



Faculty of Legal Sciences

School of International Studies

Lack of Uniform Adherence by Andean Countries to
the UPOV 91 Act: Implications for Regional
Integration in the Andean Community (CAN)

**Project prior to obtaining a Bachelor's degree in
International Studies**

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To my father Armando, who, under the sun of the countryside, with his hands on the ground and his heart set on us, worked tirelessly to give us everything. Your effort is the reason for each of my achievements.

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ABSTRACT

Within the Andean Community, the regulation of plant variety protection has not followed a uniform path: Bolivia, Ecuador, and Colombia remain under the 1978 UPOV Act, while Peru adhered to the 1991 Act. This research examines the implications of this divergence for regional integration and evaluates its compatibility with Andean Decision 345. The research was developed using a qualitative approach through methodological triangulation, combining comparative normative analysis, theoretical review, and empirical information collected through interviews with officials and plant-breeding specialists related to the field. The findings show that the coexistence of different levels of protection generates legal tensions that weaken the coherence of the regional system and hinder effective coordination among member countries. These differences respond to varying national priorities such as innovation, biodiversity, and the preservation of traditional agricultural practices, demonstrating that the lack of regulatory alignment not only limits the uniform application of the regime but also conditions the actual scope of the integration process in the region.

Keywords: Andean Community; farmers' exceptions; breeders' rights; intellectual property; plant variety protection.

**Ausencia de Adhesión Uniforme de los Países Andinos al Acta UPOV 91:
Implicaciones para la Integración Regional en la Comunidad Andina
(CAN)**

RESUMEN

Dentro de la Comunidad Andina, la regulación de las obtenciones vegetales no ha seguido un camino uniforme: Bolivia, Ecuador y Colombia permanecen bajo el Acta UPOV de 1978, mientras que Perú se adhirió al Acta de 1991. El presente trabajo de investigación examina las implicaciones de esta divergencia para la integración regional, evaluando su compatibilidad con la Decisión Andina 345. La investigación se desarrolló bajo un enfoque cualitativo mediante triangulación metodológica, combinando análisis normativo comparativo, revisión teórica e información empírica recogida mediante entrevistas a funcionarios y especialistas en fitomejoramiento relacionados con el tema. Los hallazgos muestran que la coexistencia de distintos niveles de protección genera tensiones jurídicas que debilitan la coherencia del sistema regional y dificultan una coordinación efectiva entre los países miembros. Estas diferencias responden a prioridades nacionales diferentes como innovación, biodiversidad y preservación de prácticas agrícolas tradicionales, lo que evidencia que la falta de alineación normativa no solo limita la aplicación uniforme del régimen, sino que también condiciona el alcance real del proceso de integración en la región.

Palabras clave: Comunidad Andina; excepción del agricultor; derechos de los obtentores; integración regional; propiedad intelectual; protección de las obtenciones vegetales.