



Updates on Plant Variety Protection

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1. Editorial

In the three months since our last newsletter, a lot has happened in the field of plant variety protection. Most notable is the resistance of Indonesia to the introduction of UPOV 91. The Indonesian government argued that a country such as Indonesia needs sufficient flexibility to protect its farmers' seed system, which is not provided by UPOV 91. This rationale is also valid for many other countries in the South.

2. Indonesia Maintains its Position not to Accede to UPOV 1991

Last year, Prof. Michael Fakhri, the [UN Special Rapporteur on the right to food](#) sent a [communication](#) to the government of [Indonesia](#) and the [European Union](#) regarding the request by the EU in Free Trade negotiations, that Indonesia should comply with UPOV 91. Michael Fakhri shared his concern that Indonesia's compliance with UPOV 1991 will create considerable obstacles toward the full realisation of the right to food by Indonesia. In its [response](#), which was published on the website of the UN Human Rights Office in February, Indonesia made clear that it considers the preservation of an appropriate balance between the rights and obligations of farmers and breeders with utmost care and attention. The country reiterated "its position not to accede to the UPOV 1991 to ensure policy space to protect smallholder farmers' seed systems and plant genetic resources". The European Union has yet to respond to the Special Rapporteur's communication.

3. Argentina: Push to Join UPOV 91 Halted for the Time Being

The "Omnibus Law" bill promoted by President Javier Milei includes an article stating that Argentina should become a member of UPOV 91. This proposal, supported by the Agro-Industry, is rejected by more than 1,400 organisations that fight for food sovereignty. [They argue](#) that for years, a handful of transnational seed companies and some national corporations have unsuccessfully sought to amend the current Seed Law (no. 20.247 of 1973). The law recognises intellectual property ("breeder's") rights for companies, but also guarantees farmers' rights over the fruits of their harvests with certified seeds. The Omnibus Law proposal suggests that the decision is to be settled "from above", without a specific debate. On February 6th, the Bill was rejected by the lower house during an article-by-article approval process. When the proposal concerning UPOV91 will return to Parliament is an open question.

4. Zambian Farmers and Human Rights Groups Join the Global Campaign to Protect Farmers' Seed Systems

When organisations from Zambia joined the international Stop UPOV campaign in December last year, the Zambia Alliance for Agroecology and Biodiversity (ZAAB) made it clear in a [press release](#) why this opposition is so important in Zambia today. "To limit the capacity of the people who feed you is unfathomable – and yet this is exactly what UPOV wants. We need to learn lessons from other countries who are struggling with the shackles of neocolonial control of seed, and therefore food and ultimately the people" said Mutinta Nketani, the National Coordinator, of ZAAB.

5. Intellectual Property and the Design of Nature

Prof. Brad Sherman of the University of Queensland, Australia, and Josel Bellido, reader in law at the University of Kent, United Kingdom, edited "[Intellectual Property and the Design of Nature](#)" to "show that the ways in which intellectual property law has engaged with and understood nature are part of a long history and that many of the problems we face today require a more profound understanding of this interaction." A few articles also describe the history of patents on plants and plant variety protection. For example, the article by Marie-Angèle Hermitte, honorary Research Director at CNRS, Paris, provides an overview of patent rights, plant variety protection, the FAO's Seed Treaty, and the Cartagena Protocol. She writes about the international legal framework: "Is this an orchestral score where the instruments are introduced in disorder and then rearranged? As it stands, it is nothing but a cacophony."

6. A Comprehensive Review on the Impacts of Intellectual Property Rights on the Global Agricultural Economy

In the [Review](#) by Manohar Lal Meghwal, Assistant Professor, Department of Horticulture at Mewar University, Chittorgarh, India, et al., the authors conclude that "while strong intellectual property regimes ensure fair compensation for breeders and innovators, concerns arise regarding the potentially limited access to seeds, especially for small-scale farmers in developing countries. Balancing the rights of breeders and the needs of farmers becomes a crucial aspect of agricultural policy formulation, aiming for a sustainable and inclusive agricultural system".

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