



Revisiting the Brazilian scenario of registry and protection of cultivars: an analysis of the period from 1998 to 2010, its dynamics and legal observations

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ABSTRACT. During the last 20 years, the national production of grains has increased 156.1%; productivity increased 93.8% and there has been an increase of 29.1% in cultivated area. Currently, agribusiness is responsible for 40% of Brazilian exports. Nevertheless, there is little quantitative information on the main plant species of economic interest that have been registered and protected in the Agriculture, Fisheries and Food Supply Ministry (MAPA) by public and private companies, as well as by public-private partnerships. Consequently, we investigated the registry and protection of 27 species of economic interest, including the 15 that are the basis of the Brazilian diet, based on the information available on the site CultivarWeb, of MAPA, for the period from 1998 to August 30, 2010. We also examined the legislation that regulates registration and protection procedures and its implications for plant breeding and plant product development. It was found

that the private sector controls 73.1% of the registrations and 53.56% of the protections, while 10.73% of the protections were of material developed overseas. Public-private partnerships contributed little to the development of new cultivars, with 0.5% of the registries and 3.61% of the protections. We conclude that plant protection directed private investment to development of wheat and rice varieties, with the greatest public investments directed to corn and sorghum. After the Cultivar Protection Law was implemented, there was restriction of access to germplasm banks, which could inhibit advances in Brazilian plant breeding programs, indicating a need for revision of this legal barrier.

Key words: Plant breeding; Agribusiness; Registry; Protection; Public-private partnership