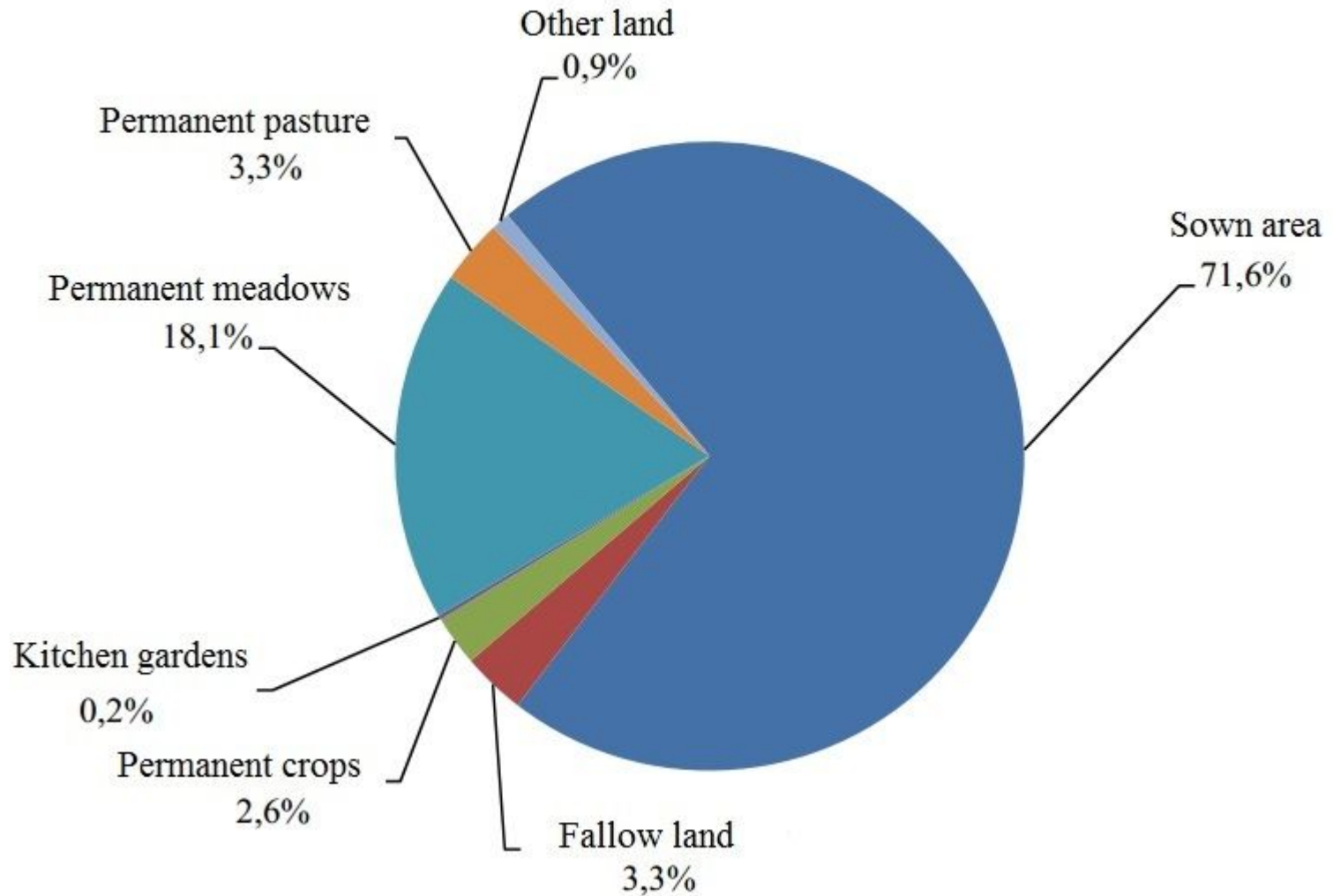
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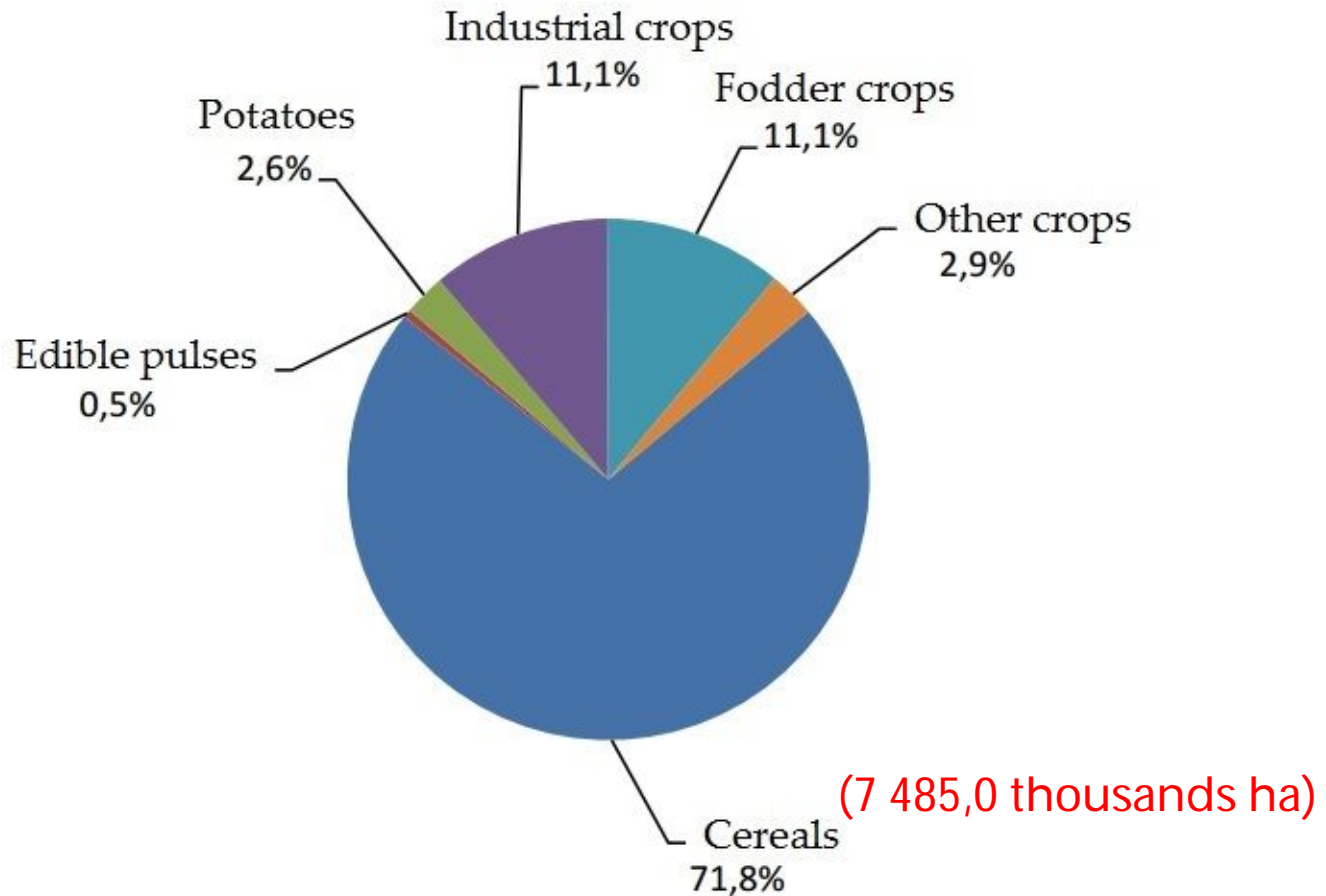


