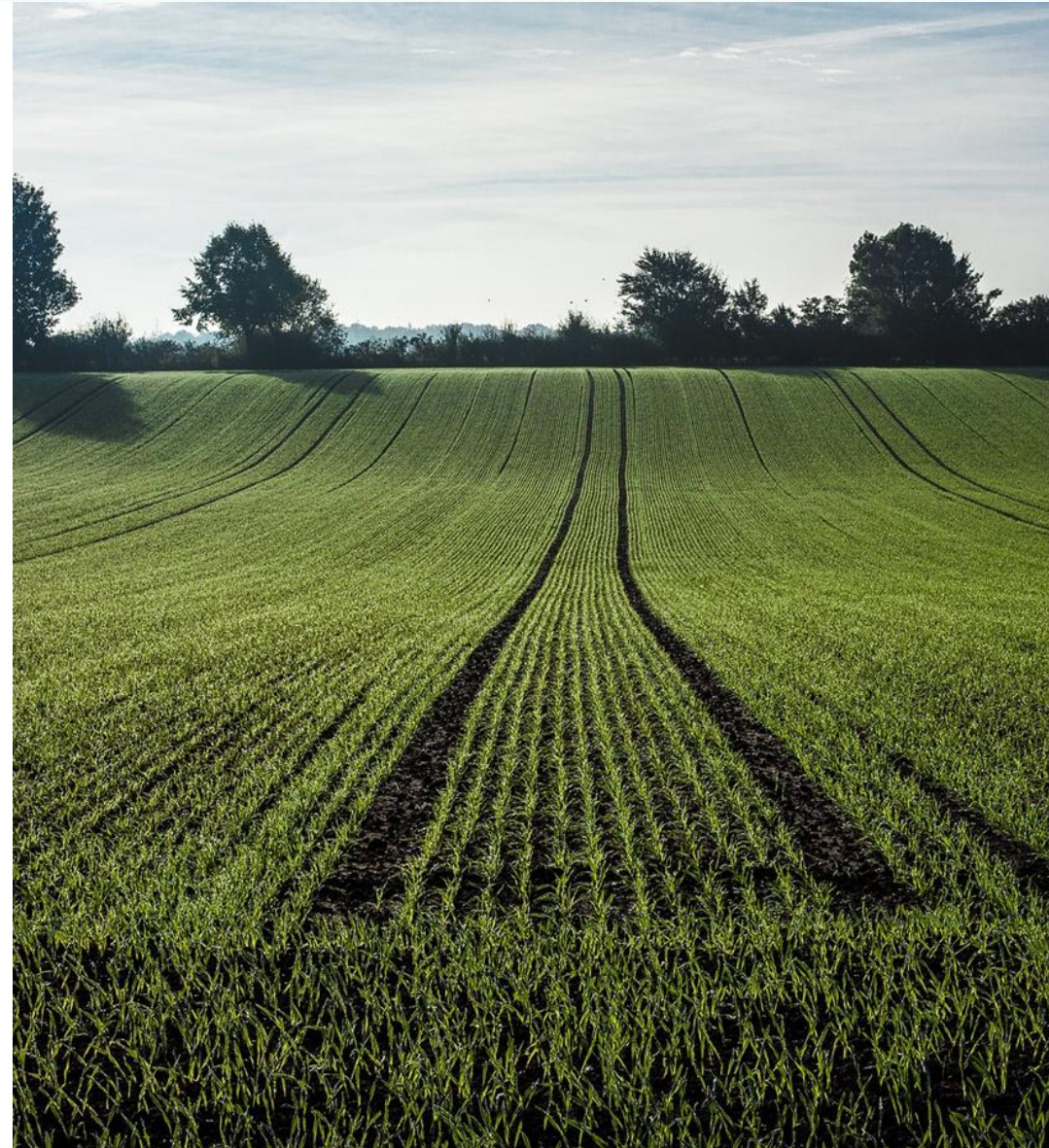




# Facilitating access to patented traits, now and in the future



## Which IP right and for what?

	<b>Plant Variety Protection (PVP)</b>		<b>Patent</b>	
<b>Scope</b>	<b>Plant Varieties</b> (whole genetic background)		<b>Technically developed trait</b> (individual characteristic)	
<b>Access to material for breeding</b>	Breeders exemption allows use of varieties for further breeding once on the market		Limited Breeders exemption allows use of the trait for further breeding in <u>some limited jurisdictions</u>	
<b>Commercialization</b>	Unrestricted commercialization of new variety if different from the original one		License required to commercialize the (same) trait in new variety	

Both IP systems complement each other and should not undermine access to breeding material!

