

Case Law on Breeders' Rights

COPF is a clearinghouse of information for our members, especially on intellectual property rights for plants. We are often asked about lawsuits regarding illegal propagation. Information on such lawsuits in North America is hard to come by, partly because the parties involved usually don't want to make the details public. However, a more important reason why legal proceedings stay behind closed doors is because our industry is such a practical bunch, they usually settle before the lawyers go to court. Growers and breeders generally recognize the value of their long-term working relationships and how they would be affected by a lawsuit.

Stepping into the information gap, the European Community Plant Varieties Office (CPVO) recently launched a database of European case law regarding Breeders' Rights issues. This database is a service provided by the CPVO in order to facilitate access to case law from EU States and deciding bodies on Plant Variety Right issues. It consists of a compilation of cases combined with a search tool.

The database provides summaries of case law exclusively in English. It also provides the full text judgments in their original language. Please note that the documents supplied are **not the official version of the decisions** taken by jurisdictions within the EU. If you wish to have access to the official text, please directly consult with the body which officially took the decision concerned.

You may use the data for personal use. For any other use, please contact the CPVO.

The database is not yet complete. Data will regularly be added. It also has an interactive system which allows users to ask questions or communicate additional information and cases to the CPVO.

You can access the database by going to www.cpvo.europa.eu, selecting your language preference, and on the next page, click on "PVR Case Law Database" from the menu on the left.