



Updates on Plant Variety Protection

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1. Editorial

At the close of 2020, for the last newsletter of this year, we are pleased to introduce a new APBRES publication summarizing key studies on the impact of PVP legislation on Human Rights, Agrobiodiversity, or Trade. The studies presented in this compilation and other scientific papers can also be found on our newly designed website at www.apbres.org/content/research-analysis. Have a look! We wish all readers a happy New Year. A year that will hopefully see the end of the Covid-19 crisis that affects us all.

2. Focus on Plant Variety Protection: A Compilation of Selected Literature on the Impact of the UPOV Convention, Alternative sui generis PVP Laws and the Effect on Farmers' Rights

The new APBRES publication compiles selected literature on the issue of plant variety protection (PVP) and especially on the relevance and impact of the 1991 Convention of the International Union for the Protection of New Varieties of Plants (UPOV) in the context of developing countries. The publication aims to inform policymakers and other stakeholders with robust studies and evidence-based facts, so that policy is not made in a void or absence of knowledge. In this regard, APBRES hopes that the publication will be beneficial for those working on PVP laws and the related policy questions that may arise. The publication can be downloaded from our Website in [English](#), [French](#), and [Spanish](#).

3. Research Brief on the Right to Seeds and Intellectual Property Rights

The new [Research Brief](#) on the Rights to Seeds and Intellectual Property Rights written by Christophe Golay, Senior Research Fellow and Strategic Adviser on Economic, Social, and Cultural Rights, and published by the Geneva Academy is a concise presentation of the interrelationships between intellectual property (IP) and Peasants' Rights. In particular, Golay underlines the primacy of Human Rights: "In international law, in accordance with the UN Charter, international human rights instruments take precedence in the hierarchy of norms over other international instruments, such as those protecting intellectual property rights." The author recommends that states shall stop promoting the 1991 Act of the UPOV Convention in Free Trade Agreements. "Instead, states should encourage developing countries to use the possibilities offered by TRIPS to design sui generis systems of plant variety protection adapted to the agricultural and social specificities of each country, and which enable them to protect the rights of both plant breeders and peasants."

4. Research Paper on UNDROP by the South Center

Last month the South Centre published a new [Research Paper](#): The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas: One Step Forward in the Promotion of Human Rights for the Most Vulnerable. The authors were actively involved in the creation of the Declaration. María Natalia Pacheco Rodríguez was the main negotiator of the Declaration for the Bolivian delegation from 2017 to 2019 and Luis Fernando Rosales Lozada is the former Minister Counsellor of the Mission of Bolivia to the UN, and Chairman of the 5th Session of the intergovernmental working group, where the Declaration was finalized. This research paper narrates the construction process of the Declaration, its contribution to international human rights law, and stresses its potential for poverty reduction and food security, in line with the sustainable development goals (SDGs) and the strategies of the UN Decade on Family Farming. The Paper includes a special chapter on the right to seeds.

5. Governance of Intellectual Property over Plant Varieties in Asia

Kamalesh Adhikari and David Jefferson (both at the TC Beirne School of Law at the University of Queensland, Australia), have published a new book "Intellectual Property Law and Plant Protection – Challenges and Developments in Asia" ([link to book description](#)), which provides a comprehensive, detailed, and critical account of the emergence, development, and implementation of plant variety protection laws in Asian countries. For those who would be reluctant to read over 200 pages, key findings of the book can be found in an [article](#) (starting page 46) by Kamalesh Adhikari published in Trade Insight. The article concludes that "time has come for Asian countries to revisit their unique approach of protecting breeders' and farmers' plant varieties. In so doing, probably a better approach would be to learn from the experiences of each other and gather further insights from the experiences of local plant breeders, farmers and other relevant stakeholders".

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