Agricultural land and agricultural holdings (2014)



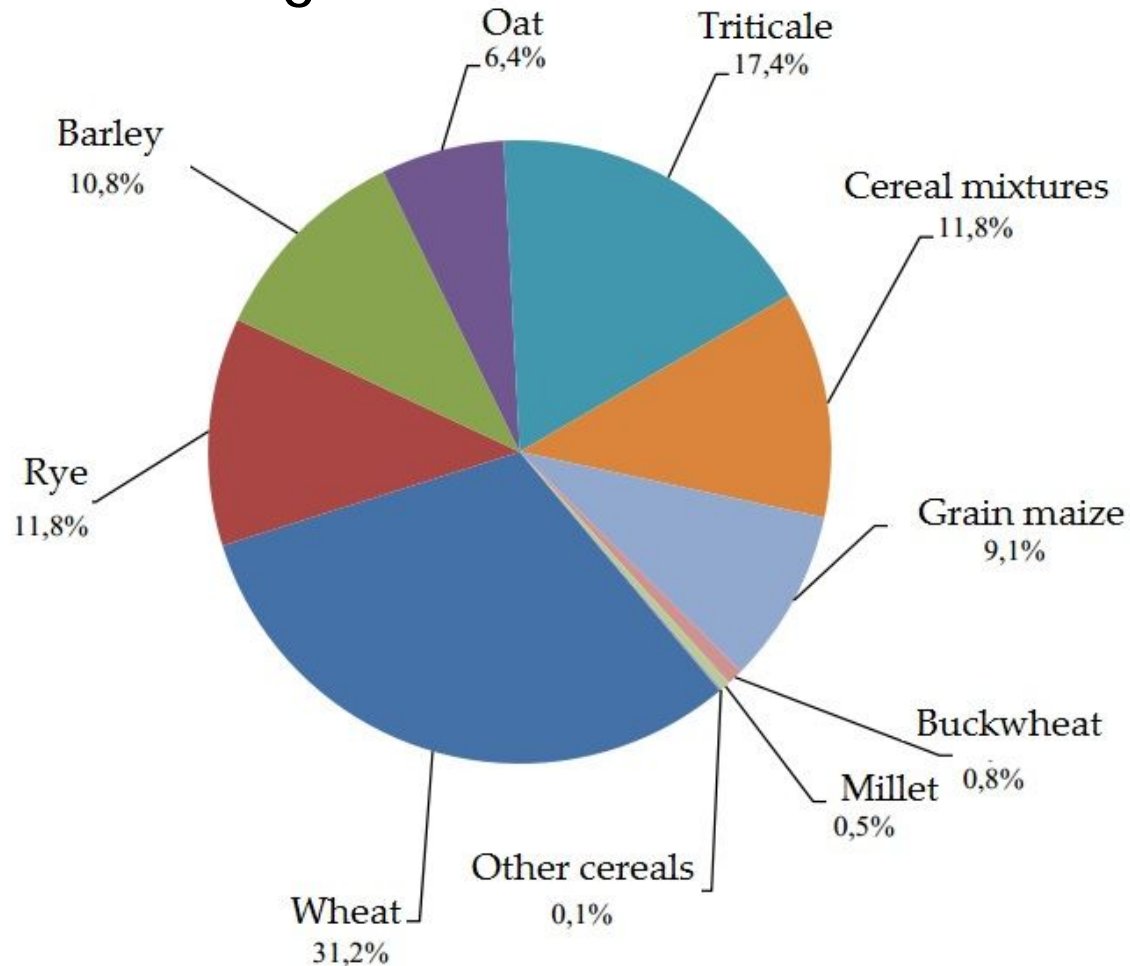


Share of the area of certain groups of crops in the general sown area (2014)





Share of the area of certain cereals cultivation in the general area of cereals (2014)





