

Judicial Expansion and Enforcement of Plant Variety Rights in China: Detailed Analysis

The sixth batch of typical cases released by the Supreme People's Court (SPC) in March 2026 represents a significant evolution in China's judicial approach to plant variety rights (PVR). These cases collectively reveal a transition toward a more expansive, deterrence-oriented, and enforcement-driven intellectual property regime in the agricultural sector. The analysis below examines the key dimensions of this transformation.

1. Shift Toward Stronger Enforcement and Deterrence

A defining feature of these cases is the systematic application of punitive damages, reflecting a strong judicial intent to deter infringement. Traditionally, plant variety disputes in China were resolved through compensatory damages, often with relatively low awards. However, the SPC has now embraced enhanced damages as a central enforcement tool.

Cases such as *NP01154 (corn)*, *Nongmai 88 (wheat)*, *Jihong 6 (rice)*, and *Qihuang 34 (soybean)* illustrate this shift. The courts assessed factors such as intentional infringement, duration and scale of violations, and commercial exploitation and bad faith conduct.

Where these factors were present, punitive multipliers (double or triple damages) were imposed. The *NP01154* case, awarding over 53 million yuan, sets a benchmark for high-value agricultural IP enforcement. This demonstrates that courts now view infringement not merely as a private wrong but as conduct requiring deterrent sanction to preserve market order.

This approach aligns plant variety protection with broader trends in Chinese IP law, where deterrence rather than mere compensation is increasingly emphasised. By making infringement economically unsustainable, the judiciary seeks to promote innovation-driven agricultural growth.

2. Expansion of the Scope of Protection (Full-Chain Protection)

The cases reflect a clear judicial commitment to **full-chain protection**, meaning that plant variety rights extend across all stages of the production and commercialisation process.

(a) Expansion Across Activities

Courts have expanded the concept of infringement to cover not only the production and propagation of seeds, but also the storage of infringing materials (as seen in the *Nongmai 88* case), as well as their sale and distribution across multiple cases. This expansion further extends to import-related activities, as illustrated in the *Jijia tomato* case, and to downstream commercialisation.

This development reflects a transition from a narrow focus on protecting propagating material to a comprehensive regulation of the entire value chain.

(b) Temporal Expansion

In the *Jijia* tomato case, the SPC clarified that even if importation occurred before the grant of rights, subsequent sales after authorisation still constitute infringement. This ensures that rights holders are protected once rights crystallise, preventing exploitation of timing gaps.

(c) Rejection of Defences Based on Prior Use

The *Puri A280* apple case rejected the argument that illegally obtained plant material could create prior rights. This establishes that unlawful acquisition made in bad faith cannot give rise to valid legal defences, thereby reinforcing the principle of good faith.

The expansion toward full-chain protection closes enforcement gaps and ensures that economic benefits derived from infringement at any stage are captured within liability. This is crucial in agriculture, where value is often realised at the commercialisation stage rather than at propagation.

3. Refinement of Evidentiary and Technical Standards

Plant variety disputes are highly technical in nature and often depend on genetic testing. In response, the Supreme People's Court has played a crucial role in standardising evidentiary requirements, particularly in relation to molecular marker analysis.

In the *NP01154* case, the Court clarified that expanding genetic testing loci is permissible only under strict conditions, requiring scientific validity, stability, and a clear relationship to phenotypic traits. In the *WG646* case, the Court rejected the use of non-standard testing methods and emphasised the need to adhere to recognised technical protocols. Furthermore, in the *WH818* case, the Court introduced burden-shifting and evidentiary presumptions, holding that once a *prima facie* case is established, the alleged infringer must disclose the parentage of the variety, failing which adverse inferences may be drawn.

These rulings reduce ambiguity and prevent manipulation of scientific evidence. By ensuring methodological rigour and consistency, courts strengthen the reliability of adjudication in technically complex cases. This also lowers the evidentiary burden for rights holders, making enforcement more accessible.

