



PLANT BREEDER'S RIGHTS CONSULTATION GROUP

Meeting Summary from 22 May 2025

The **Plant Breeders Rights Consultation Group (PBRCG)** met on Thursday, 22 May 2025 via Microsoft Teams. The Chair opened the meeting, performed an Acknowledgement of Country, and welcomed all participants. Attendances and apologies were noted. Members endorsed the Minutes of the last meeting, which was held on 26 March 2024.

The Chair noted the implementation of PBR Reforms has commenced and thanked all who participated and provided feedback. Research has been completed and consultation with the PBRCG members will continue.

A presentation was delivered by a senior IP Australia Examiner on **the intersection of Patents and Plant Breeder's Rights (PBR)**, which will be circulated with the meeting minutes. It was noted that enforceability nuances exist regarding deposits under the Budapest Treaty, particularly with international deposits. The enforcement of PBR was discussed as being more reliant on contractual obligations and genetic material comparisons, and it was acknowledged that enforcing PBR presents significant challenges. Feedback from members included concerns about third-party access to patented material, and ongoing input from members is encouraged.

The Department of Agriculture Fisheries and Forestry provided a verbal update regarding the ongoing negotiations to amend the **International Treaty for Plant Genetic Resources for Food and Agriculture**. These negotiations involve Australia and the Southwest Pacific, with consultations held among regional stakeholders. The Treaty aims to promote conservation and sustainable use of plant genetic resources by facilitating international exchange, and it operates under the Food and Agriculture Organization of the United Nations (FAO). It complements the Convention on Biological Diversity through a multilateral system of access and benefit sharing, using a standard material transfer agreement. Treaty meetings include diverse international stakeholders and are held biennially, with the most recent in November 2023. A Working Group, comprising representatives from seven FAO regions, was formed to prepare recommendations for the November 2025 meeting in Peru. Key agenda items include payment structures, digital sequencing data, and species coverage. Australian stakeholders are particularly concerned with the two payment options: a multilateral subscription model and a single-access model with deferred payment. Members are encouraged to review the [draft text](#) and reach out for further clarification.

A **general policy update** explained that reforms to the Plant Breeder's Rights (PBR) legislation are still being considered following research commissioned from the University of Queensland in 2023. Policy teams are considering details of further public consultation including timing and preferred communication methods, such as webinars or fact sheets, to better engage with PBR stakeholders. Key topics for consultation include enforcement issues and essentially derived varieties. Several members supported releasing information for consultation as it becomes available rather than waiting for a complete package, with a preference for a longer consultation period. An update on timing of consultation will be provided before the next PBRCG meeting.

In the **Indigenous Knowledge** update, a new international treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge was concluded at the World Intellectual Property Organization (WIPO) in May 2024. This treaty establishes a framework for patent disclosure at source, requiring applicants to disclose the origin of genetic resources or traditional knowledge that are integral to their inventions. This mechanism aims to enhance transparency and ensure proper recognition of Indigenous Knowledge in innovation. IP Australia is currently examining the treaty and exploring potential approaches for its implementation within the Australian context. In the **Free Trade Agreement** update, by September 2024, negotiations concluded on a Comprehensive Economic Partnership Agreement with the United Arab Emirates (UAE). The Intellectual Property (IP) chapter of the agreement aligns with Australia's existing trade agreements and multilateral commitments, requiring no changes to current IP laws. The agreement also opens opportunities for enhanced information sharing and cooperation between the two countries on IP protection and enforcement.

The **PBR Reform Team** has been actively engaging in international webinars hosted by UPOV to raise awareness of the Australian PBR system and promote collaboration between UPOV members, including sharing of Australian and overseas test data. A senior examiner presented on using the PRISMA system for plant applications and discussed breeder cooperation and the role of Qualified Persons in Distinct Uniform and Stable testing. The team is now implementing recommendations from the research phase, including updates to the [PBR Manual](#) and improvements to the QP Directory, training materials, and workshops. Future priorities which are subject to being prioritised for funding include revising IVDS, forms and correspondence, with members

invited to participate in providing user requirements and user trials. Increased attendance at industry events is also planned, and stakeholders are encouraged to suggest relevant opportunities. Feedback was noted on the complexity of the application processes and the Interactive Variety Description System (IVDS) search function, which is scheduled for review. Investment proposals for these initiatives are under consideration.

A new **PBR renewal notification process** has been introduced, reducing notices from three to two per year in line with legislative requirements. If payment isn't made within 30 days of the final renewal notice, the right will be revoked. Some PBRCG members reported not receiving communications, prompting suggestions to update contact details and use admin accounts in online services. Members are encouraged to email the PBR inbox rather than individual Examiners to ensure proper handling. Minor updates were made to the PBR Manual for clarity. Additionally, the process for requesting detailed descriptions under Section 24 has resumed after a temporary pause, with follow-up underway for remaining applicants. Members with concerns should contact the PBR mailbox (pbr@ipaustalia.gov.au).

The **Terms of Reference** were endorsed by members, to include the addition of a Meeting Summary which will be published to the IP Australia website.

The **next PBRCG** meeting is scheduled for 16 October 2025 via MS Teams.

Meeting Summaries of our Consultation Groups can be found on our website: [Consultation Groups | IP Australia](#). For further information, please contact mdb-pbr-consultationgroup@ipaustalia.gov.au.