



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents information on best practices and measures of implementing Article 9 of the International Treaty submitted by Agrecol - Association for AgriCulture and Ecology on 25 May 2020.

The submission is presented in the form and language in which it was received.



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Submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

1. Basic information

1.1 Title of measure/practice:

Protecting seeds as commons with an open-source licence

1.2 Date of submission

25th May 2020

1.3 Name of country, in which the measure/practice is taking place

Germany

1.4 Responsible institution/organization

Agrecol - Association for AgriCulture and Ecology

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1.5 Type of institution/organization

Registered non-profit association

1.6 Collaborating/supporting institutions/organizations/actors

Plant breeders, seed companies, universities and related open-source initiatives in other countries



2. Description of the examples Mandatory information:¹

2.1 Short summary to be put in the inventory:

OpenSourceSeeds (OSS) is a European initiative of the German Association for Agriculture and Ecology (Agrecol) and is based in Germany. OpenSourceSeeds was launched in 2017. It pursues the objective to protect agricultural seeds as commons. It helps to establish a commons-based seed sector as a second pillar next to the private seed sector.

OpenSourceSeeds provides services to plant breeders to license and manage their new varieties open source, it advises seed companies in propagating OS seed and, it raises awareness in public.

Core components of the initiative are:

- Licensing new varieties open-source and documenting them in a database;
- Propagating and introducing OS seeds to the market;
- Raising public awareness for seeds as a common good;
- Research and Development on new concepts to finance non-private (IPR-free) plant breeding.

Key outcomes:

- So far, 9 new varieties/populations are licensed open source: 3 tomato varieties, 3 wheat varieties, 1 sweetcorn, 1 pepper and 1 potato variety;
- OS varieties are listed in sales catalogues;
- There is a demand for open-source products among consumers;
- New financing concepts for non-proprietary plant breeding are being developed

Lessons learnt:

- Convincing plant breeders to use the licence takes time
- Developing new financing concepts for plant breeding is a key issue for success
- The principle of seeds as commons is quite popular among consumers

2.2 Brief history (including starting year), as appropriate

Agrecol began work in this area in early 2012, the open source license was released in June 2016, and the service provider OpenSourceSeeds was launched in April 2017

2.3 Core components of the measure/practice

- OSS supports plant breeders and seed producers in using the OS Licence, this includes introducing new varieties into the market. <https://www.opensourceseeds.org/en/breeder-information>
- OSS is establishing a database of open-source varieties including their traits and characteristics
- OSS offers to sue licence infringements,
- OSS does awareness creation and information on open source for seeds in public and lobbying

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



- OSS does research on legal issues and helps finding new financing and marketing models for OS varieties.
- OSS is part of an international network of like-minded initiatives, the Global Open Source Seed Initiative (GOSSI)

2.4 Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice)

Over millennia, crop seeds have been a common good. Crops have been cultivated, enhanced and bred by farmers, leading to a rich diversity of crops and varieties. This heritage is getting lost, because seeds are being privatised and monopolized. Seed and patent laws plant breeders assert intellectual property rights (IPR) on their varieties. Growing market consolidation has been a seemingly inevitable consequence of privatization.

A few seed companies are dominating the market globally. Their varieties are offered as a mass product and have an enormous crowding-out effect on local varieties. At the same time, independent plant breeders are increasingly excluded from access to germ-plasma for breeding and their number is shrinking continuously. Both contributes to a dramatic loss of diversity, a loss of genes in terms of varieties, cultivars and populations and a loss of plant breeders who cannot exist anymore. This loss of diversity jeopardizes a resource, which is urgently needed to achieve food security and to cope with climate change. This applies in particular for difficult environments.

In reaction to this and claiming seed sovereignty, various NGO all over the world strive for strategies to manage seeds as commons. With the Open-Source Seed Licence we have created such a strategy under European seed law. It excludes IPR on OS licensed varieties and in addition on all its successive developments (copyleft clause). The licence allows to protect seeds as commons and enhances the development of a commons-based seed sector. The OS-strategy may contribute to revive the public and community plant breeding sector, including participatory plant breeding with farmers. It may finally help to obtain a multitude of seed sources and to strengthen Farmers' Rights.

2.5 To which provision(s) of Article 9 of the International Treaty does this measure relate

- Art. 9.1 x
- Art. 9.2a x
- Art. 9.2b
- Art. 9.2c
- Art. 9.3 x

3. Other information, if applicable

3.1 Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):



No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers	x	
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		x
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		x
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		x
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		x
11	Other measures / practices		

Further information

Website: <https://www.opensourceseeds.org/en>

Resources: <https://www.opensourceseeds.org/en/resources-0>

Publication: <https://journals.plos.org/plosbiology/article?id=10.1371/journal.pbio.3000023>

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).

⁴ Including seed houses.