

Independent Study Paper Title : Legal Problems Relating Plant Varieties Protection Act B.E. 2542 (1999)  
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## ABSTRACT

The objective of this research is study to the Plant Varieties Protection Act B.E. 2542 which promote the protection of agriculture goods that arise from developed plant varieties, to access and share benefits of new plant varieties that come from general local plant varieties and wild plant varieties. The legal problems relating on Section 52 of this Act has not been enforced completely because the objective of registration to protect new plant variety that develop wild plant variety and general domestic plant variety, it is also not fair for those who want to access, meaning persons that require using natural resources.

Therefore, the issue related to Thailand, when Thailand becoming a member of the International Convention for the Protection of New Varieties of Plants(UPOV) that is since a number of experts on plant varieties expressed that the Plant Varieties Act B.E. 2542 is not complying with the new plant protection law of other countries known as the International Convention for the Protection of New Varieties of Plants, there have been several attempts to amend this law or draft a new law on the protection of new plant varieties that would benefit professional and non-professional plant breeders or big companies in Thailand rather than abroad.

This study provides the comprehensive understanding laws related to the protection of plant varieties in the United States of America consisted of Plant Patent Act

of 1930, Plant Variety Protection Act 1970 and Protection of Plant Varieties under the Utility Patent Act.

The findings revealed that for the protection of general local plants and wild plants according to Section 52 amendment should be considered to Section 52 where the provisions should act in accordance with the international standards according to the Plant Protection Act 1970 of the United States of America which comply with the International Undertaking on Plant Genetic Resources by providing protection to traditional plants to be develop or preserved by the agricultural community. And, if Thailand becomes a member of UPOV, Thailand will be of disadvantages to other UPOV members in many aspects, with subsequent monopoly and market dominance of new plant varieties.

