2 Sector: Agriculture, Forestry and Fisheries (Plant Breeder's Rights)

Sub-Sector:

Industry Classification:
- JSIC 0119 Miscellaneous crop farming
- JSIC 0243 Forest tree saplings nursery services
- JSIC 0413 Seaweed aquaculture
- JSIC 0415 Seed aquaculture

Obligations Concerned:
- National Treatment (Article 2)
- Most-Favoured-Nation Treatment (Article 3)

Measures: Seeds and Seedlings Law (Law No. 83 of 1998), Article 10 (except item 4)

Description: A foreign person who has neither a domicile nor residence (nor the place of business, in the case of a legal person) in Japan cannot enjoy plant breeder's rights or related rights except in any of the following cases:

(a) where the country of which the person is a national or the country in which the person has a domicile or residence (or its place of business, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991;

(b) where the country of which the person is a national or the country in which the person has a domicile or residence (or its place of business, in the case of a legal person) is a contracting party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, and on October 23, 1978 (hereinafter referred to in this Annex as "the 1978 UPOV Convention"), or a country in relation with which Japan shall apply the 1978 UPOV Convention in accordance with paragraph (2) of Article 34 of the 1978 UPOV Convention, and further provides the protection for plant genus and species to which the person's applied variety belongs; or

(c) where the country of which the person is a national provides Japanese nationals with the protection of varieties under the same condition as its own nationals (including a country which provides such protection for Japanese nationals under the condition that Japan allows enjoyment of the plant breeder's rights or related rights for the nationals of that country), and further provides the protection for plant genus and species to which the person's applied variety belongs.