



3 August 2023

Hi everyone,

I'm emailing to provide an update on our work to address unauthorised Gold3 plantings in China.

Zespri has filed a civil case in the Intellectual Property Court in Nanjing, China against two defendants involved in the unauthorised production, sale and marketing of Gold3 fruit.

The case represents a significant step in our ongoing efforts to protect the investment made by New Zealand producers in licensed kiwifruit varieties, as well as the interests of our customers and consumers. It has been enabled by the strengthening of intellectual property rights in the horticultural sector in China – helping support ongoing investment and innovation and the rights of innovators which benefits exporters as well as local businesses, partners and consumers.

This includes the amendments made to China's Seed Law in 2022 which have enabled us to take action against those selling unauthorised Gold3 fruit rather than just those growing it, providing an avenue for our current civil litigation against the unauthorised sale and marketing of fruit from our Gold3 variety.

Our most recent assessment indicated there is around 7,850 hectares of unauthorised Gold3 plantings in China and that the expansion of new plantings has slowed. We are continuing to monitor the situation closely, and with COVID-19 travel restrictions now less prohibitive, planning is underway for an Industry Advisory Council (IAC) delegation of growers, post-harvest and Zespri representatives to visit China in the coming months to observe the current unauthorised Gold3 landscape in China from orchard through to market.

We will keep you updated on this issue including progress with the civil case which is scheduled to commence in mid-September.

Grower Survey

Finally, we're keen to continue to hear grower views on how we can best prioritise our key industry issues, including through the short survey currently being undertaken by independent provider Primary Purpose.

This is part of our ongoing efforts to ensure we are seeking a wide range of grower views on key industry issues and hearing from you on what you want from Zespri as we look to maximise the value we return to industry in 2024 and beyond.

It's important for us that we hear from as many of you as possible, to ensure your views are reflected in our decision-making, and we'll share a summary of the results once the survey is complete.

Best regards

Dan Mathieson
Chief Executive Officer