



**BERRIES ZA**  
— SUPPORTING SOUTH AFRICAN GROWERS —



2 December 2020 – v1  
18 October 2023 – Reviewed

***Berries ZA's position on IP and Plant breeders Rights in conjunction with the South African commercial law***

In the light of the current dispute (2020) between two parties in the blueberry industry relating to the commercial fairness of their contractual arrangement, Berries ZA wishes to clarify our stance on IP and PBR related matters.

1. Berries ZA exists to support all their members and facilitate their sustainability and growth;
2. Berries ZA supports the upholding of the law with respect to Plant Breeders Rights and IP as well as the rights of the holders/licensees of the IP;
3. Berries ZA recognises that IP owners have the right to charge royalties and that legal agreements and international convention in this regard need to be honoured, on condition that such arrangements are fair, clear and formally agreed to prior to the planting of related plant material;
4. Berries ZA is promoting an industry that is compliant in all aspects of the law and thus urges Global IP/PBR owners to continue to engage with our industry and welcomes the continued access to the latest technology, genetics, innovation and plant material available from global sources;
5. Berries ZA would encourage their members and stakeholders to resolve their interpretations of the above law and compliance with commercial agreements before shipping fruit to international markets.

---

**Executive Committee:**

Herman van Dyk (Chair) • Bruce Carter • Dylan Coleman • Justin Mudge • Jeán Kotzé • Hannes Laubscher • Johan le Roux • Jon Salters • Sean Tager • Brent Walsh (CEO)