4. Differentiated Liability and Fault-Based Responsibility

Another significant development is the nuanced allocation of liability based on the degree of subjective fault. In the *Nongmai 88* case, the Court distinguished between different categories of actors, holding that intentional infringers, such as producers and sellers, were subject to punitive damages, whereas negligent actors, such as warehouse providers, were held liable only for compensatory damages.

Similarly, in the *Qihuang 34* case, the Court recognised joint infringement where multiple actors participated in a coordinated manner, thereby extending liability across all parties involved in the infringing activity.

This approach ensures proportionality and fairness, aligning liability with the degree of culpability. It also discourages indirect participation in infringement (e.g., facilitation or storage), thereby expanding accountability within the industry ecosystem.

5. Strengthening of Enforcement Mechanisms

The Supreme People's Court has moved beyond issuing declaratory judgments and has taken active steps to ensure the effective implementation of its decisions. Courts now routinely order the cessation of infringing activities, including production, sale, and propagation. In addition, they mandate the destruction or inactivation of infringing materials, as illustrated in the *Angel Red* case, to prevent any further misuse. The Court has also required infringers to notify affiliated entities and secure compliance commitments, thereby extending enforcement beyond the immediate parties. To ensure adherence, daily penalties are imposed for non-compliance, and clear guidelines are provided for calculating delayed performance penalties, ensuring that court orders are carried out promptly and effectively.

These measures convert judicial decisions into effective enforcement mechanisms, overcoming a common shortcoming of IP systems—difficulties in implementation. By ensuring compliance, the courts strengthen the credibility of the legal system and reinforce its deterrent effect.

6. Integration of Civil and Administrative Enforcement

The *R900* rice case highlights the dual-track enforcement mechanism in China. The Supreme People's Court clarified that civil settlements between parties do not prevent the imposition of administrative penalties. It emphasised that administrative sanctions are designed to serve broader public interest objectives, including maintaining market order and ensuring seed security. The Court further explained that civil and administrative liabilities function independently, although they complement each other within the overall enforcement framework.

This reflects a broader regulatory philosophy where plant variety protection is linked not only to private rights but also to national interests, including food security and agricultural stability.

7. Diversification of Protected Subject Matter

The cases demonstrate a widening scope of protection across both staple and high-value crops. Judicial protection now extends not only to essential food crops such as rice, wheat, corn, and soybeans, but also to economically significant horticultural varieties, including apples, tomatoes, and pomegranates.

This diversification indicates that judicial protection is no longer limited to food security concerns but also supports commercial agriculture, consumer markets, and rural innovation.

8. Broader Implications

Enhanced enforcement measures incentivise investment in plant breeding by ensuring that innovators are able to secure and retain the economic benefits of their creations. At the same time, efforts to curb practices such as the sale of “white bag” seeds—unlabelled and untraceable products—promote greater transparency, traceability, and quality control within the market. Furthermore, strong judicial protection reflects China’s commitment to aligning with global intellectual property standards, thereby enhancing confidence among international breeders and investors.

9. Conclusion

The sixth batch of SPC cases marks a paradigm shift in China’s plant variety rights regime. Through expanded scope, refined evidentiary standards, differentiated liability, and strong enforcement mechanisms, the judiciary has constructed a comprehensive and deterrence-based system of protection.

This evolving framework not only safeguards the rights of breeders but also advances broader policy goals, including agricultural innovation, market integrity, and national food security.

10. Impact of Judicial Expansion of Plant Variety Rights in China

The evolving jurisprudence reflected in these cases has significant implications for plant breeders, the seed industry, and the role of punitive damages as a regulatory tool.