A balanced co-existence of both IP systems is essential to incentivize and protect innovation in plant breeding and thereby maintain diversity in the seed sector

## A closer snapshot on crops containing patented trait(s) in 2025

Species	Number of varieties registered in the European catalogue	Number of patents (source PINTO)	Number of varieties including patented trait(s) (source PINTO)	Percentage of varieties including a patented trait
Maize	7871	6	206	2%
Sugarbeet	2007	4	296	14%
Sunflower	1923	4	67	3%
Oilseed Rape	1850	4	12	0,5%
Rice	500	2	16	3%

All patents in PINTO concerning agricultural crops belong to ACLP members except for 1 in sugarbeet included in 3 varieties.

## Rationale behind the creation of the ACLP: building a fair balance between PVP and patents

- ✓ **Access to breeding materials:** Patented Traits in commercial varieties may hinder free access to breeding materials.
- ✓ **No Monopolies:** Patents may lead to monopolization and non-access to patented innovation when not made available to other breeders
- ✓ **Limited Resources, especially for SMEs:** Patent Licensing may come with high resource needs on Legal and IP experts and respective transaction costs
- ✓ **Freedom-to-operate:** Lack of transparency on patented Traits in commercial varieties may lead to unintentional IP infringements

- Officially registered since April 2023, in Belgium, after almost 3 years of intense discussions
- Members are companies of all sizes:



Founding members: BNA, Elsoms Ackermann, Limagrain, HZPC, Corteva, KWS, Bayer, Syngenta, BASF

# Organization

Members: 1 General Assembly per year

Board (max 15 members)

Chair: Claudia Hallebach  
(KWS)

Vice-Chair: Gerard Backx  
(HZPC)

Treasurer: Teresa Babuscio  
(Corteva)

Managing Director:  
Hélène Guillot

Communication support  
from Euroseeds:  
Darya Chernokova

## Territory of the ACLP

Countries member of the  
European Patent Office  
+ Ukraine  
+ Russia  
(with a possibility to opt-out)



## Scope of ACLP traits

**All-in approach:** ACLP members provide all their patented traits present in commercial varieties sold on the open market in the Territory for licensing

- currently covering 95% of all patented traits on the market in Europe



**Agricultural Crops:** list of the CPVO (Community Plant Variety Office): maize, rye, sunflower, oilseed rape, potatoes, wheat, cannabis, sugar beet, barley, forage crops...

**Vegetables:** International Licensing Platform

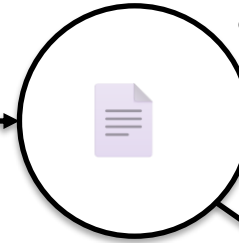
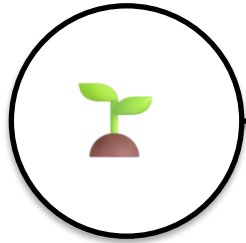


**Ornamentals and fruit trees:** discussions to include them in the ACLP

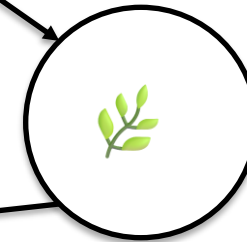
Breeder A wishes to use a commercial variety from Breeder B

Breeder A checks on PINTO if the variety contains patented trait(s) and if it is available through the ACLP

Both breeders are members of the ACLP. Breeder A will inform Breeder B that their variety will be used in their breeding program, by a simple notification via a «non-assert» template



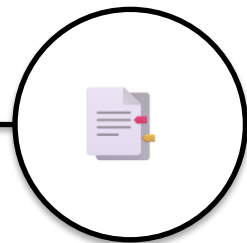
=> Limited breeders' exemption in 41 countries



If the patented trait remains in the new variety to be commercialised, Breeder A needs to get a license from Breeder B



In case of disagreement on the royalty after 6 months of negotiations, parties can request an arbitration. A license will necessarily be granted in a reasonable timeframe, without excessive administration costs






License negotiations are facilitated thanks to the Standard License Agreement. All terms are pre-negotiated, only the royalty needs to be agreed upon