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Groups of agricultural land in total (ha)	In total				
	Area of agricultural land in total (ha)	Share in area of agricultural land in total (%)	Agricultural holdings with agricultural land	Share in total number of agricultural holdings with agricultural land (%)	Average area of agricultural land in agricultural holding (ha)
In total	14558389	100	1409879	100	10,33
Up to 1 ha	22161	0,2	28234	2,0	0,78
In total < 1 ha	14536227	99,8	1381645	98,0	10,52
1 – 2	383463	2,6	261698	18,6	1,47
2 – 3	464052	3,2	192989	13,7	2,4
3 – 5	1003779	6,9	264289	18,7	3,8
5 – 7	922921	6,3	158484	11,2	5,82
7 – 10	1253656	8,6	151160	10,7	8,29
10 – 15	1770408	12,2	147295	10,4	12,02
15 – 20	1201580	8,3	70152	5,0	17,13
20 – 30	1512986	10,4	62887	4,5	24,06
30 – 50	1490846	10,2	39632	2,8	37,62
50 – 100	1461209	10,0	21577	1,5	67,72
100 – 200	953763	6,6	7132	0,5	133,73
200 – 300	475404	3,3	1950	0,1	243,81
300 – 500	507945	3,5	1320	0,1	384,74
500 – 1000	539776	3,7	792	0,1	681,45
1000 and more	594438	4,1	287	0,0	2069,56

1 056 854
(0-10ha)



Agricultural holdings in Poland

0-10 ha  **1 056 84** a.holdings

10-30 ha  280 334 a.holdings

> 100 ha  11 481 a.holdings

500-1000 ha  **792** a.holdings

>1000 ha  **287** a.holdings



Agricultural holdings in Poland

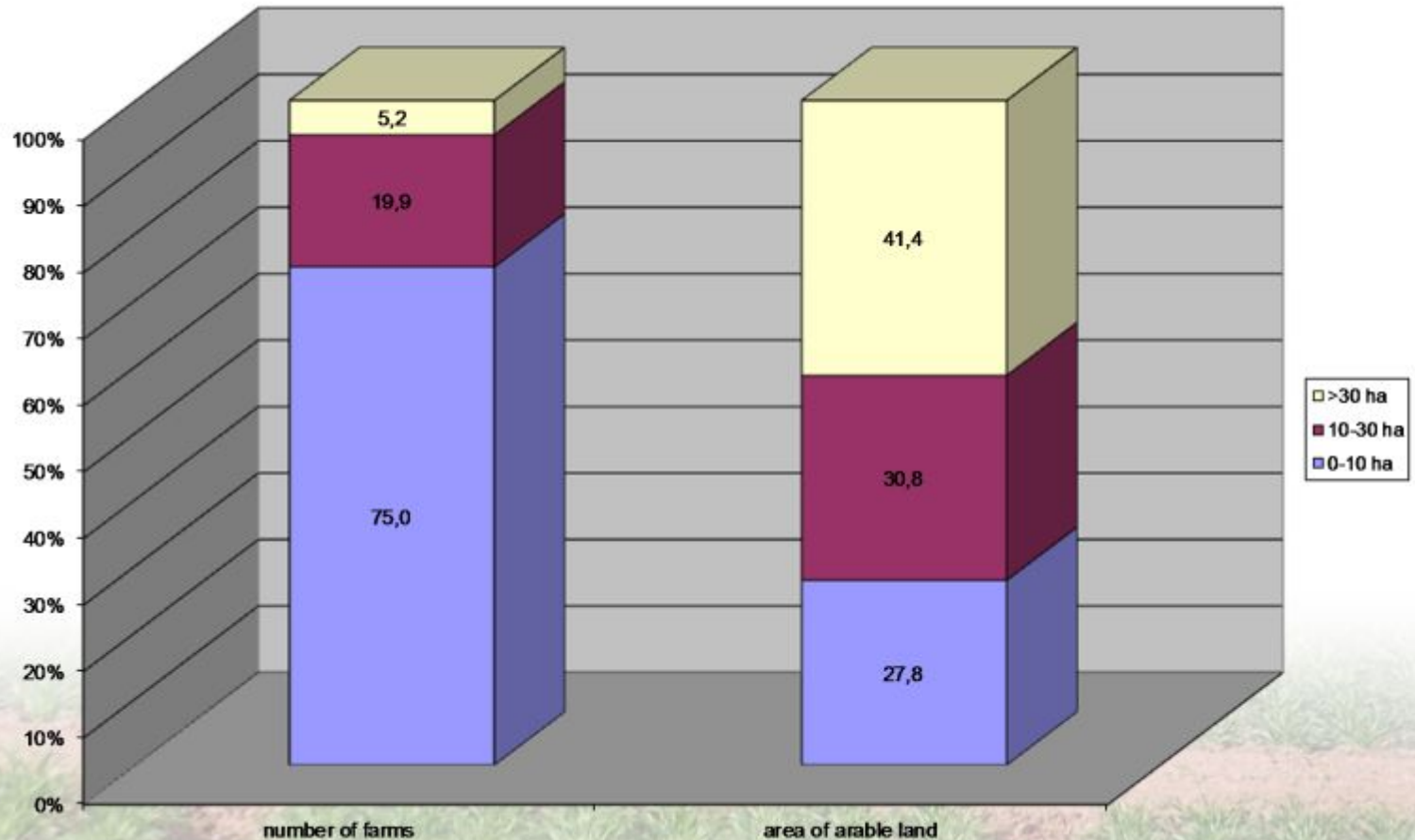
The average area of land in 1 holding \Longrightarrow 11,54ha

The average area of agricultural land in 1 holding \Longrightarrow 10,33ha





Structure of farms by area groups of arable land





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Seems to be difficult?





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Seems to be difficult?

