

Legal Protection for the Plant Varieties in Sri Lanka: A Comparative Study

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Abstract

Sri Lanka has been identified as a rich biodiversity hotspot of species among flora and fauna in the world. Currently, its biodiversity is under threat due to the bio piracy. Sri Lanka has enacted some legislations to protect plant varieties, which provide only the physical protection of the plant resources and the lack of proper legal protection for the genetic resources of plants is a great weakness of the existing legal framework in Sri Lanka. The importance of protecting plant varieties through intellectual property rights are addressed by the Agreement on Trade Related Aspects of Intellectual property rights, 1994 (TRIPS). Furthermore, the International Convention for the Protection of New Varieties of Plants, 1991 (UPOV) aims to encourage the development of new varieties of plants and provides some standards and guidelines for such protection. Accordingly, Sri Lanka has opted for a sui generis system for the protection of plant varieties and taken steps by introducing a Bill on Plant Variety Protection (Breeder's Rights) which was drafted in 2001. Sixteen years later, there is still no progress regarding it. Therefore, the main purpose of this research is to make suggestions to strengthen the draft Bill on Plant Variety Protection (Breeder's Rights), 2001 in Sri Lanka and set a policy framework for establishing a legal, institutional and social infrastructure by analyzing the effectiveness of existing laws and regulations. The methodology adopted for this research is purely a qualitative approach and it is generally and specifically