

Media statement: 30 November 2020

## **Hortgro's\* principled stance on IP rights**

The ongoing dispute in the blueberry industry relating to intellectual property (IP) and related Plant Breeders' Rights (PBR), is noted with concern. This is a private commercial matter and should be handled as such.

Given the potential negative impact on other industries with regard to continued access to the latest global genetics and plant material by the South African fruit industries, Hortgro was requested to express its principled stance on IP and related PBR as such material forms the backbone of our continued relevant and internationally competitive industry.

Therefore, the negative impact such public disputes could have on the broader standing of South Africa as a respected and trustworthy global partner is being regretted.

Hortgro wishes to state its stance on IP and related PBR as follows:

- Re-confirm its principled support to and recognition of international conventions and legislation which guides all matters relating to the protection of IP/PBR;
- Assure international breeders, owners and license holders that the South African Pome and Stone fruit industries fully subscribes to and respects IP and related PBR aligned with conventions and legislation;
- Respects the right to control and regulate the marketing and trading conditions of produce, including the charging of royalties, on condition that such arrangements are fair, clear and formally agreed to prior to the planting of related plant material;
- Encourage South African producers and other industry stakeholders to continue to respect and comply with legal agreements and international convention governing IP and related issues; and for

- Global IP/PBR owners to continue to trust the South African industry that it will respect their rights and welcomes the continued access to the latest technology, genetics, innovation and plant material available from global sources.

\*Hortgro is the national umbrella commodity body for the South African pome (apple and pear) and stone fruit (plum/prune, peach/nectarine, apricot and cherry) industries.

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## **Afrikaans**

Mediaverklaring: 30 November 2020

### **Hortgro\* - Beginsel standpunt rakende IP regte**

Daar word met kommer kennis geneem van die voortslepende geskil in die bloublussiebedryf oor intellektuele eiendom (IP) en verwante planttelersregte (PTR). Dit word beskou as 'n private kommersiële aangeleentheid wat as sulks hanteer moet word.

Gegewe die potensiële negatiewe impak op ander vrugtebedrywe se voortgesette toegang tot die jongste, internasionale genetika en plantmateriaal, is Hortgro versoek om 'n beginselstandpunt oor IP en verwante PTR te maak - gegewe dat sodanige materiaal die ruggraat van 'n volgehoue relevante en internasionaal-mededingende bedryf is.

Derhalwe word die negatiewe uitwerking wat sulke openbare geskille op die posisie van Suid-Afrika as 'n gerekende en betroubare wêreldvenoot kan hê, betreur.

Hiermee as volg, Hortgro se standpunt oor IP en verwante PTR:

- Herbevestig beginselsteun en erkenning van internasionale konvensies en wetgewing wat as riglyne dien vir die beskerming van IP en PTR;
- Verseker internasionale telers, eienaars en lisensiehouers dat die Suid-Afrikaanse kern- en steenvrugbedrywe hulle IP en verwante PTR, gekoppel aan ooreenkomste en wetgewing, ten volle onderskryf en respekteer;
- Respekteer die reg om die bemarking- en handelsvoorwaardes van produkte, insluitend die betaal van tantieme, te kontroleer en te reguleer, op voorwaarde dat sodanige reëlins billik, duidelik en formeel ooreengekom is voordat verwante plantmateriaal aangeplant word;

- Moedig Suid-Afrikaanse produsente en ander belanghebbendes in die bedryf aan om wettige kontrakte en internasionale ooreenkomste m.b.t. IP en verwante aangeleenthede, te respekteer en daaraan te voldoen.
- Dat IP/PTR eienaars wêreldwyd die Suid-Afrikaanse vrugtebedrywe sal vertrou om hul regte te respekteer om voortgesette toegang tot die nuutste tegnologie, genetika, innovasie en beskikbare plantmateriaal uit wêreldwye bronne, te verseker.

\*Hortgro is die nasionale oorkoepelende bedryfsliggaam vir die Suid-Afrikaanse kernvrug- (appels en pere) en steenvrug (pruim/pruimedant, perske/nectarien, appelkoos en kersie) bedrywe.

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