



Updates on Plant Variety Protection

Issue # 10 – November 10, 2014

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1. Editorial

This issue of the APBREBES features recent developments in the area of plant variety protection: AFSA’s appeal to ARIPO members to postpone adoption of the draft ARIPO Protocol for the protection of new varieties of plant (PVP) and to undertake national consultations on the matter; rejection of UPOV 91-style PVP legislation by political leaders in Ghana (also a member of ARIPO); a motion by MPs in the United Kingdom calling on the Government, to support initiatives that assist farmers to access sustainable, affordable and productive seed varieties instead of initiatives that increase corporate control of seed market; AFSA’s concerns over acquisition of SeedCo, an African seed company; misappropriation of Sri Lankan Purple Rice as well as a new thesis on IP rights in agrobiodiversity conservation and plant improvement.

2. AFSA appeals to ARIPO Members for Postponement of Diplomatic Conference and National Consultations

In a press release dated 3 November 2014, the Alliance for Food Sovereignty in Africa (AFSA) appealed to Member States of the African Regional Intellectual Property Organization (ARIPO) to postpone the Diplomatic Conference (scheduled to take place in August 2015 in Tanzania) that will formally adopt the much criticized draft ARIPO Protocol on PVP, modelled on UPOV 1991. AFSA also repeated its calls for the draft Protocol to be subjected to further review by experts outside of ARIPO and for national consultations involving all key stakeholders to be held, as required by international law, particularly the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and Article 9(2c) of the International Treaty on Plant Genetic Resources for Food and Agriculture.

The press release follows AFSA's participation in a Regional Workshop on the draft Protocol jointly organized by ARIPO, the UPOV Secretariat and the United States Patent and Trademark Office on 29-31 October 2014, in Harare, Zimbabwe.

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3. Ghana: Political leaders reject UPOV 91 type PVP law

On October 30, 2014, the Convention People's Party (CPP) in Ghana has called on the Mahama Administration to withdraw, what it called "the disgraceful Plant Breeders Bill (PBB) submitted to Parliament by the Attorney-General and Minister of Justice".

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4. UK Parliament motion rejects aid initiatives enhancing corporate control such as "New Alliance for Food Security and Nutrition"

In a motion tabled before the United Kingdom Parliament on 4 November 2014, MPs call on the Government, to support community-controlled initiatives to assist farmers to access sustainable, affordable and productive seed varieties instead of initiatives that increase corporate control of seed markets. The motion highlights that UK aid is currently supporting initiatives such as the New Alliance for Food Security and Nutrition that promote plant variety protection laws such as in Ghana that fail to protect poor and indigenous farmers and are likely to increase the market dominance of transnational seed corporations; adding also that the Department for International Development committed in 2005 to end policy conditionality for UK aid recipients, and yet seed policy reforms required from some recipient states as part of aid commitments under the New Alliance appear in practice to undermine this commitment.

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5. Acquisition of Africa's SeedCo by Monsanto, Groupe Limagrain: Neo-colonial occupation of Africa's seed systems

In its media release (7th October 2014), the Alliance for Food Sovereignty in Africa (AFSA) expressed deep concerns over the acquisitions by multinational seed companies of large parts of SeedCo, one of Africa's largest home-grown seed companies, operating in 15 countries across the continent with significant market shares in Malawi, Tanzania, Zambia and Zimbabwe. According to the media release, the acquisitions follow close on the heels of Swiss biotech giant Syngenta's take-over in 2013 of Zambian seed company MRI Seed, whose maize germplasm collection was said at the time to be amongst Africa's most comprehensive and diverse. Taken together, this means that three of the world's largest biotechnology companies, Monsanto, DuPont and Syngenta, all now have a significant foothold on the continent, the media release further states.

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6. Mardi Gras Misappropriation: Sri Lankan Purple Rice Served up at Louisiana Celebration

In an article published by the Third World Network, Edward Hammond highlights the case of a purple rice variety named Blanca Isable protected by plant breeders' rights, and promoted by Rush Rice Products. Research publications state that the variety owes its color and other characteristics to "Hitan Kitan", a Sri Lankan farmers' variety, though Hammond found no variety named Hitan Kitan, from Sri Lanka or any other country, listed in the collection of the International Rice Research Institute (IRRI) in the Philippines or in the US national collection. Hammond concludes: *In the case of Blanca Isabel, the willingness of the US Plant Variety Protection Office.....to grant intellectual property (plant breeder's rights in this case) over a seed whose salable traits are of an essentially unknown origin has led to biopiracy. Blanca Isabel thereby illustrates the importance of requiring disclosure of origin of genetic resources in plant breeder's rights application*

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7. Thesis: Agrobiodiversity conservation and plant improvement : adjustments in intellectual property rights reclaiming the public domain towards sustainability and equity, Batur, Fulya (2014)

[Abstract](#) and [full thesis](#)

Calendar of Events

Spring session of UPOV bodies, 26 to 27 March 2015

- [Administrative and Legal Committee](#) 26 March 2015
- [Consultative Committee](#) 27 March (morning) (closed to observers)
- [Council \(extraordinary session\)](#) 27 March 2015 (afternoon)

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Feedback & Contact

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