



## Updates on Plant Variety Protection

*Issue #47, 15 July 2021*

### 1. Editorial

Selling or exchanging farm-saved seeds of protected varieties has become a criminalised activity for farmers in Ghana, under the new plant variety protection law. The law introduces a minimum 10-year prison sentence for infringement. Shocking and extreme as it is, the same situation, although with lesser consequences, applies to European farmers. Meanwhile, the United Nation's Plant Treaty is issuing best practices for the realisation of farmer's rights, including the right to use, exchange, and sell seeds. Two faces of the same world where farmers can go to prison for exercising their right.

### 2. New PVP Act of Ghana: Harsh protest by civil society

Ghana's new plant variety protection act is probably the most drastic in the world: it provides for prison sentences of at least 10 years for violating it. In a [media release](#) Food Sovereignty Ghana (FSG) equates the law to a declaration of war against the farmers. In the coming weeks the Council of the International Union for the Protection of New Varieties of Plants (UPOV) will decide on the conformity of Ghana's new plant variety rights bill with the provisions of the 1991 Act of UPOV. Although it is clear that the new bill is inconsistent with the 1991 UPOV Convention, the Office of the Union, together with the Ghanaian Minister of Justice, is absurdly trying to reinterpret the law to draw Ghana into UPOV's nets. APBRES, together with FSG, sent [a comment](#) to UPOV on this matter.

### 3. Private varieties and jailed farmers

An [article](#) by Frédéric Prat, published by InfOGM, describes several cases in which farmers in Europe had to go behind bars for violating plant variety rights. More and more specialised organisations are tracking down suspected farmers and bringing them to justice.

### 4. The Inventory on Farmers' Rights is now online

After years of discussions, the [online version](#) of the « Inventory of national measures, best practices and lessons learned from the realization of Farmers' Rights, as set out in Article 9 of the International Treaty » was published by the International Treaty on Plant Genetic Resources for Food and Agriculture. The purpose of the Inventory is to present the range of measures and practices for the realization of Farmers' Rights. Not all of the 205 published measures really contribute to the

implementation of Farmers Rights, but the critical eye will certainly be able to find the essential examples.

## **5. Towards an African Centred AfCFTA Intellectual Property Protocol**

In her latest [article](#), Titilayo Adebola, Associate Director of the Centre for Commercial Law at the University of Aberdeen School of Law points out that the upcoming negotiations for an African Continental Free Trade Area Intellectual Property (IP) Protocol «presents a timely, albeit arduous, opportunity for Africa to reconstruct its broken IP architecture by aligning the conflicting sub-regional IP regimes with the development-oriented aspirations that animate the African Union's IP agenda. » With regard to plant variety protection, she takes a clear stance in favour of a sui generis system, akin to the African Model Law, which should include community rights, farmer's rights, and plant breeders' rights.

## **6. UPOV Symposium on Harvested Material**

On 27 May, UPOV organised a symposium on the breeder's right about harvested material. Unfortunately, as is so often the case with UPOV, a lot of space was given to the breeders' voice, but the farmers, who are also affected by the issue and are usually the opposing party in court, were not invited to speak. A recording of the symposium and all presentations can be found on the [UPOV website](#).

## **7. Subscription, Feedback & Contact**

[Subscribe/Unsubscribe](#) to the APBEBES Updates.

You are welcome to forward this issue to other interested individuals or organizations.

Feedback & Contact

François Meienberg, Coordinator Association for Plant Breeding for the Benefit of Society (APBEBES) Mail: [contact@apbrebes.org](mailto:contact@apbrebes.org), Web: [www.apbrebes.org](http://www.apbrebes.org)