



APBREBES

# Updates on Plant Variety Protection

**Issue #4 - 11 November 2013**

## Content

1. Editorial: Fourth issue of Updates on Plant Variety Protection
  2. APBREBES Report on the autumn 2013 session of UPOV bodies
  3. APBREBES Report on the UPOV Administrative and Legal Committee Advisory Group meeting
  4. APBREBES Report on the UPOV Seminar on Essentially Derived Varieties (EDV) on 22nd October 2013
  5. Essentially derived varieties and the perspective of farmer-breeders, presentation by Normita Ignacio at the UPOV Seminar on EDV
  6. UPOV to Consider Industry's Wish-list on Plant Breeders' Rights
  7. The Alliance for Food Sovereignty in Africa (AFSA) Statement: ARIPO's plant variety protection law criminalises farmers and undermines seed systems in Africa
  8. GRAIN: Seed laws in Latin America: the offensive continues, so does popular resistance
  9. Yvapuruvu Declaration: Seed laws – resisting dispossession
- Calendar
  - Subscribe
  - Feedback & Contact

## 1. Fourth issue of APBREBES Newsletter - Updates on Plant Variety Protection

The fourth issue of the Updates on Plant Variety Protection highlights the main issues that were discussed by UPOV bodies during their autumn session in Geneva and contains a report on UPOV's seminar on Essentially Derived Varieties (EDVs). This issue also examines the recommendations of the International Seed Federation (ISF) that will be considered by UPOV. These recommendations are aimed at further harmonizing the application, examination and granting of plant breeders' rights (PBRs).

Outside of UPOV, there have been a number of important developments in the area of plant variety protection. In the third issue we reported on the massive protests in Chile against the implementation of UPOV91-type legislation dubbed "Monsanto Law". This issue includes a GRAIN publication that analyses these and other protests in Latin America against the pressures of trade agreements to accede UPOV91.

As reported in this issue, there is a similar protest in Africa as seen from a statement issued

by the Alliance for Food Sovereignty (AFSA), a broad based alliance of African regional farmers' networks and African expressing serious concerns with the approach taken by the ARIPO draft legal framework on plant variety protection.

## **2. APBREBES Report on the autumn 2013 session of UPOV bodies**

The International Union for the Protection of New Varieties of Plants (UPOV) held a series of meetings of its various bodies between 21st and 25th October 2013.

UPOV's Administrative and Legal Committee (CAJ) that mainly deals with matters of an administrative and legal nature met on 21st October. The Consultative Committee met on 23rd October. This Committee advises UPOV's highest body, the UPOV Council, which met on 24th October. The CAJ Advisory Group (CAJ-AG), a sub-group formed by the CAJ met on the afternoon of 21st October and on 25th October.

This Report attempts to capture some key issues discussed by UPOV members in the Consultative Committee and the Council.

[Read more](#)

## **3. APBREBES Report on the UPOV Administrative and Legal Committee Advisory Group meeting**

Once a year, the CAJ-AG meets. During the recent autumn session the CAJ-AG, met on the afternoon of 21st October and on 25th October. APBREBES was invited to give its views.

[Read more](#)

## **4. APBREBES Report on the UPOV Seminar on Essentially Derived Varieties (EDV) on 22nd October 2013**

A one-day seminar on Essentially Derived Varieties (EDV) was held on 22nd October during the meeting of the UPOV bodies. The purpose of the seminar was to provide input to CAJ-AG in preparing an Explanatory Note on EDV.

[Read more](#)

## **5. Essentially Derived Varieties and the perspective of farmer-breeders, presentation by Normita Ignacio (SEARICE) at the UPOV Seminar on EDV**

The concept of "Essentially Derived Varieties" was introduced in UPOV 1991 to strengthen breeder's rights over the protected variety and narrow the scope of breeders' exemption. However to date there is very little discussion or understanding of the possible impacts of

the EDV system on the innovation system of farmers.

For the presentation of Ms Ignacio, see [here](#).

## **6. UPOV to Consider Industry's Wish-list on Plant Breeders' Rights**

The International Seed Federation (ISF) presented to UPOV members a wish list aimed at further harmonising the application, examination and granting of plant breeders' rights (PBRs). The wish list includes new initiatives such as developing an international filing system for PBR applications based on the international patent filing system in the World Intellectual Property Organisation (WIPO) set up under the Patent Cooperation Treaty, a central approval system for variety denominations and a quality assurance program for PBR offices.

ISF represents the interest of the mainstream of the seed industry, including multinational seed companies such as Monsanto, Syngenta, Bayer, DuPont Pioneer, and DowAgroSciences, which continue to control about 75% of all private sector plant breeding research, and 60% of the commercial seed market.

For the full article see [UPOV: To consider industry wish list on plant breeders' rights](#)

## **7. The Alliance for Food Sovereignty in Africa (AFSA) Statement**

ARIPO'S plant variety protection law criminalises farmers and undermines seed systems in Africa

The Alliance for Food Sovereignty in Africa (AFSA) issued a statement on 18 October 2013, expressing serious concerns with the approach taken by the ARIPO Draft Legal framework on plant variety protection. According to the statement, the ARIPO legal framework, if approved, will make it illegal for farmers to engage in their age-old practice of freely using, sharing and selling seeds/propagating material; a practice that underpins 90% of the smallholder agriculture systems in sub-Saharan Africa.

12 out of 18 members of the ARIPO region are Least Developed Countries (LDCs), which means the poorest of the poor with extremely vulnerable economies and under no obligation to put in place PVP regimes.

ARIPO is in the process of seeking the approval of its Member States to adopt the legal framework, possibly at the next ARIPO Administrative Council and Council of Ministers meeting due to take place 25–29 November 2013 in Kampala, Uganda.

For the full statement see [ARIPO's plant variety protection law criminalises farmers and undermines seed systems in Africa](#)

## **8. GRAIN: Seed laws in Latin America: the offensive continues, so does popular resistance**

The world's agribusiness corporations are pursuing their attempts to privatize and monopolize our seeds. Behind their efforts is a clear goal: to make the age-old practice of saving and breeding seeds into a crime and gain monopoly control over seeds. Latin America has not escaped these attacks.

Read more: [Seed laws in Latin America: the offensive continues, so does popular resistance](#)

## **9. Yvapuruvu Declaration: Seed laws – resisting dispossession**

Alianza Biodiversidad, Red por una América Latina Libre de Transgénicos, and Vía Campesina World Seeds Campaign met in Altos Paraguay, 17–18 October 2013 and made a declaration on plant breeders' rights or "UPOV laws", certification laws, varietal registration, and marketing laws.

Read more: [Yvapuruvu Declaration](#)

### **Calendar of Events**

Spring 2014 session of UPOV bodies, 10 April 2014 to 11 April 2014

- Thursday, 10 April Administrative and Legal Committee CAJ/69
- Friday, 11 April (morning) Consultative Committee CC/87
- Friday, 11 April (afternoon) Council C(EXTR.)/31

See also the [Upcoming Events](#) on our website

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### **Feedback & Contact**

Susanne Gura, APBREBES Coordinator

Tel: 0049 228 948 0670

Mob: 0049 177 669 1400

Mail: [contact@apbrebes.org](mailto:contact@apbrebes.org)

Web: [www.apbrebes.org](http://www.apbrebes.org)