

PLANT BREEDERS' GROUP



G E S L I V E

GESLIVE, A.I.E.

- ◆ **Who we are?**
- ◆ **What we do?**
- ◆ **How we work?**
- ◆ **The “Vegetable project”**



G E S L I V E

WHO WE ARE?

- ◆ GESLIVE is an economic interest group formed by the main breeders operating in Spain
- ◆ GESLIVE operates neutrally and independently, without profit for itself
- ◆ GESLIVE' aims are to manage, protect and defend the rights to protected plant varieties and other intellectual property rights in agriculture



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GESLIVE' members

Set up in 1996 by 7 breeders

Present full members:

- ◆ **Semillas Fitó**
- ◆ **Monsanto**
- ◆ **Limagrain Ibérica**
- ◆ **Plantas de Navarra**
- ◆ **Koipesol Semillas**
- ◆ **Viveros Orero**
- ◆ **IRTA**
- ◆ **Certiplant**
- ◆ **Mondial Fruit Selection**
- ◆ **Selección Plantas Sevilla**
- ◆ **Pro.se.me**
- ◆ **Saaten Union**
- ◆ **INEASA**
- ◆ **Europépinières**
- ◆ **C.I.T.A. Aragón**
- ◆ **RAGT Ibérica**



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GESLIVE' main clients

- ◆ **ANOVE** (The Spanish Plant Breeders Association)
- ◆ **CSIC** (Superior Scientific Research Council)
- ◆ **Syngenta Seeds**
- ◆ **Barberet & Blanc**
- ◆ **Hilverda**
- ◆ **Kooij & Zonen**
- ◆ **Selecta Klemm**
- ◆ **Star Fruits**
- ◆ **A.R.O. – The Volcani Centre**
- ◆ **Danziger Flower Farm**
- ◆ **Agri-Obtentions - INRA France**
- ◆ **International Plant Selection**
- ◆ **Limagrain Holding**
- ◆ **Driscoll's Genetics**
- ◆ **Nadorcott Protection – INRA Maroc**
- ◆ **GRAPA**
- ◆ **Royal Berries**



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WHAT WE DO?

- ◆ **Licences' Management**
- ◆ **Audits and control**
- ◆ **Protection and defence**



License's Management

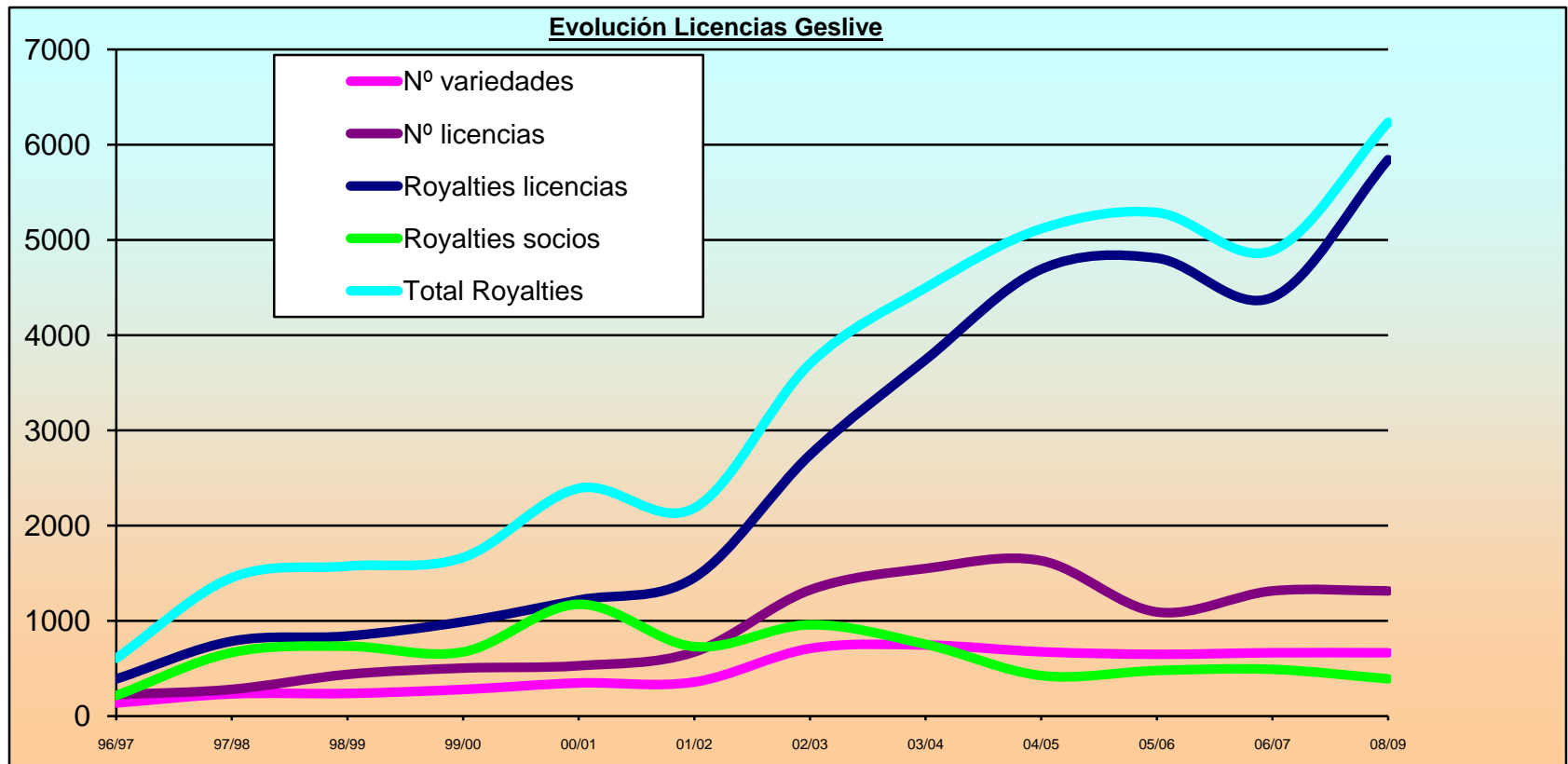
GESLIVE manages licences to produce and market material of protected plant varieties

