



## Updates on Plant Variety Protection

*Issue #51, 30 March 2022*

### 1. Editorial

The contributions in this Newsletter underline the conflict between the UPOV Convention-based strict intellectual property rights on seeds, and human rights, such as the right to food and farmers' rights. The recent court decision in Honduras and the new report of the Special Rapporteur on the Right to Food both underline the importance of the work to be done in coming years to bring seed legislation in line with human rights.

### 2. The Supreme Court of Honduras declares the plant variety protection law based on UPOV unconstitutional

Back in 2000, the Honduras draft plant variety protection law [was considered](#) by the International Union for the Protection of New Varieties of Plants (UPOV)'s Council, which requested various amendments so that Honduras could become a member of the 1991 UPOV Convention. All of UPOV's requests were incorporated into the Honduras law, adopted in 2012. However, Honduras farmers represented by the National Association for the Promotion of Organic Farming (ANAFAE) among others, have been resisting the law and filed a complaint against it with the highest Court. On 17 November 2021, the [Supreme Court ruled](#) that the law violates the provisions of the National Constitution, as well as several international human rights treaties to which Honduras is a party. The ruling explicitly refers to Honduras' obligations to ensure the right to food of its population, and the right to seeds for peasants and indigenous peoples, which is enshrined in the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas. Read the [detailed article](#) by Biodiversidad/Grain on the ruling.

### 3. New Report of the Special Rapporteur on the right to food puts seeds at the centre

On 11 March, Michael Fakhri, the United Nations Special Rapporteur on the right to food, presented his new report "[Seeds, right to life and farmers' rights](#)" to the Human Rights Council. The report analyses in detail the contradictions between the 1991 Act of the UPOV Convention and farmers' rights. The report also highlights innovative non-UPOV national plant variety protection laws, which seek to reconcile farmers' seed systems and commodity seed systems by balancing public interests, the interests of commodity breeders, and the interests of small-scale farmers. Fakhri recommends, that member states "develop and interpret their seed and plant variety protection laws and policies based on the fact that fully realized farmers' rights are a precondition for any type of fair economic

system" and that they should not pressure other Member States to join UPOV in any way.

#### **4. New policy paper by FIAN: Time for human rights-based seed policies**

The [briefing paper](#) extensively describes the importance of Peasant and Indigenous Peoples' seed systems and how they are threatened by the expansion of intellectual property rights over seeds. FIAN recommends ensuring that plant variety protection and other intellectual property and seed laws respect and take into account the rights, needs, and realities of peasants and Indigenous Peoples. This includes withdrawing from the International Convention for the Protection of New Varieties of Plants (UPOV).

#### **5. Victory for farmer seed rights in India: PepsiCo's IPR on potato variety revoked**

Last December, in a [historic decision](#), the plant varieties protection authority of India revoked a plant breeders' right on a potato variety held by PepsiCo. The farm activist Kavitha Kuruganti, who filed the petition said after the decision: "Importantly, farmers' rights as contained in India's Act and any attempt to harass and intimidate farmers have been considered as a matter of public interest, through this judgment."

#### **6. Book tip: Seeds for Diversity and Inclusion**

The book edited by Yoshiaki Nishikawa and Michel Pimbert explores seeds across different cultures, with a major focus on Asian countries and areas, and within a range of interrelated contexts, from agroecology and sovereignty to endogenous development—determined by local values, efforts, and benefits. *Seeds for Diversity and Inclusion* is an Open Access book and can be [downloaded](#) free of charge.

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