YES





Structure of seed by source in Poland in 2013 (estimation) & FSS fees in 2014

Species	Certified seed	FSS	Illegal sources	FSS remuneration (50% of royalty) EUR/dt
Winter wheat	16 %	57 %	27 %	1,7-3,1
Spring wheat	14 %	66 %	20 %	1,4-2,5
Winter barley	14 %	68 %	18 %	1,7-2,9
Spring barley	13 %	57 %	30 %	1,7-2,5
Rye	8 %	72 %	20 %	1,7-2,0
Oat	7 %	70 %	23 %	1,2-2,5
Winter triticale	10 %	65 %	25 %	1,4-3,1
Spring triticale	8 %	67 %	25 %	1,4-1,7
Potato	5 %	80 %	15 %	0,6-3,1
Winter rape	72 %	17 %	11 %	143-194



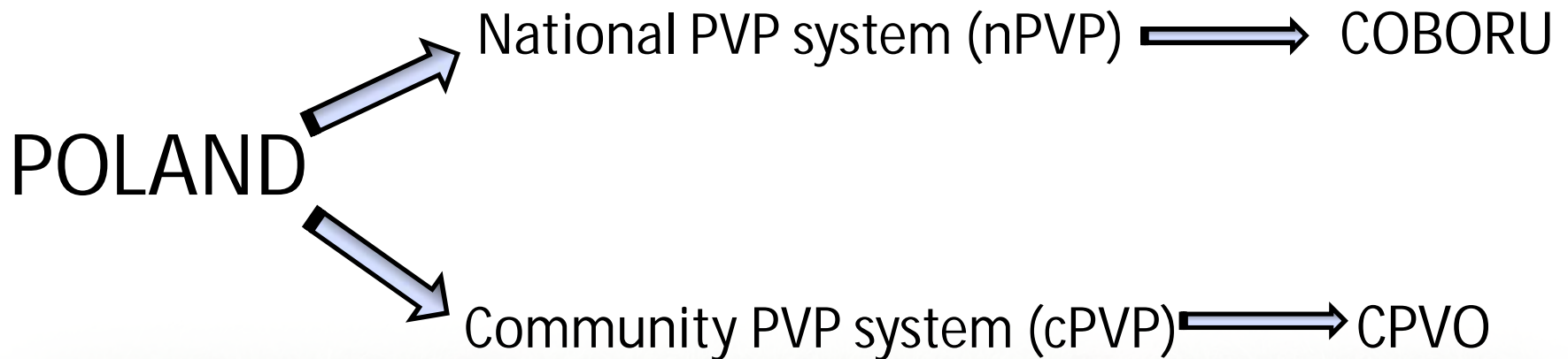
Seems to be difficult?