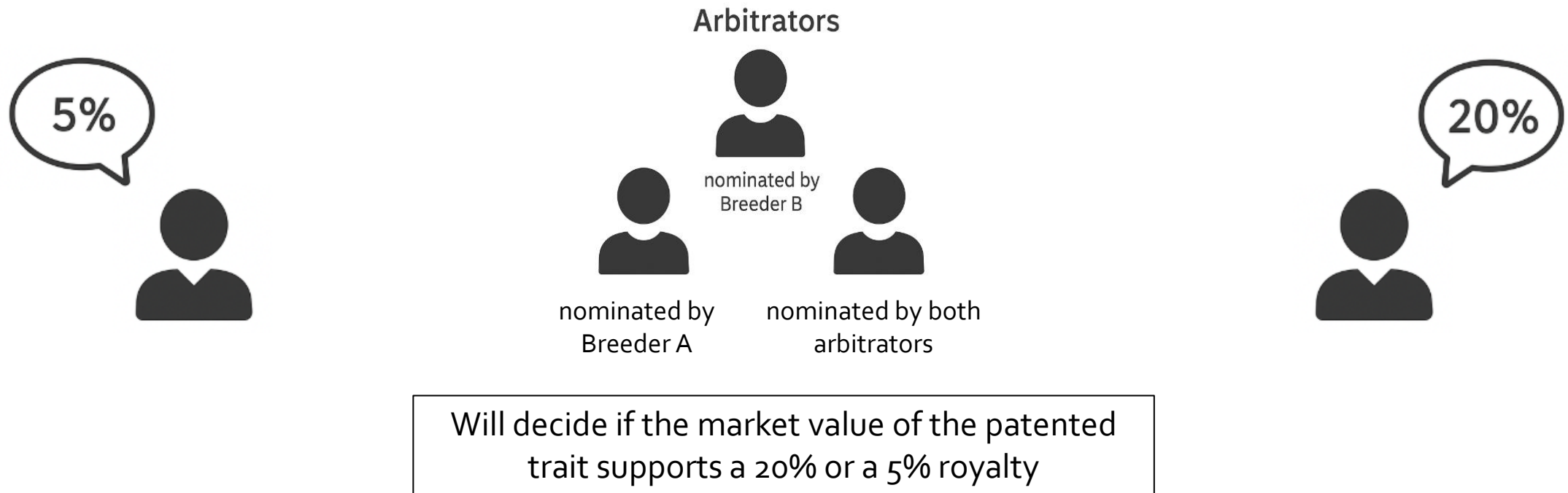
=> Mandatory licensing between members

# The PINTO Database of Euroseeds



SUGARBEET (BETA VULGARIS L.)		BARONIKA KWS		^
PATENT TITLE	PATENT NUMBER	PATENT HOLDER		
RHIZOMANIA-RESISTANT GENE	EP3011037	KWS SAAT SE & CO. KGAA		AGRICULTURAL CROP LICENSING PLATFORM
RESISTANCE AGAINST RHIZOMANIA	EP3282016	KWS SAAT SE & CO. KGAA		AGRICULTURAL CROP LICENSING PLATFORM
GENE FOR RESISTANCE TO A PATHOGEN OF THE GENUS HETERODERA	EP3567111	KWS SAAT SE & CO. KGAA		AGRICULTURAL CROP LICENSING PLATFORM

# The baseball arbitration: after 6 months of failed negotiations



- Arbitrators are independent seed experts with an experience in licensing (business / legal background), from private and public sector, following a Code of Ethics
- Can be revoked by Parties in case of conflict of interest

## Membership Fees

The membership fee structure differentiates according to company size:

**Small companies = €0 for the first 5 years of the platform**

- Defined as: employs < 50 persons; < 10,000,000 EUR of annual turnover; or < maximum annual balance sheet of 10,000,000 EUR

**Medium small companies = €5,000**

- Defined as: employs < 250 persons; < 50,000,000 EUR of annual turnover; or < annual balance sheet of 43,000,000 EUR.

**Medium large companies = €10,000**

- Defined as: employs < 2500 persons; and < 500,000,000 EUR of annual turnover; or < annual balance sheet of 430,000,000 EUR.)

**Large companies = €25,000**



**Thank you for your attention!**  
**[www.aclp.eu](http://www.aclp.eu)**