



Updates on Plant Variety Protection

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1. Editorial

This newsletter is being sent to you at a very difficult time for many farmers, gardeners and breeders. The Covid-19 crisis affects us all and has brought in its wake major economic problems to many players in the agricultural sector. Solidarity is now needed with all those who are suffering most from the crisis, and can be also be demonstrated in the field of breeders rights. The UPOV Secretariat transmitted and supported the breeders' organization CIOPORA's requests to extend deadlines to the Plant Breeders' Rights (PBR) application proceedings or to reduce fees for breeders to all member countries. In addition, the UPOV Secretariat has created a website with links to resources and measures taken by governments to assist breeders in relation to plant variety protection matters in the context of the COVID-19 pandemic. There is no objection to this. But would it not be appropriate for an international organization to think beyond the owners of PBRs – and consider those who are restricted by these rights in their use of seeds or who have to pay royalties? Would it not have been appropriate to call on breeders to suspend the collection of royalties or to allow farmers the free use of protected seeds during the crisis? The breeders themselves could also have come forward to make this proposal. Solidarity should not be a one-way street. An international organization which prides itself on acting "for the benefit of society" should, in these harsh times, certainly not reduce itself to be an advocate for the owners of intellectual property rights, but rather think of those who have been hit very hard by this crisis: the farmers and gardeners of this world.

2. International Seed Day 2020: Citizens of the World, reclaim our seed!

On 26 April, the International Seed Day 2020, a statement was published and signed by over 200 farmers and civil society organizations from all over the world. *"On April 26th, the World Intellectual Property Organization (WIPO) and the International Union for the Protection of New Varieties of Plants (UPOV) celebrate the World Intellectual Property Day 2020 under the slogan "Innovate for a green future". We the undersigned organisations condemn this extremely one-sided view and are shocked by the unashamed green-washing, praising the plant variety protection system under UPOV and patents as a driver for a green future. The opposite is the case. Patents and UPOV based plant variety protection systems are rather a hindrance to innovation, especially innovation by farmers who have created agrobiodiversity, which is vital for the survival of all of us."*

Read the whole statement [here](#).

3. The UN Declaration on Peasants' Rights (UNDROP): Is Article 19 on seed rights adequately balancing intellectual property rights and the right to food?

[An article](#) by Hans Morten Haugen, professor at VID Specialized University in Oslo, Norway, published in the Journal of World Intellectual Property, shows that states can legislate to serve peasants' interests and strengthen their rights, when adopting intellectual property rights legislation. This can be done, for instance by introducing exclusions and limited exceptions to IPRs when countries implement plant breeders rights. States have a policy space when implementing IPR legislation that should be utilized to promote the right to food and the livelihood of peasants.

4. The role of community seed banks in achieving farmers' rights

This [article](#) written by an international research team around Ronnie Vernooy, genetic resources policy specialist at Bioversity International, addresses the question of how community seed banks contribute to the establishment of farmers' rights defined by the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). "Although farmers' rights have been intensely debated at the international level, their effective implementation at national level remains a major challenge," the article explains. Community seed banks are good examples of effective implementation of those rights, including the right to save, use, exchange and sell farm-saved seed and propagating material, but have received little attention in scientific literature and policy circles. The article features case studies from Bangladesh, Côte d'Ivoire, India and Zimbabwe, which illustrate how this knowledge gap can be filled. «It is time that the world at large acknowledges that farmers in Bangladesh and other countries are producers of valid and authentic knowledge that can show the way to a more sustainable planet», the authors conclude.

5. Intellectual property rights and agricultural development: Evidence from a worldwide index of IPRs in agriculture (1961-2018)

In our [Newsletter #37](#) we already reported about the research done by Mercedes Campi and Alessandro Nuvolari. The two scientists have now published an [updated version of the Campi-Nuvolari index](#). They observe that the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and trade agreements including TRIPS-plus provisions are major driver of stronger IPRs. These processes could be regarded as exogenous and not necessarily related to countries' characteristics and needs in terms of IP protection. They conclude by saying that "By creating incentives to produce certain types of commercial seeds and concentrating the market of seeds, IPRs can reduce agricultural biodiversity, risking food security and sustainability. A balance between providing incentives for investment and for conservation of biodiversity is needed." They add that "In the context of climate change, this has become a relevant issue that deserves urgent attention and whose quantitative impact could be assessed by using an indicator of the strength of IPRs in the agricultural sector".

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