



Updates on Plant Variety Protection

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1. Editorial

It is always a pleasure to introduce a new study published by our organization. For the study *When Saving Seed Becomes a Crime*, we once again had the privilege of working with the author, Karine Peschard, who previously wrote the highly acclaimed study [Searching for Flexibility – Why Parties to the 1978 Act of the UPOV Convention Have Not Acceded to the 1991 Act](#).

The study examines the criminalization of farmers who exercise their rights to save, use, exchange, and sell seeds under plant breeders' rights legislation. Further articles in this newsletter demonstrate that the tension between breeders' rights and farmers' rights is an ongoing concern for many farmer organizations and researchers worldwide.

2. When saving seeds becomes a crime – a new study published by APBREBES

The APBREBES study [When Saving Seeds Becomes a Crime](#), authored by Karine Peschard, Associate Research Fellow at the Geneva Academy of International Humanitarian Law and Human Rights, aims to document the criminalization of farmers' rights to save, use, exchange, and sell seeds under plant breeders' rights laws. This issue is often discussed but seldom studied. The study reviews the modalities of criminalization and their impact on farmers, based on selected case studies. As demonstrated, criminalization is a multilayered set of modalities. Its most overt manifestation is the prosecution of PBR infringement under criminal law, but it also materializes through technological surveillance, harassment, and intimidation. In her final remark, Karine Peschard concludes that "A farmer who allegedly infringes PBR does not represent a threat to society that justifies the intervention of the state and criminal sanctions." On the contrary, she said, "it is the criminalization of farmers' seed practices that represents a threat to the public interest and to society given its manifold negative impacts on peasant seed systems, agrobiodiversity, farmers' rights and livelihoods, food security and the right to food." For readers short on time, we have also published a [research brief on the study](#).

3. Intellectual Property and the Right of Farmers to their own seeds

Charlene de Ávila and Néri Perin, Legal Consultant and Managing Director for the Néri Perin Law Firm, recently issued a 479-page study titled "Propriedade Intelectual e Direito dos Agricultores às Sementes Próprias" (Intellectual Property and the Rights of Farmers to Their Own Seeds). The study examines the

tension between plant variety protection and farmers' traditional seed practices. The law firm was one of the first to file a lawsuit against Monsanto's attempt to charge IP royalties on proprietary seeds in Brazil. The study compares international legal frameworks, particularly the role of the International Union for the Protection of New Varieties of Plants (UPOV), and analyses proposed reforms to Brazil's cultivar protection law. The authors argue that stringent intellectual property regimes primarily benefit multinational corporations such as Monsanto, while restricting farmers' rights to save and exchange seeds. They conclude that protecting farmers' rights is essential for maintaining crop genetic diversity and ensuring long-term global food security. The study is only [available in Portuguese](#).

4. Canada: Farmer Organisations urge minister to abandon proposed restrictions to farmers' seed saving rights

In Canada, farmers' organisations are still fighting a proposed amendment to the Plant Breeders' Rights Regulations. Earlier this year, fourteen farmers and seed advocacy organisations [wrote](#) to the Agriculture and Agri-Food Minister, Heath MacDonald, urging him to consider Canadian farmers' interests rather than those of multinational seed companies and to withdraw the proposed restrictions on farmers' seed-saving rights. Thousands of Canadian citizens signed an [online petition](#) opposing the proposed changes, which would make it illegal for farmers to save seed from Plant Breeders' Rights-protected fruits, vegetables, and ornamental and hybrid crop varieties, irrespective of royalty payments.

5. Free Rethinking Plant Variety Protection in Africa: Is the UPOV-Style regime adequate for ensuring Farmers' Rights and food security?

The [paper](#) by Dr. Adaji Aishatu Elejo, Lecturer at the College of Law, Osun State University, Nigeria, assesses the suitability of adopting UPOV-style regimes for protecting crop varieties in Africa. The study found that the plant variety protection system under the UPOV-style regime challenges farmers' rights and their ability to control food production, to conserve and sustainably utilise plant genetic diversity for diversified farming. Such a regime threatens food security in Africa, the article concludes.

6. Sowing trouble: Seed systems, farmers' rights and food sovereignty under threat

One of the latest issues of the Third World Network's *Resurgence* magazine focuses on the conflict between farmers' rights and plant variety protection under UPOV. [Sowing trouble: Seed systems, farmers' rights and food sovereignty under threat](#) features articles by four authors and an interview with Georgina M. Catacora-Vargas, Professor of Agroecology at the Academic Peasant Unit "Thiahuanacu" of the Bolivian Catholic University.

7. India's compliance with the international IPR regime – A case of plant genetic resources

The Indian sui-generis legislation for plant variety protection has a unique component: Farmers' Rights. The [article](#) by Prajeesh Parameswaran, lead author and Researcher at the Gujarat National Law University, India, briefly reviews India's compliance with the international IPR regime, using Plant Genetic Resources (PGRs) as a case study. It further provides a brief overview of India's PGR governance, defined as a 'three-pronged strategy' encompassing geographical indicators and plant variety rights under the umbrella of the Biological Diversity Act.

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