



China launches seed IP regime to spur innovation, protect breeders' rights

China has rolled out a long-awaited agricultural plant EDV system designed to curb imitation breeding and better reward original breeders, with the first phase covering 10 major crops including rice, wheat, cotton and rapeseed

- China's new seed IP rules could reshape who profits from plant breeding
- Breeders that rely on tweaking existing varieties may face a tougher road ahead
- New 10-crop pilot could eventually extend across China's entire seed sector

The Ministry of Agriculture and Rural Affairs (MARA) announced the first batch of crops covered by China's new Essentially Derived Variety (EDV) system, marking the official implementation of the framework. "Innovation is the core of seed industry revitalisation," said Liu Lihua, director of MARA's Seed Industry Management Department and director of the Plant Variety Protection Office.

Speaking at a press conference, she said: "Strengthening intellectual property protection in the seed industry is the greatest incentive for breeding innovation and a powerful guarantee for accelerating the revitalisation of the seed industry." The initial implementation catalogue covers rice, wheat, cotton, rapeseed, peanut, Chinese cabbage, chili pepper, millet, broad bean and peach, with officials indicating additional crops will be added gradually following evaluation of the first phase. "This marks the official implementation of China's agricultural plant EDV system, an important institutional innovation in the field of seed industry intellectual property and a landmark achievement in the revitalisation of the seed industry."

Weeding out the copycats :

The policy aims to address a longstanding challenge in plant breeding – copycats. Before, breeders could make incremental improvements to existing varieties and commercialise them without recognising or compensating the developers of the original variety. Under the EDV regime, breeders seeking to commercialise substantially derived varieties must obtain permission from the original variety rights holder and negotiate benefit-sharing arrangements.

Yang Haisheng, deputy director of the Seed Industry Management Department and deputy director of the Plant Variety Protection Office, said this would encourage more investment in original breeding rather than modification-based strategies. "If someone slightly modifies and improves an original variety and then directly commercializes it without reflecting the original breeder's innovative contribution or sharing the corresponding profits, who would be willing to dedicate themselves to original innovation?" Yang described the system as particularly significant as China's seed sector enters a stage that increasingly depends on independent innovation and proprietary germplasm.

"Implementing a substantial derivative variety system in China allows original variety rights holders to share in the profits from the research and promotion of substantial derivative varieties in addition to the original variety's revenue. This better incentivises breeders to focus on original innovation and reduce imitation and modification breeding." Alongside the launch, MARA released technical guidelines and crop-specific genetic similarity thresholds that will be used in EDV determinations. For rice, wheat, cotton, millet, peanut and chili pepper, the threshold has been set at 90 per cent. For rapeseed, Chinese cabbage, broad bean and peach, the threshold is 85 per cent.

New challenges :

With the implementation of EDV, businesses that have historically relied on modifying existing varieties may face higher costs and greater legal risks. Wan Jianmin, director of the National Crop Variety Approval Committee and an academician of the Chinese Academy of Engineering, said such business would need to "adjust their breeding strategies as soon as possible."

"In the long term, this system will encourage breeders to engage more in original breeding innovation, accelerating the shift from quantitative growth to quality improvement in new variety breeding. Those breeding entities that truly possess original innovation capabilities will gain greater market space and institutional benefits," said Wan.

Regarding the distribution of profits, Wan said negotiations would be left to the parties involved and there was no standard framework to adhere to. "Existing laws and regulations do not clearly stipulate the distribution ratio, nor are there any industry standards for reference. In breeding practice, it is mainly determined through negotiation between the owner of the substantially derived variety and the owner of the original variety rights."

Source: <https://www.agnavigator.com/Article/2026/08/04/china-launches-seed-ip-regime-to-spur-innovation-protect-breeders-rights/>