- ◆ **>700 varieties**
- ◆ **>2.000 licences during 2008**
- ◆ **Rigorous and specialised management**
- ◆ **Licences system at every step: propagation (nurseries); exploitation (growers); commercialisation (companies)**
- ◆ **Strictly control on multiplication, production and marketing**



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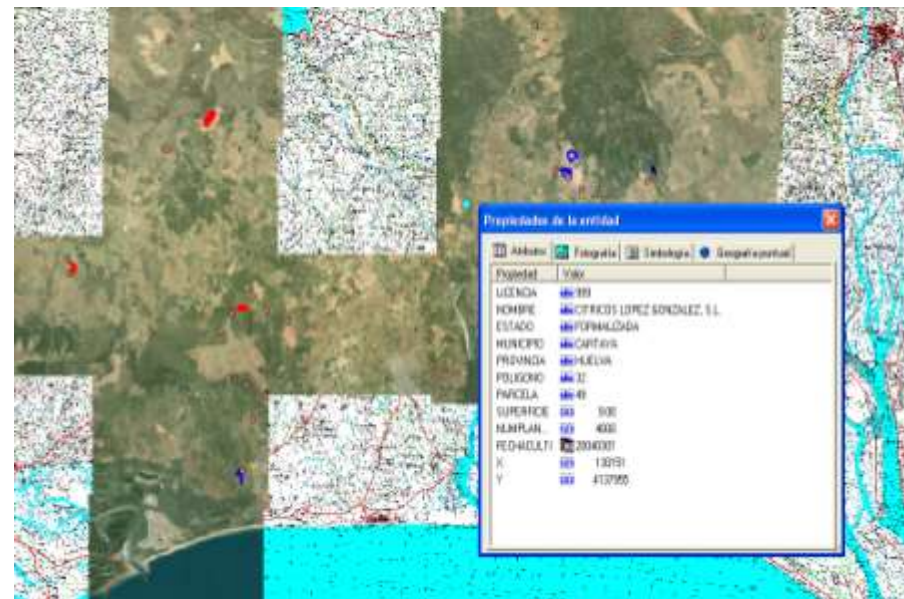
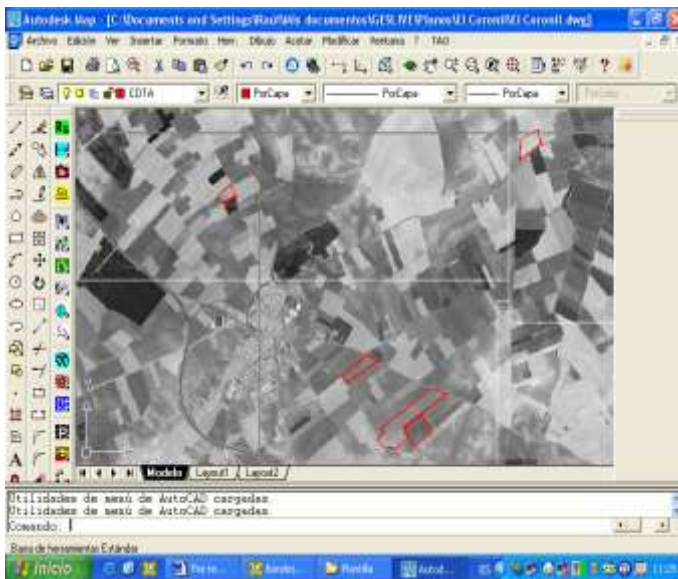
GESLIVE' activities evolution (1996 – 2007)



