



# Plant Variety Protection Act 2021 Fact Sheet





By 2050, it is estimated that the world's population will be 9.5 billion and there will be an increase in global food demand, with 50% of current arable land becoming unusable. As such, there is a need to increase agricultural production and ensure food security.

Agricultural innovation is crucial to help ensure newly bred, locally adapted varieties with specific traits are available; and guarantee the use of new breeding techniques and better performing plants to increase yields and profits.



### **What is Plant Breeding?**

Plant Breeding is the science of maximizing plants' positive genetic traits to produce desirable effects. It is an important factor contributing to increased crop productivity and diversity; giving farmers access to genetically improved cultivars that yield more, have better resistance to biotic and abiotic stresses, and meet consumer expectations.

### **What is the Plant Variety Protection (PVP) Act?**

Plant Variety Protection (PVP) Act 2021 is a legal designation designed to protect plant breeders. It is also a form of intellectual property protection law that helps encourage plant breeders and enthusiasts by granting them an Intellectual Property Right over their planting materials.

The PVP Act 2021 provides a legal system that encourages plant breeding, leading to the development of superior plant varieties with high yield potentials.



### **Who is a Plant Breeder?**

A Plant Breeder is a person who bred, discovered or developed a new plant variety. Furthermore, a Plant Breeder is also considered as a person who is an employer of the person who bred or discovered and developed a variety or who has commissioned the latter's work.

### **Who can protect a Plant Variety?**

Any Plant Breeder can protect a Plant Variety. A Plant Breeder might be, for example, an amateur gardener, a plantsman, a farmer or a scientist. The plant breeding techniques used can range from traditional crossing and selection through to new techniques, such as genetic engineering.

However, a mere discovery or find would not entitle the person to protection as development is necessary. When applicable, the employer of the breeder and the successor in title of the breeder may also be entitled to protection.

## Why do we need the Plant Variety Protection (PVP) Act 2021?



1

The implementation of the PVP Act 2021 will give plant breeders intellectual property over a new plant variety, with exclusive rights to commercialize seed and/or propagation material of the variety.

2

PVP promotes marketing of new varieties and allows breeders to earn back the considerable costs involved in the long process of variety development.

3

A well-functioning Plant Variety Protection (PVP) system will encourage in-country breeding activities; this will also attract local and foreign companies to introduce high quality improved varieties, knowing that others cannot easily copy their effort or take advantage of it.

4

With the commencement of the implementation of the PVP Act 2021 in Nigeria, the country has a potential to generate a sizable income from global seeds trade after the first 5 years.





## **Does the PVP Act 2021 cover Genetically Modified Organisms (GMOs)?**



As the name implies, the Plant Variety Protection Act 2021 only allows the protection of a new and distinct Plant Variety. For a Plant Variety to meet the criteria for nomination for protection in the Plant Variety office, the variety must have met all required regulations. The National Agricultural Seeds Council (NASC) does not have the mandate to regulate GMOs as it is the responsibility of other agencies such as the National Biosafety Management Agency and the National Foods, Drugs Administration and Control (NAFDAC) to approve the safety of GMOs.

## **How can I protect a new Plant Variety?**

Plant breeders can contact the PVP office which is domiciled in the National Agricultural Seeds Council (NASC) for Intellectual protection of their varieties.

## What is the mandate of the National Agricultural Seeds Council (NASC)?



- 1 To promote and stimulate the development of a dependable seed industry.
- 2 Regulate and control the registration of released varieties.
- 3 Protect the farmers from the sales of poor-quality seeds.
- 4 Facilitate the production and marketing of high-quality seeds in Nigeria.
- 5 Provide legal backing for seed testing, certification, sales, importation, exportation and use of seeds.

## What is the mandate of the Plant Variety Protection Office?



- Grant breeders' rights.
- Maintain a register and provide information on Plant Breeders'
- Collaborate with local and international bodies on Plant Breeder's rights.
- Collaborate with local and international bodies whose functions relate to Plant Breeders' rights matters.
- Perform other functions as are necessary for the furtherance of the objects of this Act.





## What is the benefit to smallholder farmers upon implementation of the Plant Variety Protection Act 2021?



1

Increased income for farmers and growers

2

Creates more and better varieties for farmers and growers

3

Encourages further innovation and investment in plant breeding

4

Creates rural employment and economic development

5

Development of international markets and trade

6

Increase certainty/reduce risks

7

Encourages efficient land use

8

Reduces fraud

9

Farmers can become breeders and get incentives from protected varieties.

## What are conditions for protecting a Plant Variety in the PVP Act 2021?

The Breeder's right shall be granted with respect to variety which is new, distinct, uniform and stable.

# What are the benefits to the Nigerian population?

1

Poverty reduction as a result of the growth in the gross domestic product (GDP) that originates from improved agricultural yields.



2

Enhanced food production, provision, affordability and accessibility.

Aviable and sustainable seed sector.

3

Employment generation for both the rural and urban population

4

Food security and inclusive economic growth in Nigeria.

5

## What are the goals of the NASC for the agribusiness ecosystem?

1

Fast-track of varietal development, registration and release of new crop varieties as well as the rapid multiplication of released varieties

2

Improve the quality of seeds sold to farmers for higher yields & better income.

3

Re-orientate the operations of public sector agencies along commercial lines.

4

Encourage private sector participation in seed operations through appropriate policies and promotional activities/incentives.

5

Promote digitalization, technology & policy best practices in the global seed industry.

6

Maintain genetic biodiversity of the crop ecologies.



### References

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Plant Variety Protection Act 2021

National Agricultural Seeds Council Act 2019



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