



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 the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by the United States of America on 30 July 2019.

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

Template for submission of

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

Right to Save Seed under PVPA

Basic information

- Title of measure/practice **Right to Save Seed under PVPA**
- Date of submission **July 30, 2019**
- Name(s) of country/countries in which the measure/practice is taking place **United States**
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person) **U.S. Department of Agriculture**
- Type of institution/organization (categories) **Government**
- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

Description of the examples

Mandatory information:¹

- Short summary to be put in the inventory (max. 200 words) including:
 - Implementing entity and partners
 - Start year
 - Objective(s)
 - Summary of core components
 - Key outcomes
 - Lessons learned (if applicable)

The U.S. Plant Variety Protection (PVP) law encourages the development of novel varieties of sexually and certain asexually reproduced plants and makes them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promotes progress in agriculture in the public interest. Under this law, farmers have the right to save seed of a protected variety for use on their own land as long as no other agreements have been established between the breeder and farmer, which may restrict this.

- Brief history (including starting year), as appropriate

First enacted in 1970, the right to save seed/crop exemption is found at 7 U.S.C. § 2543. It was enacted alongside the creation of a breeders' rights certificate legal framework.

- Core components of the measure/practice (max 200 words)

The legislation provides that a person will not infringe breeders' rights if that person saves seed produced by themselves from seed obtained, or descended from seed obtained, by authority of the owner of the variety for seeding purposes, and uses such saved seed in production of a crop for use on the farm of the person.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)

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

As described above, this provision was enacted alongside a statutory framework to encourage the development of novel varieties of, at the time, sexually reproduced plants and to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest—including farmers.

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

Art. 9.3

Other information, if applicable

- 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		
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		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		
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.		
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	

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.

- In case you selected ‘other measures’, would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s)
- Target group(s) and numbers of involved and affected farmers⁵
- Location(s) and geographical outreach
- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

Further information

Link(s) to further information about the measure/practice

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.