



PRESS RELEASE

## **Two Convicted Of The Cultivation Of Protected Tomato Plants In The Province Of Ragusa**

***8 months in prison and a 20 thousand euro fine for the legal representatives of company Società Agricola Sicil Vivai A R.L. in Vittoria, as well as 100 thousand euro in civil damages and fees.***

**8 months imprisonment and a twenty thousand euro fine for having illegally reproduced tomato plants of a variety protected by Plant Breeders Rights (PBR).** The Court of Ragusa sentenced Gaetano Senia and Bartolomeo Bernini, legal representatives of a nursery in Vittoria, in the province of Ragusa, where a PBR protected tomato variety was being cultivated without the required authorization. **This is the second ruling of its type in Italy.**

**The process began with a complaint filed by the AIB** (*Anti-Infringement Bureau for Intellectual Property Rights in Plant Material*), an international association established under Belgian law whose objective is to fight against illegal activity in the seed sector. During the investigation conducted by the Public Prosecutor of Ragusa, **DNA analysis was carried out on the Società Agricola Sicil Vivai A R.L. company's crops**, which confirmed the presence of the PBR protected tomato variety in its greenhouses. The Ragusa financial police confirmed that the company was unable to provide purchase invoices for seedlings of the protected variety or other documentation demonstrating the legitimate origin of the seeds used.

**The legal representatives of the agricultural company were sentenced by the Court of Ragusa** on 28 January 2022, in accordance with *Article 81 and 517 ter* of the Italian Criminal Code, which penalizes the "manufacture and trade of goods made by usurping industrial property rights". In addition to eight months

imprisonment and a fine of € 10,000 each, the defendant will also be required to pay damages and fees totaling € 100,000 to both the AIB and to the company that owns the Plant Breeders Rights on the tomato variety, that brought a civil action, represented respectively by lawyers Nicola Novaro and Rossella Pola.

**The sentence creates a significant precedent in the seed sector, because it gives criminal significance** to the widespread technique of reproducing plants covered by Plant Breeders Rights with cuttings or "stubs" of plants, a practice which damage the protected rights of the owners of the varieties, under which each seed purchased must correspond to only one plant.

***"We are very satisfied with the ruling which is the second of its kind in Italy. This conviction shows the dedication of the Italian authorities to pursue these serious crimes - explains Liam Gimon, Managing Director of AIB -. Breeding companies invest on average between 20 and 25 percent of net sales each year in research and development to produce improved varieties. It is important for the sustainability of the vegetable sector that these companies receive compensation for their work in order that they can continue their innovative efforts for the benefit of farmers, retailers and consumers. Furthermore, this verdict is important because it ensures level playing field for plant raisers and growers, preventing unfair competition between them.***

---

**Anti-Infringement Bureau for Intellectual Property Rights on Plant Material**

Rue du Luxembourg 23 Box 13 1000 Brussels Belgium T +32 2 503 67 75 F +32 2 503 67 72

[info@aib-seeds.com](mailto:info@aib-seeds.com)

---

Seed World Group, 1395-A S. Columbia Road, PO Box 360, Grand Forks, ND 58201, United States, (877) 710-3222

[Manage preferences](#)