



Updates on Plant Variety Protection

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1. Editorial

Over the next few days expert working groups of two international bodies dealing with contrasting interests will meet: one on the protection of essentially derived varieties of plants, the other on farmer's right to seeds. The International Union for the Protection of New Varieties of Plants (UPOV)'s Working Group on Essentially Derived Varieties is expected to discuss the seed industry's proposals for the adaptation of the Explanatory Notes, while the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)'s Ad-Hoc Technical Expert Group on Farmers' Rights, which is a much more diverse and broadly based group of experts, will meet a few days later. Seed policies are discussed in a vastly different way in those two instances: two different worlds with two different languages. What is missing is an interpreter.

2. How to protect the Right to Seeds in Europe?

Christoph Golay Senior Research Fellow and Strategic Adviser on Economic, Social and Cultural Rights at the Geneva Academy and Fulya Batur, Consultant in international environmental law for Kybele demonstrate in the [Practical Manual on the Right to Seeds in Europe](#) how the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP) should be implemented in Europe to better protect the right to seeds. According to the Declaration, the EU and its Member States shall ensure that plant variety protection and other intellectual property laws respect and take into account the rights, needs and realities of peasants. They authors recommend that the EU and its Member States shall ensure that free trade agreements to which they are party do not lead to violations of the right to seeds of European peasants or peasants in other countries. This implies that they shall, inter alia, stop promoting the 1991 Act of the UPOV Convention when negotiating free trade agreements. They conclude by saying that "UNDROP's implementation is key to redressing distortions of laws and policies that have negatively affected European peasants and non-industrial farming systems as well as the rural environment and seed diversity."

3. UPOV 91 - Not Fit for the Future

On the occasion of its 60th birthday, as well as the 60th birthday of the UPOV Convention and the 30th birthday of UPOV 91, the breeders' organization CIOPORA published a special Ciopora Chronicle. In a [guest article](#), François Meienberg (APBREBES) highlights the main shortcomings of the

UPOV system. “30 years after entering into force, the UPOV Act of 1991 stands as an erratic block that refuses to adjust and become a system that can be adapted to the needs and realities of individual countries and serve the common good. This is especially a problem because the implementation of UPOV91 also has a negative impact on the farmer seed system. One tries to promote one innovation system and at the same time restricts the other. Rather than a plant variety system that represents the particular interests of one single sector (the seed industry), the world needs a system that promotes (or at least not restricts) all seed systems to master the great challenges of humanity, such as climate change and food security.”

4. OECD: Making Better Policies for Food Systems

The new OECD report questions [the contribution of the seed sector to the “triple challenge”](#) of providing food security and nutrition for a growing population; providing livelihoods for hundreds of millions of people involved in farming and along the food chain and contributing to environmental sustainability. The OECD points out that “large multinationals may fail to cater to developing country needs and local markets, limiting themselves to certain crops (e.g. maize) and breeding strategies (e.g. hybridisation) that offer greater profits and biological means to protect intellectual property.” The report further explains that “While the TRIPS Agreement [the Agreement on Trade-Related Aspects of Intellectual Property Rights of the World Trade Organization] requires WTO members to implement a *sui generis* plant variety protection system, there is no obligation to adopt the UPOV convention or to adopt the most recent (1991) Act. Alternative PVP [Plant Variety Protection] systems have emerged in some countries, including India, Ethiopia, Thailand, and Malaysia, while Norway decided to remain an adherent to the 1978 Act of the UPOV Convention (rather than updating to the 1991 Act) as it was considered to be more supportive of Farmers' Rights, while in India, PVP and Farmers' Rights are addressed in the same Act.” The report concludes by saying that Policy makers will have to face the question about the appropriate level of IP Rights protection in industrialised and developing countries if plant breeding is to play its critical role in meeting the “triple challenge”. “In addition, policy makers must deal with the globalised and diverse nature of the seed sector, striking a balance between facilitating international trade and technology exchange through harmonisation and providing a policy environment adapted to highly diverse local contexts, including developing countries and those who will be most affected by climate change and natural resource constraints.”

5. UPOV: The great seed robbery

23 years ago, the non-governmental organisation GRAIN published the article “[Ten reasons not to join UPOV](#)” which has since been quoted countless times. Now, GRAIN just published both a [video](#) and a [booklet](#) showing how UPOV is pushing for the privatization of seeds and in this way destroying the peasant seed system.

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