YES

but **NOT IMPOSSIBLE**



Background of PVP SYSTEMS IN POLAND





Background of PVP SYSTEMS IN POLAND

National Law

Act of 26 June 2003 on the Legal Protection of Plant Varieties





Background of PVP SYSTEMS IN POLAND

Community Law

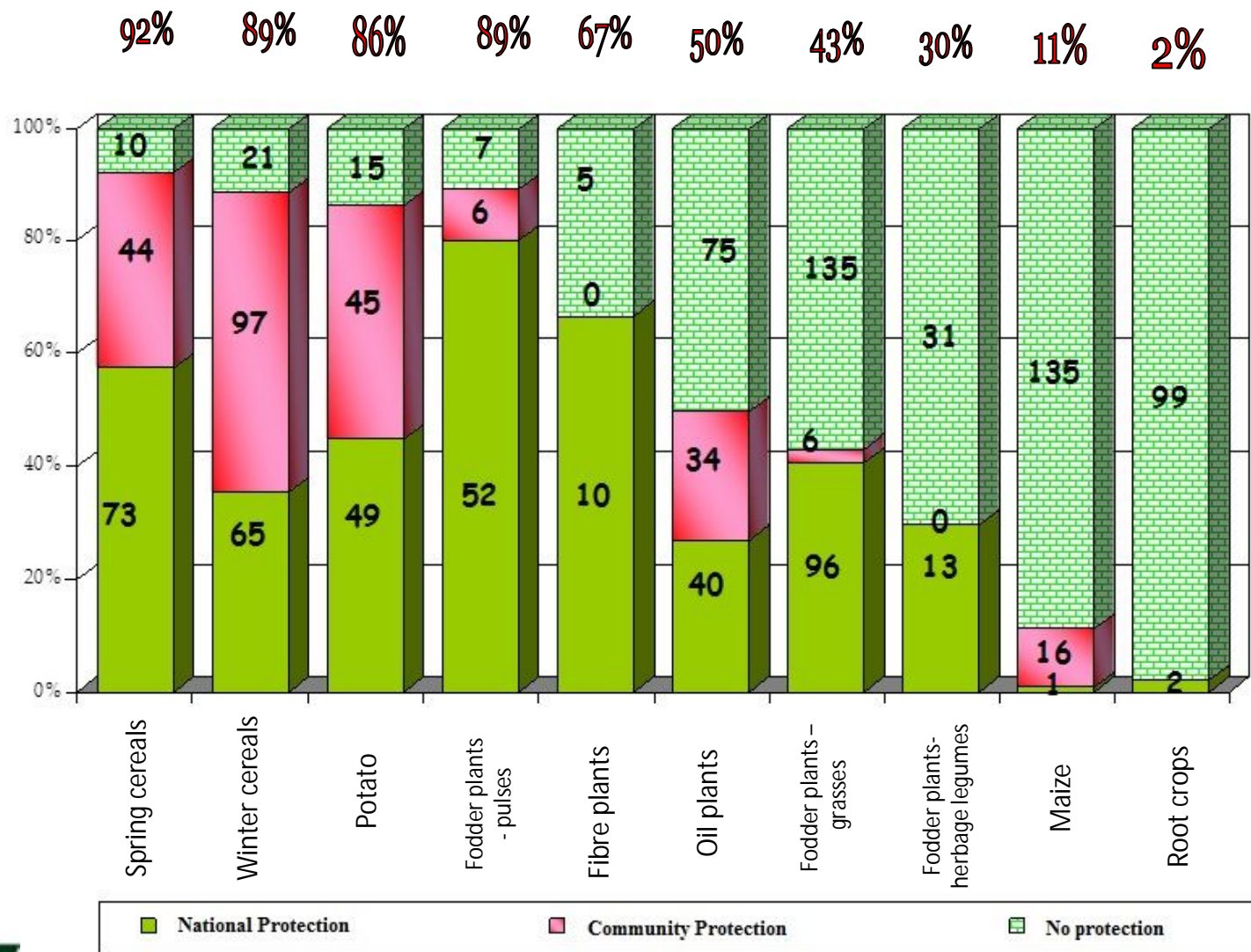


Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights

Commision Regulation (EC) No 1768/95 of 24 July 1995 implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No 2100/94 on Community plant variety rights

Commision Regulation (EC) No 2605/98 of 3 December 1998 implementing rules on the agricultural exemption provided for in Article 14(3) of Council Regulation (EC) No 2100/94 on Community plant variety rights

Varieties listed in Poland protected by nPVR and cPVR (2015)





Enforcement of PBR in Poland

Provisions of nPVP law are more effective for PBR enforceability in Poland than cPVP provisions.

WHY?





Enforcement of PBR in Poland

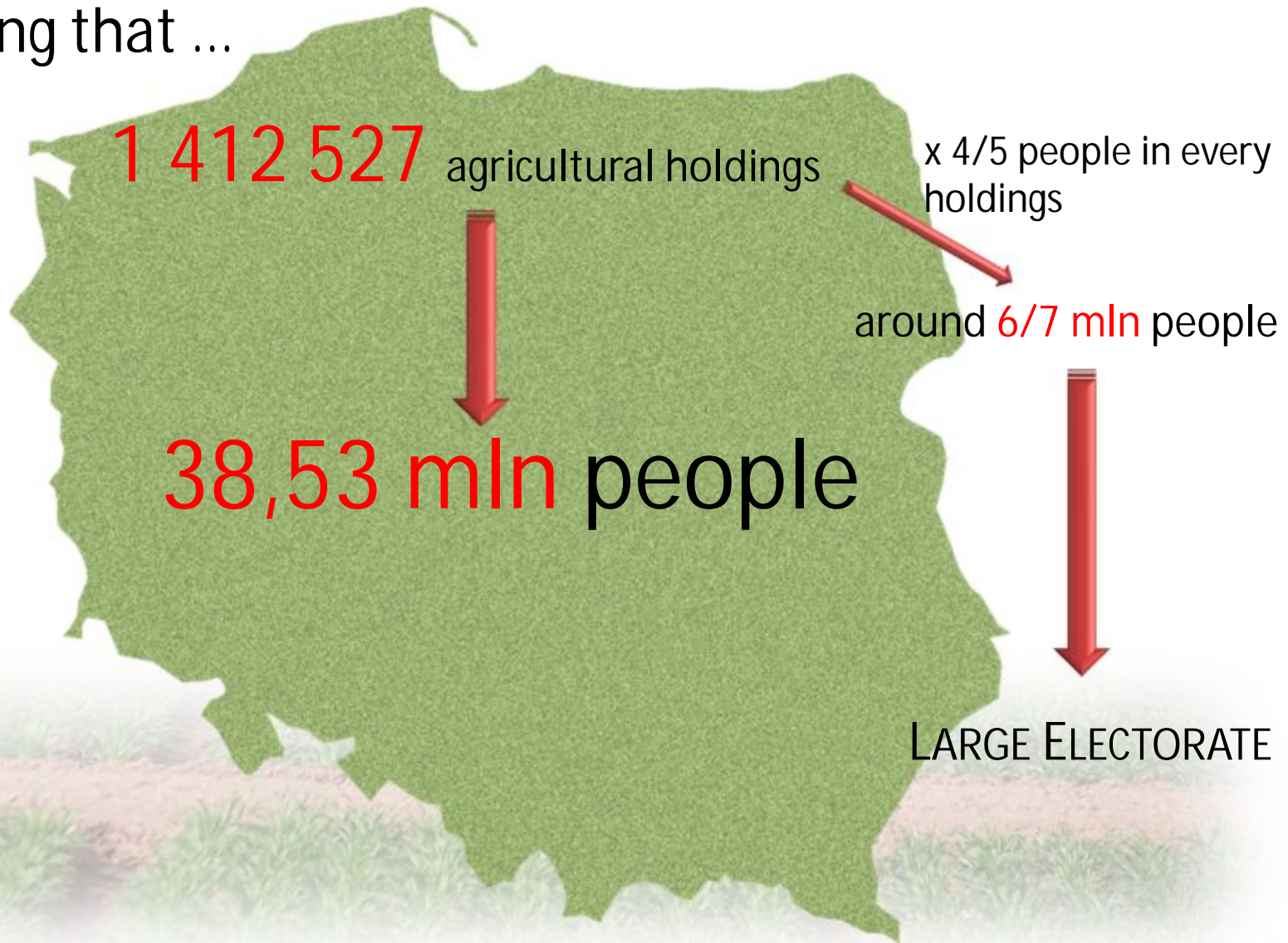
The enforcement of both nPBR and the cPBR is a responsibility shared between:

- the breeders
- the breeders' organisation
- national legislature
- the judicial authorities





Assuming that ...





Enforcement of FSS collection in Poland



- Agencja Nasienna Sp. z o.o. (the Seed Agency Ltd) – the breeders' organisation, established in 2003.
- The representative of 28 breeders (or their daughter companies).



