



Updates on Plant Variety Protection

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1. Editorial

This newsletter, the last before the European summer break, features a range of news and publications: from the resistance to inappropriate plant breeders' rights in trade negotiations with African ESA countries, and the practical seed activism of the farmer-led network MASIPAG in the Philippines, to the lobbying efforts by the East Asia Plant Variety Protection Forum to promote UPOV 91, and the ongoing discussion on intellectual property rights in the context of the planned deregulation of new genomic breeding techniques in Europe.

2. The European Union's Demand for UPOV 1991 in EPA Trade Negotiations with African ESA Countries Undermines the Right to Food

Several non-governmental organisations from Europe and Africa have expressed their concerns in an [open letter](#) regarding the detrimental intellectual property provisions on plant variety protection in the Economic Partnership Agreement (EPA) between the European Union and the Comoros, Madagascar, Mauritius, the Seychelles, and Zimbabwe. In the letter published during the 6th African Union – European Union Agricultural Ministerial Conference, held on 27 June in Rome, the NGOs are urging the European Commission and the African governments concerned to remove the requirement to adopt the 1991 UPOV rules from the draft partnership agreement. The signatories also emphasized the importance of ensuring that farmers and their organisations can participate meaningfully in this key decision-making process. The letter also mentions the introduction of UPOV 91 in the West African OAPI countries, which has proven to be completely ineffective in increasing breeding in these countries. Nevertheless, the EU now intends to export this failed system to other African countries.

3. The East Asia Plant Variety Protection Forum and UPOV 1991

The new [paper](#) by Sangeeta Shashikant, Legal Advisor to the Third World Network, critically examines the growing pressure on Southeast Asian (SEA) countries to adopt the rigid 1991 UPOV Convention, which was designed for the commercialised farming structures of industrialised nations. The paper reveals how the East Asia Plant Variety Protection Forum, initiated by Japan under the guise of cooperation, has evolved into a key platform to promote UPOV 1991 standards aggressively, sidelining national agricultural priorities and farmers' rights. Through detailed analysis, the paper illustrates the commercial motivations of Japan and other developed nations, particularly the Netherlands, Germany, France, the United States, and their allied entities, which drive this agenda. The author urges SEA

countries to reassess their participation in the Forum critically and, if necessary, withdraw to protect their national interests and ensure the implementation of a PVP system that aligns with domestic agricultural needs and safeguards the interests of farmers and food sovereignty.

4. Seed Activism on Four Fronts: MASIPAG's Rice Seed Struggles in the Philippines

The practical seed activism of the farmer-led network MASIPAG in the Philippines serves as an illustrative example in the [article](#) by Lisette J. Nikol, PhD candidate at Wageningen University in the Netherlands, and her colleagues. MASIPAG has been contesting the government's Green Revolution-oriented commercial seed sector development. The network criticises the private ownership codified in the Philippines' plant variety protection regulation. "Identifying a single person or legal entity as proprietary owner upon variety registration fails to acknowledge – and is inherently incompatible with – the collective heritage and social production of plant genetic material and existing practices of social and collective ownership," "In contrast, seed activism often employs concepts of commoning to arrange collective ownership and use, even over multiple generations of progeny," the author says. She concludes by saying that "since privatisation and the DUS criteria for variety registration are important mechanisms of legal enclosures addressed through legal activism, MASIPAG mobilises against them through their practical work. Alternative ownership constructs and variety definitions, while discursive contestations, are operationalised in seed network relations."

5. The Regulation of Agricultural Knowledge, Seed Policies and the UN Sustainable Development Goal of 'Zero Hunger'

The 2024 [article](#) by Christoph Antons, Professor at the Macquarie Law School in Sydney, *The Regulation of Agricultural Knowledge, Seed Policies and the UN Sustainable Development Goal of "Zero Hunger"*, sheds light about the dichotomy between the monopolization of seeds through IP rights, and the implementation of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity. "While discussions about the harmonisation of these policy goals have made little progress, intellectual property rights in agriculture have expanded dramatically since the conclusion of the WTO TRIPS Agreement in the early 1990s, as is visible in the continuing growth of UPOV," he says. To reverse this trend, Prof. Antons suggests "lobbying at sympathetic international organisations like the UN Human Rights Commission and FAO as well as public interest litigation and activism at national level for the time being may remain the best options to shift the focus of governments from exploitative and harmful agricultural practices to truly sustainable forms of agriculture."

6. Intellectual Property Rights and Plants Made by New Genomic Techniques: The Ongoing Discussion in Europe

The debate on the deregulation of new genomic techniques continues in the European Union, with patents representing a major sticking point. The [article](#) by Joanna M Lukasiewicz, researcher from the Plant Sciences Group at Wageningen University & Research in the Netherlands, provides a good overview of the open questions concerning IP rights and plants obtained by new genomic techniques. The article, however, dates back to 2024. A more up to date overview of the negotiations is available in the [post](#) by Osborne Clarke. Meanwhile, a [white paper](#) published by Humboldt University in Berlin (Axel Metzger et al.) is bringing a breath of fresh air to the negotiations, proposing a breeder's privilege for patents similar to plant variety protection laws. This proposal is supported by a wide range of groups,

including the Federal Association of German Plant Breeders (see [here](#), only in German), the German Farmers' Association, and the [organic movement](#). Whatever the outcome of the negotiations, the result could also have a major impact on plant breeders' rights.

7. International Conference – IP Protection for Plant Innovation 2024

Although the biennial International Conference on IP Protection for Plant Innovation, organized by the FORUM Institute, took place last year, the conference's [report](#) by Jocelin Bosse, Lecturer at Queen's University Belfast, Ireland, was only published recently. It provides an overview of the conference, including the presentations and discussion on plant variety rights. According to the report, the conference appears to have been primarily an industry event, with no farmers' organisations or civil society representatives invited as speakers.

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