

ESA SFG**CODE OF CONDUCT**

Plant varieties are the result of extensive and costly research efforts. Protection of germplasm and varieties is of utmost importance to remain innovative and competitive in the market. Companies active in breeding varieties of forage crops and amenity grasses therefore acknowledge the importance of intellectual property rights (“IP rights”) in line with ESA’s Position on Access to Plant Genetic Resources and Intellectual Property Rights in the European Union (ESA_04.0056.3) and are of the opinion that actions to protect their germplasm, inventions and varieties should be pursued actively.

The marketing of seed of varieties of forage plants and amenity grasses is subject to the provisions of Council Directive 2002/53/EC on the common catalogue of varieties of agricultural species and Council Directive 66/401/EEC on the marketing of fodder plant seed.

In view of the above, this Code of Conduct contains recommendations and best practices to prevent infringement of IP rights.

Seed companies, seed traders and brokers (“CTBs”) agree

- to respect this Code of Conduct.
- to protect their varieties whenever needed and wherever this is practically possible.
- to respect IP rights
- to comply with the relevant EU Seed Marketing Directives.
- to share information on suspected illegal activities.¹
- CTBs will continue to inform and train their employees in order to respect IP rights, applicable legislation in relation to Intellectual property Rights and Seed marketing and this code of conduct.
- CTBs plant breeders will maintain accurate records, including breeding records, that demonstrate the origin of the material.

CTBs are recommended:

- to subcontract seed production and research trials committed to a third party only with an agreement stipulating the ownership of the material. This agreement should further address
 - Confidentiality
 - Acknowledgement and respect of the exclusive ownership of the material, including stock seed and seed produced

¹ Further information can be obtained in ESA_09.0153.8 “How to handle suspicious seed lots”

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- Visits and collection of material by any third party are allowed only with the explicit agreement of the CTBs.
- It is not allowed to make use of the material for any other purpose as stated in the said agreement without explicit permission of the CTBs.

- to pay attention to the following aspects in contracts with both permanent as well as temporary employees and other relevant third parties:
 - confidentiality in relation to sensitive information,
 - handling of germplasm
 - acknowledgement and respect of the ownership of the CTB of germplasm of the respective CTB in the case that the contract between the CTB and the employee is terminated .

- to pay more attention to protection by IP rights of their germplasm including but not limited to varieties.

- to enforce their IP rights and to take the appropriate legal action in case of infringements of these rights.

By signing this Code of Conduct companies agree that the Code of Conduct including the list of signees will be published on the open part of the ESA website.

In case one of the signees does not respect this Code of Conduct the name and signature of the respective company will be deleted from the list of signees to the Code of Conduct.

Date:.....

Signature:.....

Place:.....

Name:

Company:

Company Stamp:

ESA_09.0150.8

List of companies having signed the SFG code of conduct

	Company	Country	Date of Signature
1	Danbeck	Denmark	07/05/2010
2	Barenbrug (*)	Netherlands	10/05/2010
3	Saatzucht Steinach	Germany	11/05/2010
4	Maison Florimond Desprez	France	19/05/2010
5	DSV (*)	Germany	20/05/2010
6	Eurograss (*)	Germany	20/05/2010
7	Hunsballe Fro	Denmark	24/05/2010
8	RAGT Semences	France	25/05/2010
9	Rudloff Feldsaaten GmbH	Germany	08/06/2010
10	StroetmannSaat	Germany	10/06/2010
11	GFG-Gesellschaft fur Grun	Germany	11/06/2010
12	Hahn & Karl Saatenhandel GmbH	Germany	11/06/2010
13	Suet Saat –und Erntetechnik GmbH	Germany	14/06/2010
14	Dehner Agrar GmbH	Germany	14/06/2010
15	Geminal	UK	15/06/2010
16	KWS SAAT AG	Germany	16/06/2010
17	DLF – Trifolium (*)	Denmark	17/06/2010
18	Saatzucht Dr. Hege GbRmbH	Germany	22/06/2010
19	Lantmannen SW Seed GmbH	Germany	24/06/2010
20	Limagrain Europe	France	24/06/2010
21	RWA	Austria	25/06/2010
22	Raiffeisen Ware Austria AG	Austria	25/06/2010
23	HEGA GmbH	Germany	29/06/2010
24	Syngenta Seeds AB	Sweden	29/06/2010
25	Baywa Ag	Germany	29/06/2010
26	Lantmännen SW Seed AB	Sweden	02/07/2010
27	Norddeutsche Pflanzenzucht	Germany	12/07/2010
28	Joordens Zaadhandel	Netherlands	16/07/2010
29	Limagrain NL	Netherlands	20/07/2010
30	Polish Seed	Poland	12/08/2010
31	Prezes	Poland	12/08/2010
32	Poznanska Hodowla Rosilin	Poland	16.08.2010
33	Eurograss BV	Netherlands	19/08/2010
34	Limagrain clovis Maton	Belgium	01/10/2010

Total number of Companies : 34

(*): Including subsidiaries