License's control

GESLIVE provides audit, inspection and control services about plant material exploitation, both under license and in counterfeiting.

At work, the GESLIVE technical department is provided with the most advanced technologies, including specific GPS software and database.



Inspection

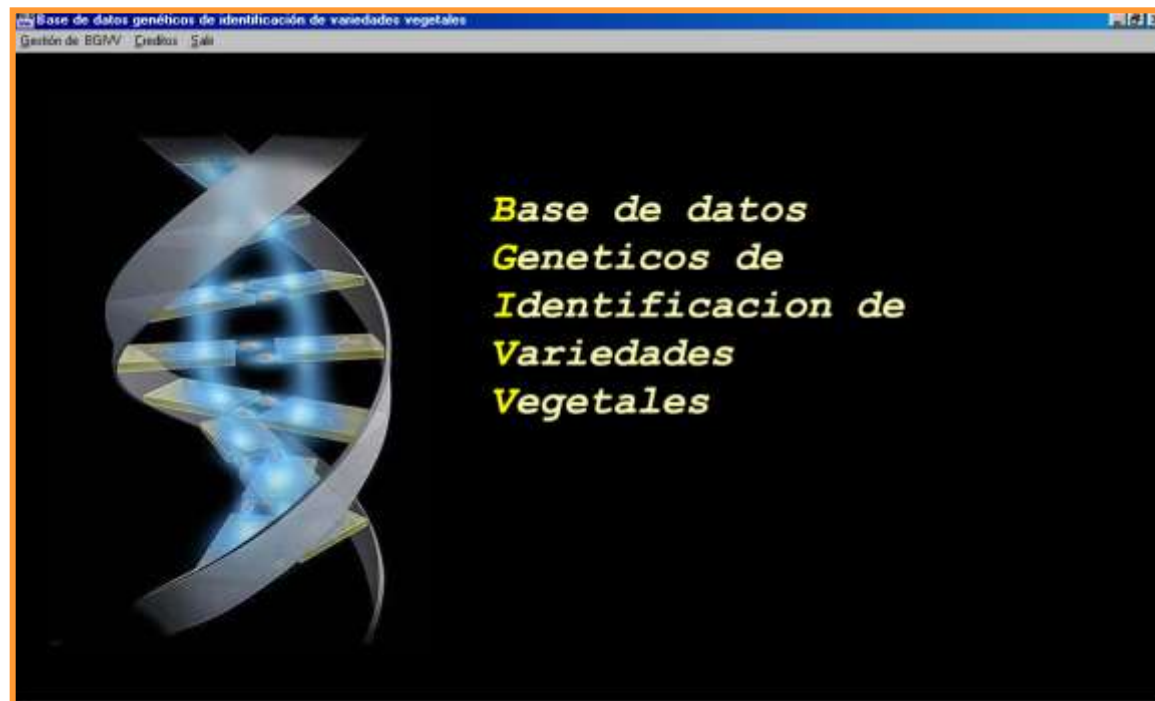
Audits and inspections on plant material are developed at every step of the productive and commercial chains.



