



Introduction Workshops ILP Vegetable

Wednesday 1 July 2026 and Thursday 2 July 2026

Objectives

► **Members:**

Gaining an even more clear understanding of the background and Internal Regulations of the ILP Vegetable

► **Experts:**

In addition, gaining an even better understanding of their responsibility and role in the ILP Vegetable

Objectives

- ▶ The workshop is designed with separate sessions for members and experts, combined with plenary sessions where both groups come together
- ▶ Clear distinction of roles between members and experts
- ▶ Interactive formats such as Q&A sessions
- ▶ Strong focus on practical applicability and knowledge exchange

Objectives

- ▶ The workshops focusses on the existing Internal Regulations and is not meant to discuss changes of the system. It's of course possible to make suggestions for improvements or expansion, which can be done in the GM or directly towards the Board at any time, but not during this workshop in order to have a focused and efficient meeting.
- ▶ Competition Law Statement

Questions?



Origin & Development of ILP Vegetable

Ben Tax

Origin and Development of ILP Vegetable

- ▶ End of last century, patents started to be granted on plant traits which also cover plant varieties
- ▶ Initially, many considered this impossible due to the exclusion of plant varieties from patentability. However, a trait is not a variety, therefore, traits were patentable
- ▶ Strong polarization in the sector, leading to the understanding “We agree to disagree”
- ▶ Finally, a substantive part of the vegetable breeding sector were able to find an acceptable compromise: Free access but not for free



The idea behind ILP Vegetable

- ▶ Safeguard innovation
- ▶ Ensure access to patented traits
- ▶ Support breeding progress
- ▶ Provide transparent licensing

Initiative vegetable breeding companies

- ▶ Wish of Dutch Minister of agriculture and Dutch Parliament: breeding sector makes a code of conduct to give access to patents, covering biological material
- ▶ Start of discussions in the vegetable breeding sector in 2010
- ▶ 11 companies in Steering Committee:
listed companies and family companies (with and without owning patents) from: France, Germany, Japan, Netherlands, Switzerland and USA
- ▶ 4 Years of negotiations (agree to disagree)

Result Steering Committee → ILP Vegetable

- ▶ ILP Vegetable was launched 13 November 2014
- ▶ Guaranteed access to patents covering biological material
- ▶ At fair and reasonable cost
- ▶ Members will make all patents related to vegetable breeding traits accessible to fellow members of the ILP Vegetable
- ▶ Special (GM) traits not yet included in ILP Vegetable, but optional to include special traits at the time it will be relevant for the sector. In that case it will be negotiated in good faith (article 3 of IR)

Antitrust Law

- ▶ Process guided by a lawyer, specialized in antitrust matters
- ▶ Assessment of risks under the EU and US Antitrust rules
- ▶ ILP Vegetable does not constitute a problem under the antitrust laws of the EU and the US

Unique Industry Initiative

- ▶ Fair access to patented traits
- ▶ Protection of innovation
- ▶ Transparent procedures
- ▶ Independent dispute resolution

Licensing Model

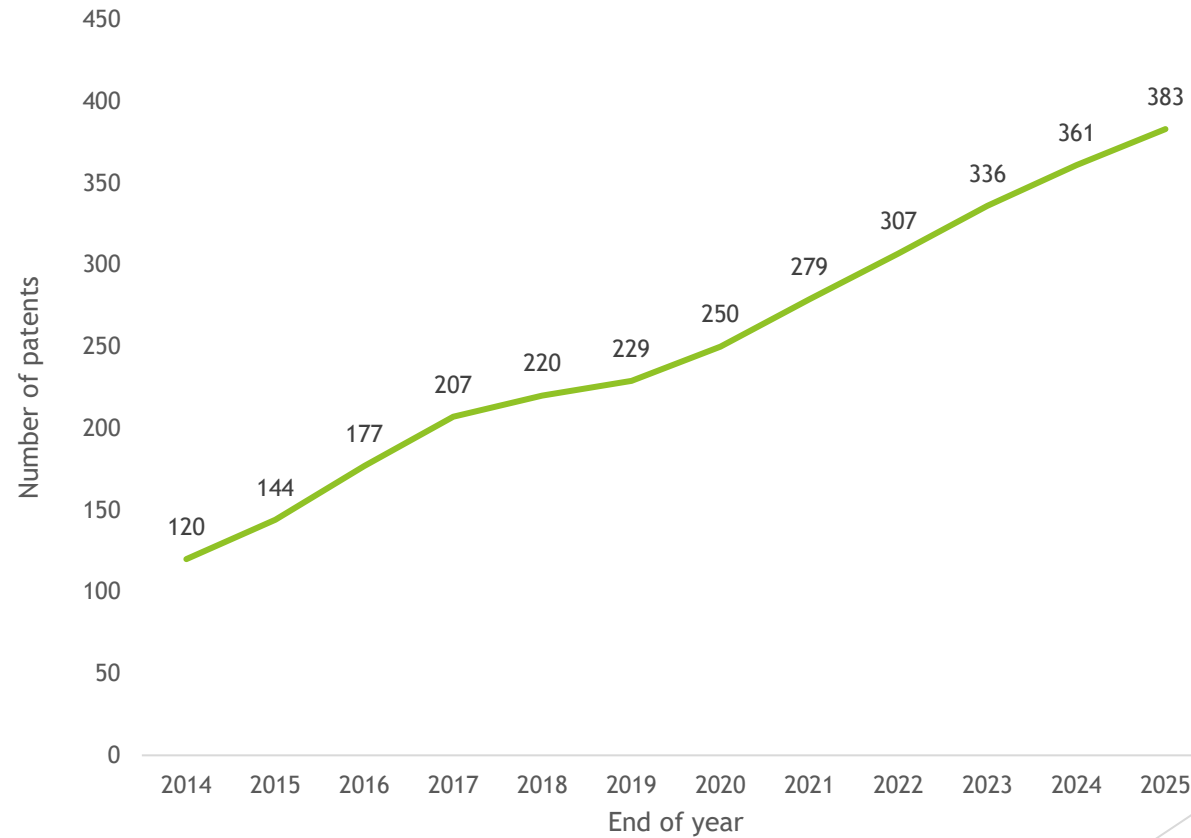
- ▶ Bilateral negotiations
- ▶ Transparent procedures
- ▶ Arbitration when needed

Baseball Arbitration

- ▶ Both parties submit final offers
- ▶ Independent experts decide
- ▶ Encourages reasonable proposals
- ▶ Arbitration process will be discussed extensively in this workshop

Development of ILP Vegetable

- ▶ International membership
- ▶ Growing participation
- ▶ Recognized industry model



Impact on the Sector

- ▶ Access to innovation
- ▶ Predictable licensing
- ▶ Industry collaboration
- ▶ Reduced IP conflicts

Governance Structure

- ▶ Board
- ▶ Expert Committee
- ▶ Secretariat

Conclusions

- ▶ ILP Vegetable is widely accepted by the sector
- ▶ It's an essential strategic vehicle
- ▶ It offers guaranteed access to appr. 400 patent families
- ▶ No baseball arbitration cases so far --> ILP Vegetable works
- ▶ No polarization anymore in sector related to patents on traits
- ▶ Voluntariness is key
- ▶ Worldwide non-exclusive licenses are a prerequisite

Questions?

LUNCH BREAK

- ▶ Lunch is served from 12:30 - 13:30h in the “Souterrain”
- ▶ The workshop resumes at 13:30h
- ▶ **MEMBERS:** go to meeting room ‘**AMSTERDAM**’
- ▶ **EXPERTS:** go to meeting room ‘**LONDEN**’