



Updates on Plant Variety Protection

Issue #50, 29 November 2021

1. Editorial

On the occasion of our 50th newsletter, we are introducing a new APBRES study, which we have the pleasure of publishing together with Both ENDS. The study highlights the promotion of UPOV 91 by EU trade policy and its negative consequences for the countries of the South. The resistance of civil society to such inappropriate plant variety protection (PVP) laws is illustrated by Ghana where a constitutional complaint against a new PVP law was filed a few days ago. Last but not least, we present our annual report on the UPOV negotiations, this time with a focus on the revision of the Explanatory Notes on Essential Derives Varieties. And as a small gift for our 50th newsletter, we have published a more sophisticated map of UPOV member states.

2. New Research Paper: Plant variety protection & UPOV 1991 in the European Union's Trade Policy: Rationale, effects & state of play

This [research paper](#) published today by APBRES and Both ENDS aims to identify the extent of the offensive efforts carried out by the European Union in the trade policy pushed by European Commission's officials around the globe. They are advocating the adoption of formalised and strong plant variety protection in trade partners' national laws. Because of the negative effects on farmers-managed seed systems, APBRES and Both Ends are demanding the EU to stop requiring developing countries to adopt the 1991 Act of the UPOV Convention through trade agreements or any other activities. An abridged version of the research paper is available in [English](#), [Spanish](#), and [French](#). The detailed study is available in [English](#) and [Spanish](#).

3. Webinar: The EU's push for IPRs on seeds in developing countries

On 7 December, at 2 pm CET, the webinar organized by APBRES and Both ENDS will analyse how the EU is pushing for strong intellectual property rights, especially the 1991 Act of the UPOV Convention in their trade policy, and discuss the impacts of such policy. It will present and discuss the associations' recent joint publication on "Plant variety protection & UPOV 1991 in the EU's Trade Policy: rationale, effects & state of play". The webinar will be held in English, with interpretation in Spanish and French. [Registration through this link](#) is mandatory before 7th December 2021. And another hint for all those who have missed past APBRES webinars: A few days after the webinar, the video is always posted on our [Youtube channel](#) and can be watched there.

4. Food Sovereignty Ghana goes to Supreme Court over UPOV Convention

Food Sovereignty Ghana (FSG) [filed a legal suit](#) at the Supreme Court of Ghana on 11 November 2021, challenging the constitutionality of the [Plant Variety Protection Act, Act 1050, 2020](#). In their [press release](#), FSG stated that “This court action is the culmination in our long struggle to uphold the rights of farmers to freely save, use, exchange and sell farm-saved seed and other propagating materials.” They criticise the fact that the Act does not take into consideration related international conventions and the Human Rights System such as the Treaty on Plant Genetic Resources for Food and Agriculture of the United Nations Declaration on the Rights of Peasants.” In a [statement issued by FIAN International](#), Valentin Hategekimana, FIANs International Africa coordinator concluded “Rather than advancing the agriculture sector, Act 1050 will be a source of human rights violations in Ghana”.

5. UPOV Meeting Report

UPOV’s bodies met virtually during the last week of October. At the centre of the session this year was the final negotiations for the revision of the Explanatory Notes on Essentially Derived Varieties. Besides the annual [UPOV meeting report](#) by APBREBES, we also published [a summary of the discussions in the Working Group on EDVs](#), of which APBREBES was a member. An important step was taken by the Consultative Committee that established a Working Group to develop guidance concerning smallholder farmers in relation to private and non-commercial use, including drafting a revision of the “Explanatory Notes on Exceptions to the Breeder's Right.

6. APBREBES map of UPOV member countries

You may be familiar with the [map on the UPOV website](#) which shows the member countries of UPOV. We at APBREBES have always found this map somewhat undifferentiated, as it does not distinguish between member countries of UPOV 78 and UPOV 91 (with considerable differences in national legislation). Nor does it differentiate whether a country is a member of UPOV - or is covered by an international organisation (OAPI, EU) which is itself a member. To remedy this shortcoming, we have now also published a [map of the UPOV member countries](#).

7. Subscription, Feedback & Contact

[Subscribe/Unsubscribe](#) to the APBREBES 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 (APBREBES) Mail: contact@apbrebes.org, Web: www.apbrebes.org