GESLIVE

ADN identification

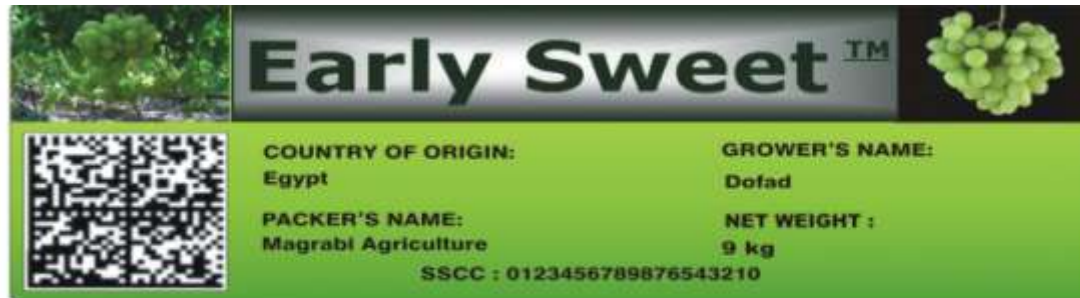
GESLIVE has developed in collaboration with IRTA, a database with DNA information for identification of plant varieties, which is being successfully used for the enforcement of plant breeder's rights.



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Traceability Systems

In collaboration with third companies, GESLIVE has designed specific tools to establish new identification systems and traceability controls, able to help the breeders at the enforcement of their IP rights.



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PROTECTION AND DEFENCE

GESLIVE provides legal consultancy and defence on plant breeder's rights

- ◆ Experience in more than 200 lawsuits (civil and criminal), establishing the existing precedents in Spain in favour of PBR
- ◆ Highly specialised legal consultancy and defence services
- ◆ Unified and independent common front ensuring the most rigorous prosecution of infringements



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Breeders' common interest representation

- ◆ **GESLIVE provides management and legal services to ANOVE (the Spanish Plant Breeders Association)**
- ◆ **GESLIVE is member of ISF (International Seed Federation) and CIOPORA (International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Trees Varieties)**
- ◆ **Present at the Spanish Plant Variety Protection Committee (Ministry of Agriculture)**



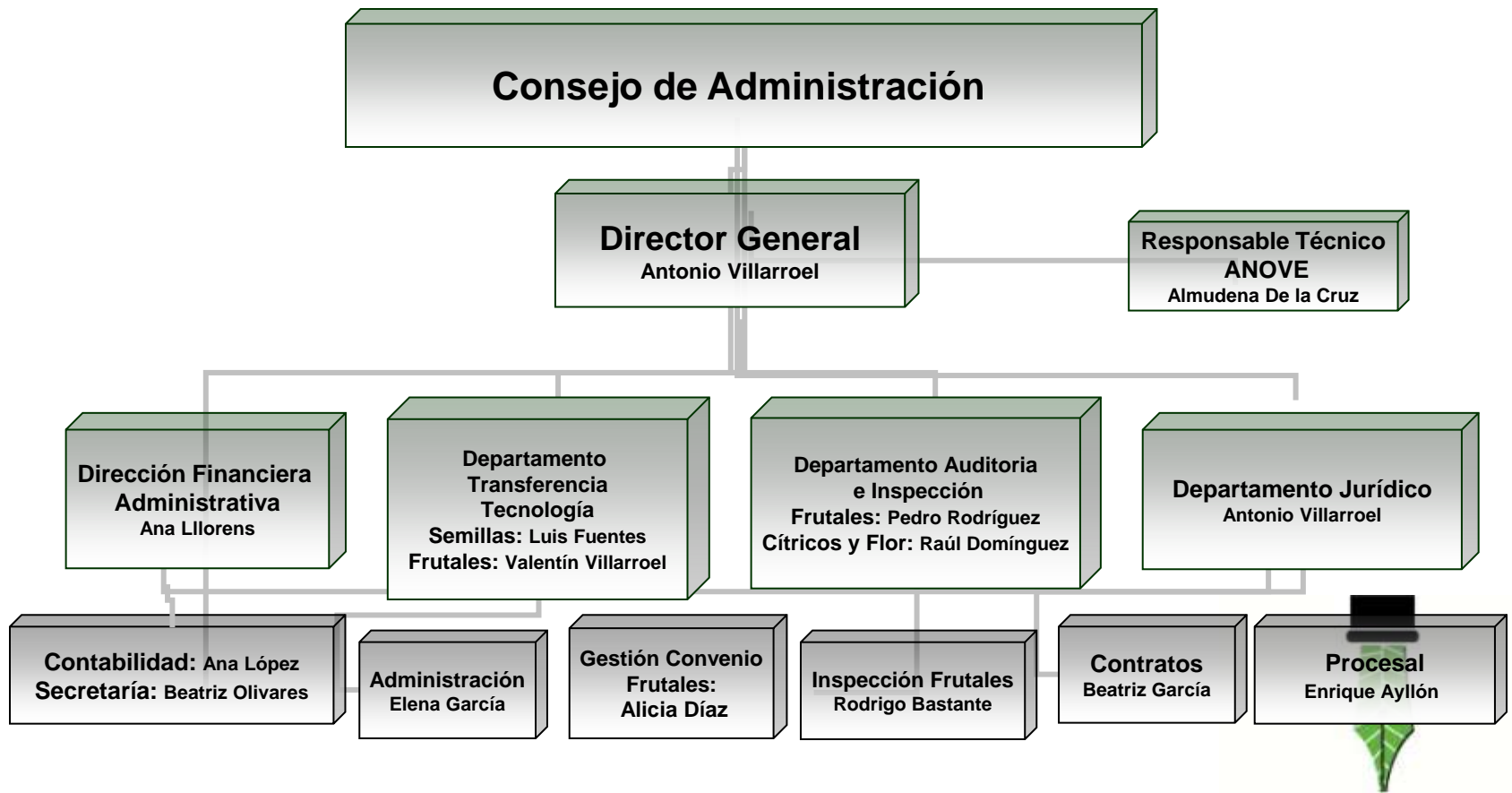
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HOW WE WORK?

