

**ESA SVO wic****CODE OF CONDUCT**  
For Vegetable Seed Companies

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 vegetable varieties 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\_04.0056.2) and are of the opinion that actions to protect their germplasm, inventions and varieties should be pursued actively.

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

Seed companies ("SCs") agree

- To respect this Code of Conduct
- To protect open pollinated varieties, parental lines and F1 hybrids whenever needed and wherever this is practically possible
- To respect the IP rights related to the germplasm used in breeding programs
- SCs will continue to inform and train their employees in order to respect IP rights, applicable legislation and this code of conduct.
- SCs plant breeders will maintain accurate records, including breeding records, that demonstrate the origin of the material.

SCs 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
  - Visits and collection of material by any third party are allowed only with the explicit agreement of the SCs.
  - 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 SCs.
- to pay attention to the following aspects in contracts with both permanent as well as temporary employees and other relevant third parties:

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- confidentiality in relation to sensitive information,
  - handling of germplasm
  - acknowledgement and respect of the ownership of the SC of germplasm of the respective SC in the case that the contract between the SC 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

Date:.....

Signature:.....

Place:.....

Name: .....

Company:

Company Stamp:

**List of companies having signed the SVOwic code of conduct for vegetable companies**

<b>Company</b>	<b>Country</b>	<b>Date of Signature</b>
Enza Zaden BV	Netherlands	29/10/07
Syngenta Seeds B.V.	Netherlands	29/10/07
Vilmorin S. A.	France	30/10/07
Rijk Zwaan BV	Netherlands	12/11/07
Clause-Tezier	France	14/11/07
Nickerson Zwaan	Netherlands	14/11/07
Agrisemenen bv	Netherlands	15/11/07
Bejo Zaden B.V.	Netherlands	15/11/07
Seminis Vegetable Seeds Holland BV	Netherlands (USA)	15/11/07
Gautiers Semences	France	24/11/07
De Ruiter Seeds BV	Netherlands	27/11/07
Elsoms Seeds Ltd.	United Kingdom	28/11/07
Nunhems BV	Netherlands	29/11/07
Takii Europe BV	Netherlands	30/11/07
Zeraim Gedera	Spain (Israel)	26/02/08
Semillas Fito SA	Spain	03/03/08
Western Seed International	Netherlands	21/03/08
ISI Sementi SPA	Italy	25/03/08
Pop Vriend Seeds	Netherlands	04/04/08
Tozer Seeds Limited	United Kingdom	14/04/08
RAMIRO ARNEDO s.a.	Spain	19/05/08
Sakata Seed Europe BV	France	21/05/08
Organisation Bretonne de Selection (OBS)	France	22/09/08
Monsanto S.A.S. Division Seminis	France	30/09/08
Zeta Seeds	Spain	29/10/08

Total number of Companies : 25