



QUEEN'S
UNIVERSITY
BELFAST

Global perspectives and international law dimensions of NGT plant innovation

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25 June 2025

UK DEVELOPMENTS

Good Friday Agreement and Windsor Framework:
EU approach applies

Scottish Government has no intention to change GMO regulation



Genetic Technology (Precision Breeding) Act 2023
in force from 13 November 2025

Welsh Government maintaining precautionary approach

Defining the NGT plant

English precision breeding law:

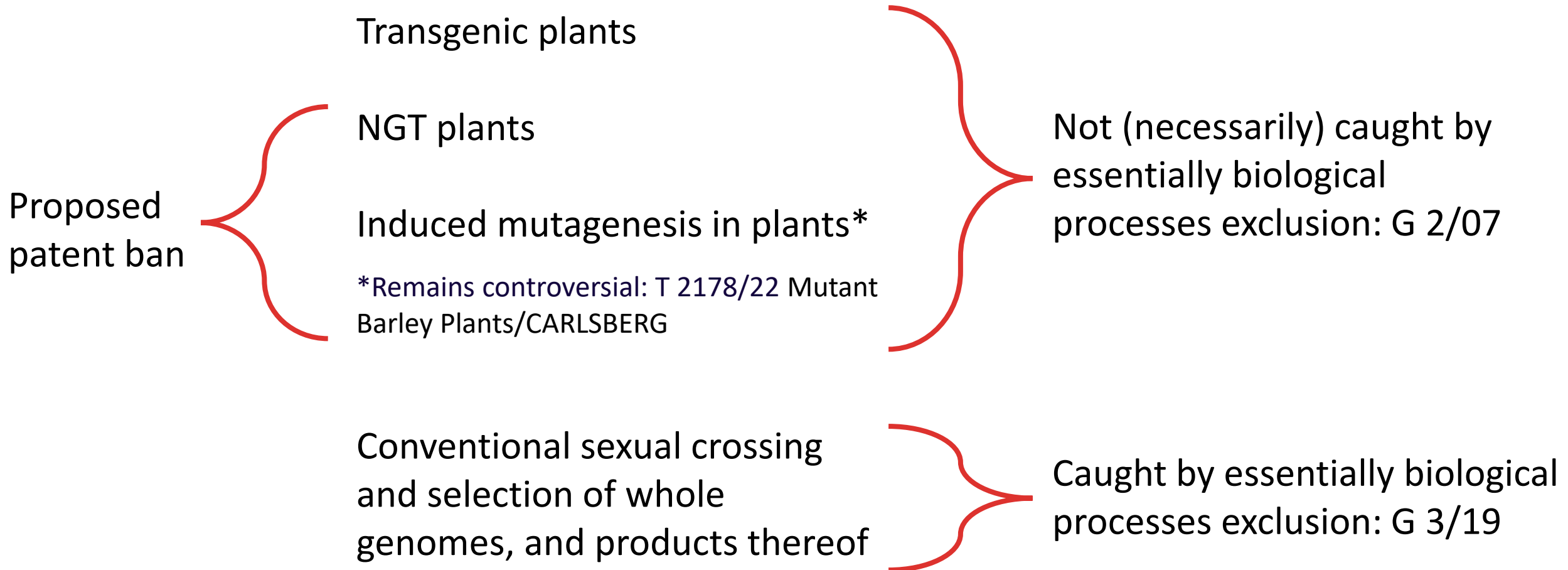
- One category: Precision Bred Organism (PBO)
- Definition: “a plant containing any stable genomic feature arising from the application of modern biotechnology that could also have arisen through traditional processes.”
- No labelling requirement, no effect on patents

EU proposed NGT Regulation:

- Two categories: NGT1 and NGT2
- NGT Definition: includes limits such as the “20/20 rule”

TRIPS COMPATIBILITY

Exclusion from patentability



TRIPS exclusions

Article 27 – Patentable Subject Matter

3. Members may also exclude from patentability: [...]

(b) plants and animals other than micro-organisms, and essentially biological processes for the production of plants or animals other than non-biological and microbiological processes. However, Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof. The provisions of this subparagraph shall be reviewed four years after the date of entry into force of the WTO Agreement.

TRIPS interpretation

Article 7 – Objectives

The protection and enforcement of intellectual property rights should contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.

Article 8 – Principles

1. Members may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development, provided that such measures are consistent with the provisions of this Agreement. [...]

Australia–Tobacco Plain Packaging (DS435 & DS441, 9 June 2020)

TRANSPARENCY MEASURES

Denominations and variety listing



Department
for Environment
Food & Rural Affairs

Plant Varieties and Seeds Framework for Precision Bred Plant Varieties

A consultation on a proposed Precision Bred Plant Variety List for England, and the mandatory inclusion of precision bred status on labels for precision bred seeds and other plant reproductive material.

February 2025



But what if the
NGT plant is
not a “variety”?



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