



The Breeder's Exception to Patent Rights: Analysis of Compliance with Article 30 of the TRIPS Agreement (International Law and Economics)

Viola Prifti

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This book is the first to analyze the compliance of different types of a breeder's exception to patent rights with article 30 of the Agreement on Trade-Related Aspects of Intellectual Property Rights. This type of exception allows using protected biological matter for breeding new varieties of plants. The breeder's exception is widely accepted under plant variety legislation, but it is not common under patent laws despite the fact that patent rights often cover plant varieties. Only few European countries have adopted such an exception. After the entry into force of the Agreement on a Unified Patent Court, the exception will be mandatory for all European Union Member states. Based on a legal and economic approach, this book offers guidance to those countries that need to incorporate a breeder's exception into their national patent systems and suggests the importance of the exception for promoting plant breeding activities.

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