- ◆ **The General Assembly:** formed by all members
- ◆ **The Sections:** Seeds; Fruit-Trees; Ornamentals
- ◆ **The Chairman and the Board of Directors:** elected from the members
- ◆ **General Management**
- ◆ **Legal Department**
- ◆ **Technology Transfer Department**
- ◆ **Financial Department**
- ◆ **Audits and Inspection Department**



Who is GESLIVE?



THE “CARNATION PROJECT”

- ◆ In 2002, around 60% of the carnation production in Spain (Andalusia) comes from illegal propagation
- ◆ A coordinated strategy to fight against such situation was discussed by the main breeders concerned (Hilverda; Kooij & Zonen; Selecta Klemm; Barberet & Blanc; Santamaria).
- ◆ A collaboration agreement was signed by those companies and GESLIVE in order to:
 - Implement a common “exploitation licence” system (licences to be signed by all growers);
 - Carry out systematic and coordinated inspections;
 - Legally proceed against any infringement duly proved.



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THE “CARNATION PROJECT”

- ◆ According with the collaboration agreement, GESLIVE, as a plant breeders organisation, acts on its own name but in the interest of the breeders concerned.
- ◆ After long discussions with farmers unions, cooperatives, dealers and authorities, a “regularization agreement” was signed between them and GESLIVE (representing the breeders) in order to:
 - Declare and control all existing plantings illegally reproduced;
 - Assume the strongest commitment to stop illegal propagation for the future;
 - Permit systematic inspections and controls by GESLIVE
 - Legally proceed against any new infringement in the future



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THE “CARNATION PROJECT”

- ◆ The “regularization agreement” was subscribed by more than 50% of growers and 100% of cooperatives.
- ◆ During 2007 and 2008, more than 20 growers were criminally sued by illegal propagation of carnation protected varieties.
- ◆ All proceedings were managed by GESLIVE, acting on its own name (but in interest of the breeders concerned).
- ◆ Today, 8 proceedings have finalised with imprisonment sentences (6 months plus damages)
- ◆ Illegal propagation is currently reduced to less than 5% (estimated)



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THE “CARNATION PROJECT”



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THE “CARNATION PROJECT”

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Spain

Prison sentence for illegal propagation

During 2008, Civil Criminal Courts passed four sentences on 49 people for growing, cultivating, producing and distributing carnations in the case of non payment of fees. The sentences will be severe against industrial property (mentioned in article 276.2 of the current Penal Code and is that with no possibility of appeal.

The sentences, started with acknowledgement of the accused, some that it is a crime that they have grown (cultivated) carnation plants of protected varieties without authorization. The propagation was done by sowing plant cuttings, multiplying them and later planting them to grow flowers to be sold. As they were protected varieties, they also gave the owners a series of exclusive rights including production, propagation, distribution for advertising, sale and commercialization, import and export, and translation to other languages. The national authorities were created based on a document signed by Gerardo de la Cruz (Madrid, Spain), A.I. in representation of the affected in the name of Andalusia including 918 people, the unauthorized propagation of protected varieties of carnation constitutes a serious problem. The national court has serious consequences not only for the thousands of non-plant breeders who are being harmed every year but also for the whole sector. It constitutes one of the main causes of the crisis affecting our flowers in the area, which has experienced an important loss of reputation in international markets. After consultation with the Penal Code made by the Supreme Court (11/2008) of 18 November, the unauthorized propagation of protected plant varieties is prosecuted by State law enforcement agencies, and can be punished up to two years in prison. spain@geslive.com

Denmark

Retail carousel cuts waste

The first GEMET company, a leading manufacturer of new rotating trays 90cm square on the shelves of a CC-container, has launched the first GEMET carousel, which marks its official debut at the trade show Dan-Gar 2008 from January 7 to 9 in Odense, Denmark.

