



By Matthew Jones

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IFG moves to protect IP in China



Leading fruit breeder says it won't tolerate any infringement of its rights

International Fruit Genetics (IFG) has moved to safeguard its intellectual property rights in China.

The California-based fruit breeding company has filed for plant breeders' rights, plant variety rights and trademark protection for many of its proprietary varieties in various Chinese jurisdictions.

"IFG greatly values the Chinese market and will continue its efforts to make its premium fruit varieties available to Chinese consumers," the company said in a media release.

In response to a current intellectual property infringement in China involving the IFG-Six table grape variety (marketed as Sweet Sapphire), IFG said it would consider any enforcement actions within its power to protect its rights.

"IFG is the legitimate breeder and proprietor of the IFG-Six variety," according to a statement from IFG. "Sweet Sapphire grapes have a long

cylindrical shape, most with a dimple on the tip.

"IFG submitted the application for plant variety rights protection for IFG-Six in China in 2018, and the variety has been preliminarily approved by the Office of Variety Protection of The Ministry of Agriculture and Rural Affairs, which approval was published on 1 January, 2019. In August, 2020 The Ministry of Agriculture and Rural Affairs conducted an on-site inspection of the DUS testing site for the IFG-Six variety.

"Once plant variety rights protection is granted in China for IFG-Six, any propagation or sale of IFG-Six propagating material without IFG's authorisation for commercial purposes will constitute an infringement 11-6 of IFG's plant variety rights. Under the PRC Regulations on New Plant Variety Protection, IFG will also be entitled to claim damages for unauthorised activities occurred in the period from the publication date to the grant date once the rights are granted."

IFG has also secured registration for the Sweet Sapphire trademark in China, covering goods including fresh grapes, saplings, vines and plant seeds. The use of trademarks identical or confusingly similar to IFG's registered trademarks is now prohibited on similar goods for commercial purposes.

IFG emphasised that it has never authorised any party to import, grow or sell propagating material of any IFG proprietary variety in China.

"Any planting of any IFG proprietary variety or any discussion in relation to cultivation techniques in China are therefore not licensed by IFG and not supported by IFG's technical strength and expertise," the statement added.

"The acts of growing, selling and promoting in China propagating material of any IFG proprietary variety – including IFG-Six – without IFG's authorisation would be a violation of the Seed Law of People's Republic of China and an infringement of IFG's IP or other legitimate interests.

"IFG has launched a series of evidence preservation and administrative actions

and promotion of IFG varieties, with the underlying objective of combating

<http://www.fruitnet.com/americafruit/article/1474/parts-of-san-diego-quarantined-as-psyllid-count-mounts>

against illegal plantations of IFG-Six as well as the unauthorized trading

infringements and for the purpose of further legal actions.”

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