I) Impact on Plant Breeders

The strengthened judicial protection directly benefits breeders in several important ways:

(a) Enhanced Security of Rights

Breeders now enjoy **stronger legal certainty** that their intellectual property will be protected throughout the entire lifecycle of a plant variety. Courts have expanded protection beyond propagation to include **storage, sale, import, and downstream commercialisation**, ensuring that breeders can control the full economic exploitation of their varieties.

(b) Improved Enforcement Opportunities

The introduction of **evidentiary presumptions and burden-shifting rules** (as seen in the *WG646* and *WH818* cases) reduces the difficulty breeders face in proving infringement. This is particularly important because plant variety disputes are technically complex and often require genetic evidence.

(c) Increased Economic Incentives

Higher compensation awards, especially in cases like *NP01154*, ensure that breeders can **recover meaningful economic value** from their innovations. This creates stronger incentives for investment in research and development, the development of new and improved plant varieties, and participation of both domestic and international breeders.

(d) Protection Against Bad Faith Practices

Courts have clearly rejected defences based on illegal acquisition or mislabelling (*Puri A280, Jihong 6*), ensuring that breeders are protected against unfair commercial practices.

The system promotes innovation-driven agriculture, where breeders are encouraged to invest in new technologies due to reliable legal protection.

II) Impact on the Seed Industry

The broader seed industry experiences both **disciplinary and developmental effects**.

(a) Stronger Market Regulation

Efforts to curb practices such as the sale of “white bag” (unlabelled) seeds, unauthorised propagation, and the use of informal distribution networks help eliminate illegal, low-quality, and untraceable products, thereby enhancing market transparency and building greater trust.

(b) Formalisation and Compliance

Seed companies are now required to maintain traceable supply chains, ensure that seeds are sourced lawfully, and comply with applicable labelling and licensing requirements. These obligations collectively drive the industry toward greater formalisation and professionalisation.

(c) Increased Costs of Non-Compliance

With the application of punitive damages and stricter enforcement measures, the cost of infringement has increased significantly. Companies that engage in unlawful practices now face substantial monetary penalties, operational disruptions through orders to cease activities and destroy infringing materials, as well as reputational harm that can affect their standing in the market.

(d) Encouragement of Fair Competition

By protecting legitimate breeders and penalising infringers, the courts create a level playing field in the market. This ensures that competitive advantage is driven by genuine innovation rather than imitation, and prevents legitimate businesses from being undermined by unlawful actors.

(e) Impact on Supply Chain Actors

Even auxiliary participants—such as storage providers, distributors, and importers—can now be held liable. This expands responsibility across the entire seed supply chain, ensuring collective compliance.

The seed industry is transformed into a more regulated, innovation-oriented, and quality-driven sector.

10. Future Direction Following the Landmark Judgments

These ten cases mark a significant shift in China's plant variety rights regime, pointing to a clearer and more robust future framework for law and enforcement. The judiciary is moving toward a deterrence-based system, with more consistent use of punitive damages and improved methods for calculating compensation, making infringement increasingly uneconomical.

At the same time, courts are expanding full-chain protection, covering not only propagation but also storage, distribution, import, and downstream commercialisation, ensuring protection across the entire lifecycle of agricultural products. Efforts are also underway to standardise scientific evidence, particularly genetic testing, and to strengthen burden-shifting rules, making it easier for rights holders to prove infringement.

Greater coordination between civil, administrative, and even criminal enforcement is expected, creating a more integrated enforcement framework that protects both private rights and public interests. These developments are pushing the seed industry toward greater compliance, transparency, and professionalisation, supported by traceability and stricter regulatory requirements.

Stronger protection is also likely to encourage increased investment in plant breeding and innovation, while aligning China more closely with international IP standards. At the same time, courts are refining enforcement tools to ensure that judgments are effectively implemented, not merely declared.

Overall, the trajectory reflects the emergence of a comprehensive, enforcement-driven, and innovation-oriented plant variety rights system, supporting both agricultural development and market integrity.

Ref: <https://www.court.gov.cn/zixun/xiangqing/495881.html>

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