Members of Agencja Nasienna Sp. z o.o.



Innowacja dla Waszego rozwoju





The services provided by Agencja Nasienna Sp. z o.o.:

- ⇒ controlling entrepreneurs
- ⇒ collecting and verifying the information (farmers & processors)
- ⇒ implementing a collective system of collecting fees for FSS
- ⇒ **supporting the lawful use of protected plant varieties**

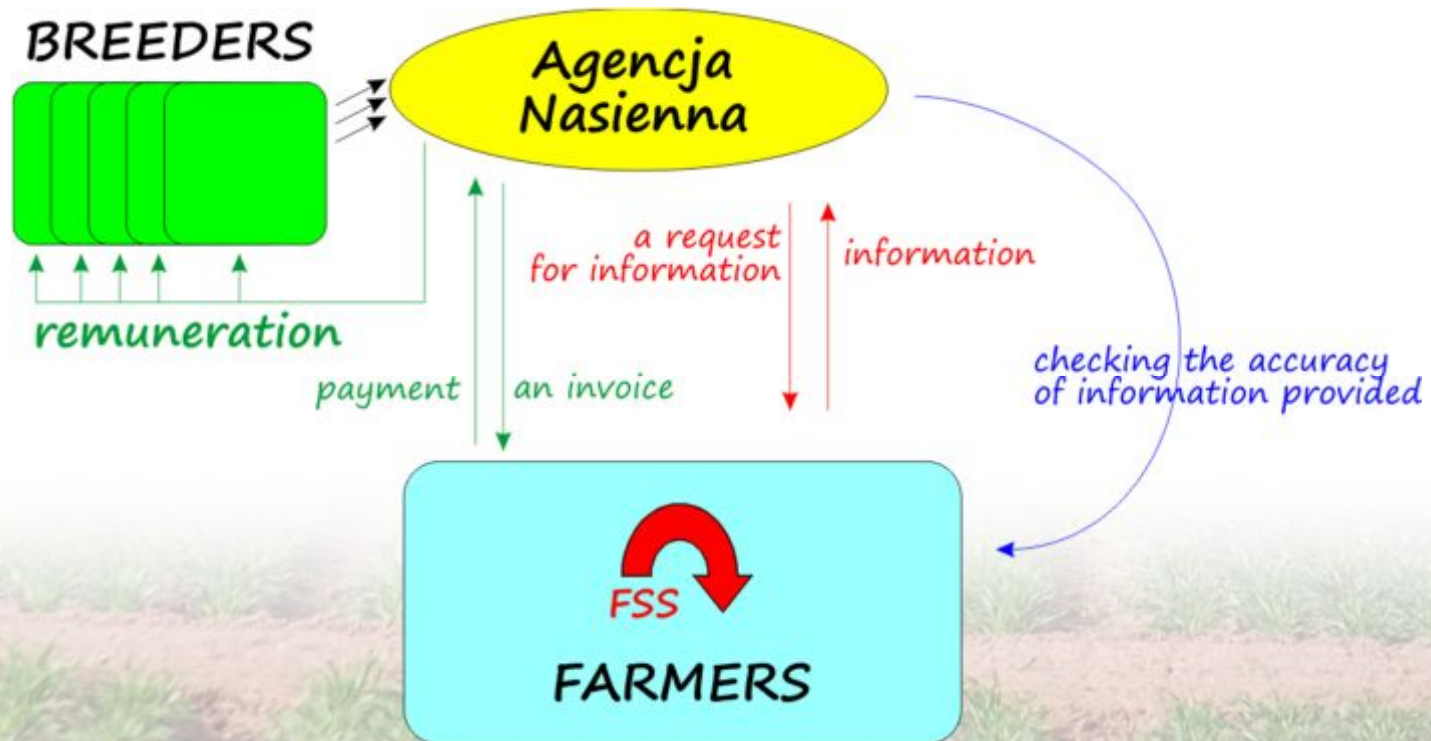
Our activities focus on **regulating the seed market** in Poland, thereby bringing tangible **benefits to farmers, breeders and seed companies.**





Enforcement of FSS collection system in Poland

1. members of AN (shareholders)
2. agreements & proxies for FSS





How much do they pay?

Within **30 days** from sowing the harvested material, a farmer is obliged to pay remuneration to a breeder for each kilogram of harvested material used. The remuneration amount is **50% of a royalty** for a given variety in a particular year of use.





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Who is obliged to pay for FSS in Poland?





Holders of agricultural land with:

- ➔ the area of ≥ 10 ha (potato varieties) (*N protection*)
- ➔ the area of ≥ 25 ha (other plant varieties) (*N protection*)
- ➔ the area of ≥ 30 ha (other plant varieties) (*C protection*)

(the Act of 26 June 2003 on legal protection of plant varieties)



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What about the rest of farmers?



so called 'small farmers' ...

The holders of agricultural land with an area **up to 10 hectares** (potato varieties), as so-called small farmers are exempted from the obligation to pay the FSS fee. However, this does not mean that they do not have to conform to the rules protecting the exclusive right to plant varieties!



small farmers in Poland ...

