



Updates on Plant Variety Protection

Issue #68, 4 November 2025

1. Editorial

If this newsletter opens with the annual APBREBES report on the recent UPOV session, it has a strong focus on Africa. We introduce a report we co-published on the East African Community (EAC)'s Seed and Plant Varieties Bill, and give you the latest information about the new regulation on plant variety rights in South Africa. AFSA has launched a new podcast series on intellectual property rights in seeds, and we encourage you to explore it. We also draw your attention to a report by the United States-based NGO IATP and to a new article by Mercedes Campi, which highlights the importance of adapting plant variety rights to local conditions. We would also like to take this opportunity to apologize for providing an incorrect link to Sangeeta Shashikant's paper, 'The East Asia Plant Variety Protection Forum and UPOV 1991', in our last Newsletter. You can read the report in English, Chinese, or Malay using [this link](#).

2. APBREBES Report on the 2025 UPOV Session

The 2025 UPOV Session, held from 20 to 24 October, once again demonstrated that certain countries are seeking to shape UPOV to their preferences and those of industry. For instance, they are attempting to use a new study to deconstruct a European Court of Justice decision unfavourable to industry and amend the Explanatory Notes on Harvested Material accordingly. They are also continuing their efforts to undermine the work on exceptions for smallholder farmers by organising a seminar primarily intended as a promotional tool for UPOV. But there is more: Read the whole [Report](#) on the UPOV Session on our Website.

3. East African Community (EAC) Seed and Plant Varieties Bill, 2025: Potential impacts on Farmers' Rights in Partner States

In June 2025, a [new EAC Seed and Plant Varieties Bill](#) was tabled in the East African Legislative Assembly (EALA). Peter Munyi, a legal expert from Kenya specializing in intellectual property rights and genetic resources, conducted a legal analysis to assess the potential impact of the Bill on farmers' rights in EAC member states. In his [report](#), commissioned by CROPS4HD and APBREBES, he concludes that the bill one-sidedly serves the interests of the formal seed system and poses a threat to farmers and seed diversity in EAC. As almost all member states have established their own legislation on seeds and plant variety protection, he questions the need for EAC-level legislation and argues that it would lead to

contradictory legislation and legal uncertainty. The Bill will undergo public consultation in January 2026 before the EALA decides on its adoption.

4. New Plant Breeders' Rights Act and Regulations in Force in South Africa

The 2018 South African [Plant Breeders' Rights Act No. 12](#) came [into force](#) on 13 June 2025, after the publication of Regulations to the new Act. The Regulations can be accessed via the following link: <https://www.gpwonline.co.za/government-gazettes-2/>, and by entering "52850" in the "search document" section. The exceptions introduced in the Regulation for the use of protected seeds and propagation material by farmers are noteworthy. These exceptions are based on Art. 10 of the Act, which grants the Minister the power to determine which farmers may use the protected variety, which plants may be used, and the permitted uses of the protected variety outside the scope of the Plant Breeders' Right. These possibilities obviously go far beyond those foreseen in UPOV 91. According to the regulation, household farmers (with a turnover of less than 50'000 rand) are allowed to save and also exchange seeds/propagation material of the species listed in the regulation, and up to the amount defined in the regulation. The list includes several types of vegetables, such as tomatoes, melons, cabbage, and pumpkins, as well as all species of fruit crops. Smallholder farmers with a turnover ranging from 50,000 to 1,000,000 rand are permitted to save seeds but must pay remuneration to the breeder. There are no exceptions for commercial farmers with a turnover of more than one million rand. Therefore, compared to other UPOV countries, household farmers in South Africa have greater opportunities to use protected seeds, whereas commercial farmers have fewer.

The African Centre for Biodiversity published a [briefing](#) "South Africa's plant breeders' rights laws undermine farmers' rights to seed and lock out farmer-managed seed systems" in which they discuss the inequity and injustices inherent in both the PBR Act and its Regulations, specifically because they restrict farmers' rights to seed and their rights to save, use, exchange, and sell seeds, including those from protected varieties. ACB objects to the triple restriction – firstly, on the farmer category, secondly, on which crops the exception applies to, and finally, on the volume produced. They explicitly criticize the limited list of crops, which omits species important for food and livelihood security, such as rice, yams, lentils, and fava beans.

5. New Podcast: The Battle for African Agriculture

The Alliance for Food Sovereignty in Africa (AFSA) launched its new [podcast](#), "The Battle for African Agriculture," hosted by AFSA's General Coordinator, Dr. Million Belay. This bold new series pulls back the curtain on the enduring legacies of colonialism in Africa's food systems, challenges corporate-driven narratives, and amplifies agroecological solutions rooted in justice, biodiversity, and food sovereignty. The first three podcasts in the series, featuring [Titilayo Adebola](#), Director of the Centre for Commercial Law at the University of Aberdeen School of Law, [Carlos Correa](#), Executive Director of the South Centre, and [François Meienberg](#), APBEBES Coordinator, focus on the impact of intellectual property rights relating to seeds and, in particular, plant breeders' rights.

6. Battling for Farmers' Seed Systems: UPOV 91 and Trade Agreements

The U.S.-based Institute for Agriculture & Trade Policy (IATP) recently published a [memo](#) to draw attention to international policy-level challenges affecting Farmers' Seed Systems broadly, with a focus on communities in the Global South. The memo shows how the U.S. and its seed companies use free

trade agreements to undermine the policy space available for farmers to save, use, exchange, and sell farm-saved seeds.

7. The Complex Landscape of Intellectual Property Rights in Agricultural Research, Development, and Innovation

Mercedes Campi, Researcher at the CONICET and Universidad de Buenos Aires, published the article, “The complex landscape of intellectual property rights in agricultural research, development, and innovation,” in the “Handbook of Innovation and Intellectual Property Rights.” It has restricted access, but the book can, however, be ordered from the Edward Elgar Publishing [website](#). An interesting insight from the article is that “institutional arrangements, such as IPR, might be, to a certain extent, the consequence and not the cause of innovation”. In her conclusion, Campi states, “The global trend toward stronger and more harmonized IPR systems raises questions about their adaptability to the diverse needs of countries,” adding, “navigating the complex terrain of IPR in agriculture, policymakers must consider countries’ diverse needs and capabilities ...”

8. 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