According to managing director and owner of the company, Ole Axel Hansen, the 200-gallon CC-tray module is equipped with 12 rotating shelves with 100 plants. The carousel allows you to hold 10 more plants than requiring for more than 2.0 m² of the floor space of a flower shop. The module is another extension of the GEMET Plant System that includes shelves, trays, mobile shelving stands, the one-handed 4-way

single-handed balcony tray of heavy-duty plastic, in supermarkets and stores and designed for sale of a single unit or in series on the shelves of a CC-container. Now, the plants can be viewed on the computer monitor overhead in the back of a store or in a series of mobile units. The first GEMET carousel is 1.20 m high and features four standard shelves which can be adjusted up and down. The system is perfectly being used in the supermarkets of Europe and other retail chains. Hansen also had to rethink display through flower wholesalers. “By rotating the shelves, their customers - supermarket, gas stations, flower shops and garden centers - will save up to 20% up to 40% water and watering time”

Founded in 1982, the GEMET Company has its headquarters in Roskilde, Denmark. “We don't have any direct competitors. If they bring on the stand, then to the CC-container, but these kinds of stands are common. We are producing strong products at the same price including all shelves, trays with a 100% warranty”, Hansen believes in the right channel to introduce his products to the market. “In terms of experience, since the flower industry is global, stop the work in particular, is going to now need to think more. GEMET will also take up to 20% of the product. The supermarket investments are not back after being the main reason.”



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THE “VEGETABLE PROJECT”

- ◆ Illegal propagation is increasing in Spain (Murcia, Almeria) in the last few years (estimations pointed to up to 30% in tomato and other crops where grafting and vegetative reproduction would be possible);
- ◆ A “vegetable project” following the “carnation project” lines was discussed by the ANOVE’ vegetable section, in coordination with ESA SVOwic;
- ◆ A collaboration agreement with GESLIVE was proposed to the vegetable companies in order to:
 - Implement a common strategy to fight against illegal propagation;
 - Carry out systematic and coordinated inspections in customers and plant raisers (as permitted, if so, by the sales’ general terms and conditions);
 - Legally proceed against any infringement duly proved.



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ANOVE VEGETABLE SECTION

1. NUNHEMS SPAIN
2. SYNGENTA SEEDS
3. MONSANTO -SEMINIS
4. SEMILLAS FITÓ
5. CLAUSE SPAIN
6. VILMORIN IBÉRICA
7. ZERAIM IBÉRICA
8. SAKATA SEED IBÉRICA
9. RAMIRO ARNEDO
10. HAZERA ESPAÑA
11. GAUTIER SEMILLAS
12. INEASA
13. ENZA ZADEN
14. BEJO ZADEN
15. RIJK ZWAAN IBÉRICA
16. WESTERN SEED
17. ZETA SEEDS
18. TOZER IBÉRICA



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THE “VEGETABLE PROJECT”

◆ Main actions:

- Inclusion of specific articles in the “General Terms and Conditions” by all Companies (expressly reserving inspection faculties);
- Informative letters and meetings with all stakeholders (authorities; plant raisers; cooperatives; dealers; growers associations; etc.)
- Powers were granted to GESLIVE by all Companies to carry out systematic and coordinated inspections in customers and plant raisers
- General warning campaign, in collaboration with the Regional Government and ASEHOR (the Plant Raisers Association)
- Inspection and controls of plant raisers; growers and cooperatives



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THE “VEGETABLE PROJECT”

- ◆ Future actions (under discussion):
 - Agreed rules to jointly proceed through GESLIVE against infringements
 - Contractual improvements (exploitation agreements; traceability; etc.)
 - Implementation of a “white list” in regard to plant raisers: code of “good practices” – transparency and control
 - Actions along the commercial chain (importers; retailers; etc.)
 - Definition of collaboration and coordination between GESLIVE and AIB



THE “VEGETABLE PROJECT”

◆ CONCLUSION:

- To fight against IP infringements in an efficient manner, coordination and solidarity between all breeders is essential
- Never admit any concession on IP issues because of commercial competition!
- Protect your varieties (no enforcement is possible without rights, and there is no rights without legal protection)



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