About 75% agricultural holdings up to 10ha

About 93% agricultural holdings up to 25ha





ENFORCEMENT OF REMUNERATION FOR FSS USE IN POLAND

About **200,000** requests annually
About **1,500** controls annually





Enforcement of the obligation to provide information

1481 court claims
62 cases are pending
1416 cases won or dismissed
4 cases lost

The most important is the judgement
of the Supreme Court (Sygn. akt IV CSK 464/13)





PROTECTION OF EXCLUSIVE VARIETY RIGHTS on a basis of PENAL REGULATIONS

Difficulties and restrictions:

The law enforcement agencies dismiss criminal proceedings justifying it by:

- the insignificant social noxiousness of the act
- the lack of awareness of the exclusive variety rights infringer
- the lack of features of a crime in the infringement of the exclusive variety rights





PROTECTION OF AN EXCLUSIVE VARIETY RIGHT on a basis of CIVIL REGULATIONS

Difficulties and restrictions:

- evidence, e.g. proving the value of the damage, the fact of the infringement of the exclusive variety right, the title of the breeder or the breeders' organisation to bring the action
- the lack of specialized courts dealing with problems connected with the issue of passing judgements in the cases of protection of intangible assets





FARM SAVED SEED

Difficulties and restrictions:

FEES

- the lack of established practice of paying fees voluntary
- the lack of other sources of information on payment claims apart from requests for information

INFORMATION

- the lack of sources of information on subjects obliged to provide the information,
- the lack of approval and awareness of the requirement to provide the information,
- the lack of cooperation on the part of the body of public authority,
- the lack of uniform judicial decisions of Polish civil courts in the informational claims cases.





Enforcement of the FSS collection system in Poland

The initiative of Agencja Nasienna to label or overprint every bag of certified seed.

- EDUCATION
- PROMOTION

Variety protected by exclusive right

**Sowing the seeds from this package
it is not necessary to pay the Breeder a charge.**

The sowing material is produced
on a basis of a licence agreement.

Farm-saved seed legally allowed:

**Sowing the FSS of a variety
protected by exclusive right
you are obliged to pay the Breeder a charge.**

The charges are allocated
for covering costs of new varieties creation.

It is not allowed by law:

- to offer or sell for sowing any FSS
of a variety protected by exclusive right
- to sow purchased non-qualified material
of a variety protected by exclusive right

The Act of the day 26th of June 2003
on legal protection of plants varieties
(Journal of Laws year 2003, no. 137, pos. 1300,
year 2006, no. 126, pos. 877, year 2007, no. 99, pos. 662)



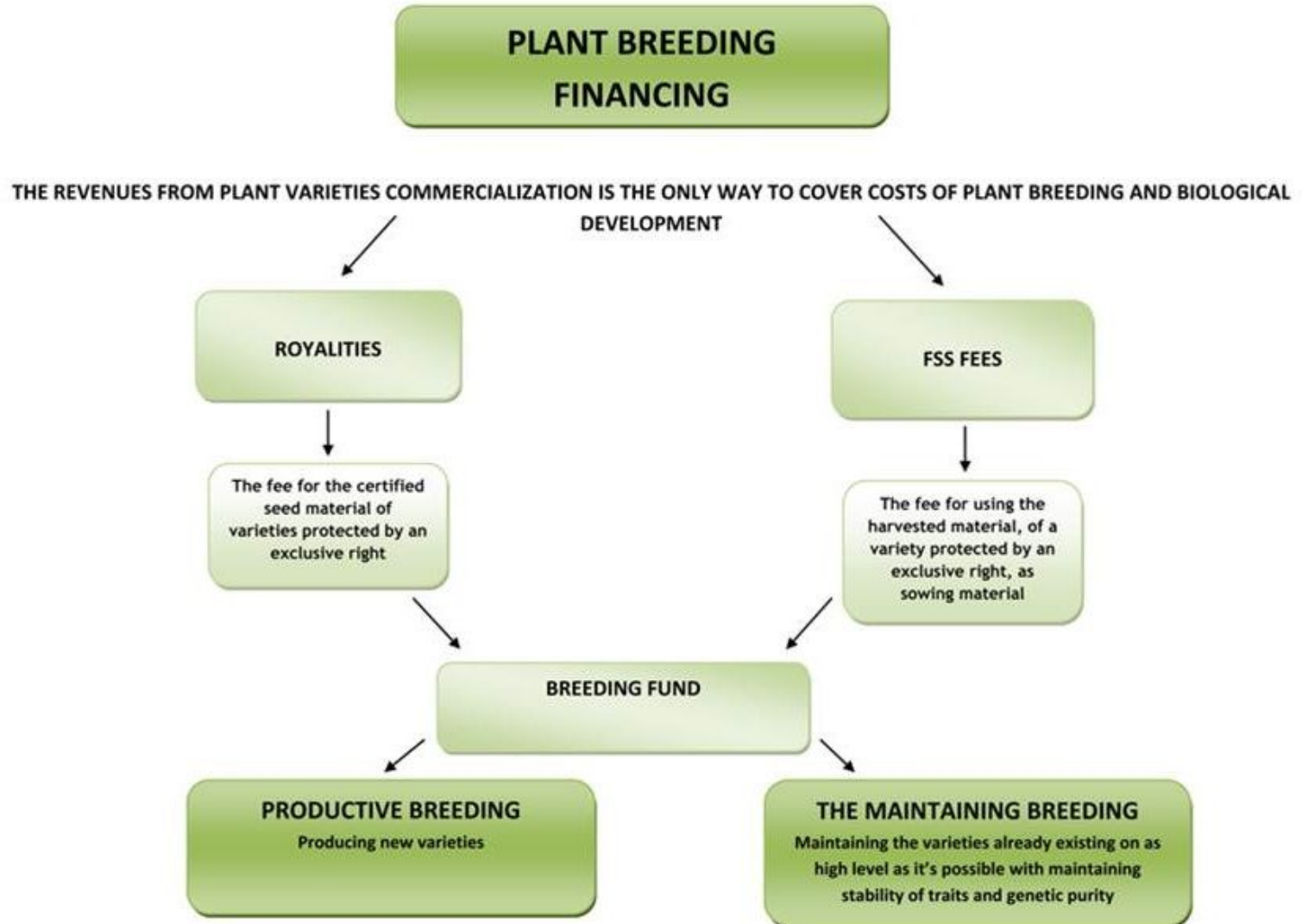
Agencja Nasienna Sp. z o.o.

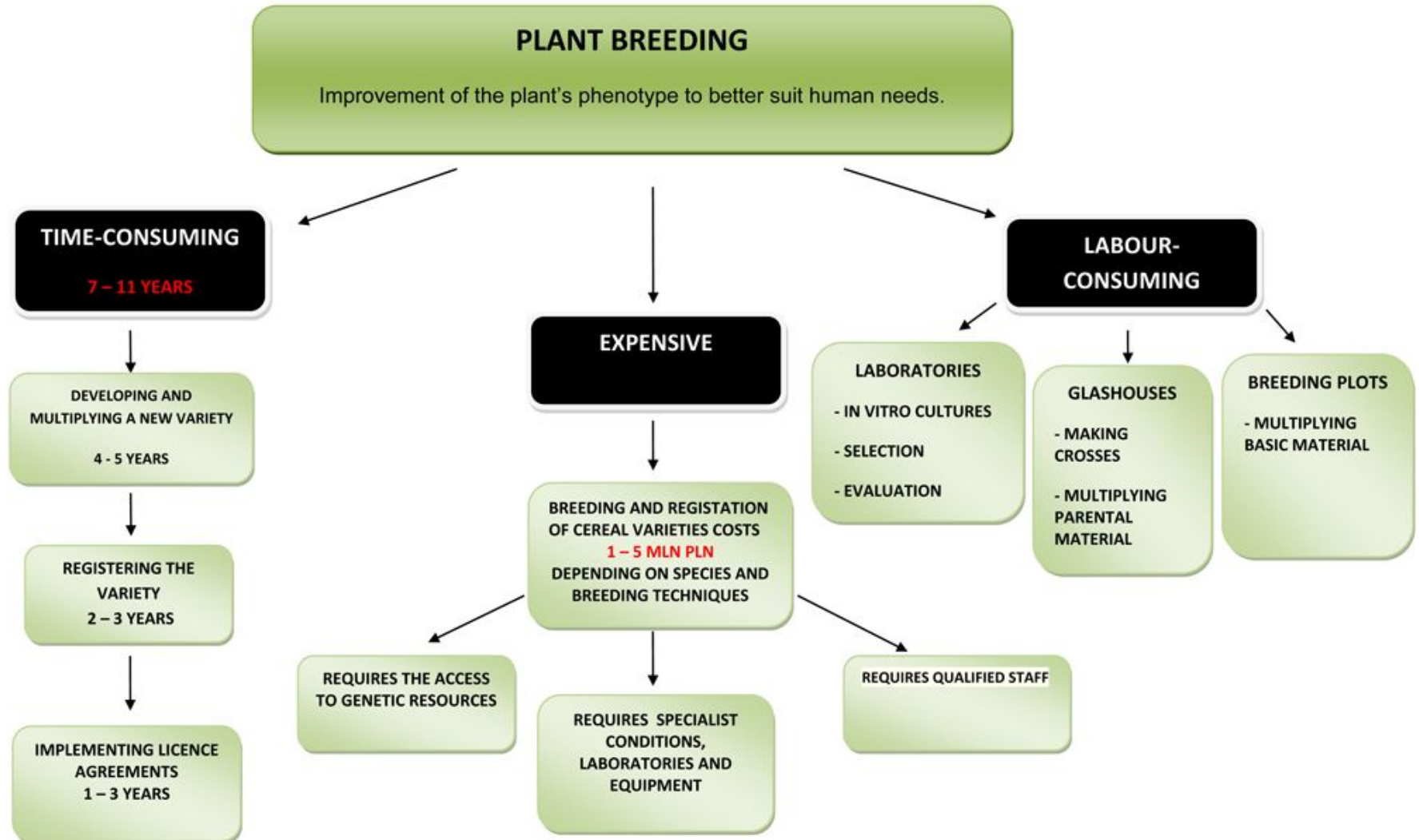
64-100 Leszno, ul. Jana Dekana 6 e
tel. 65 529 31 62, fax 65 520 30 62
NIP: 6972114964, REGON: 411532919
KRS: 0000180897



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CONCLUSIONS



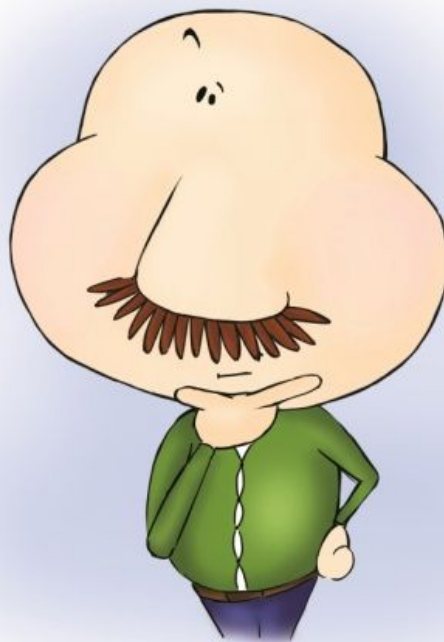
- The nPVP System plays an key role in the national seed sector.
- The nPVP System co-exists with cPVP regime.
- The nPVP Law, especially on FSS, is more effective (than the cPVP) for PBR enforceability in our local conditions.



CONCLUSIONS



- Enforcement of royalties on FSS in Poland is expensive.
- Enforcement should be carried out simultaneously with common educational activities.
- Enforcement will be more effective with public authorities support.
- Enforcement is more effective when breeders are actively engaged in the campaign.
- Communication with farmers' organizations is a key issue.



Ewa Józefowicz
Manager of Foreign Affairs
Agencja Nasienna Sp. z o.o. in Poland
www.agencjanasienna.pl