

Views, Experiences and Best Practices as an example of possible options for the national implementation of Article 9 of the International Treaty Submitted by Contracting Parties and Relevant Organizations

Note by the Secretary

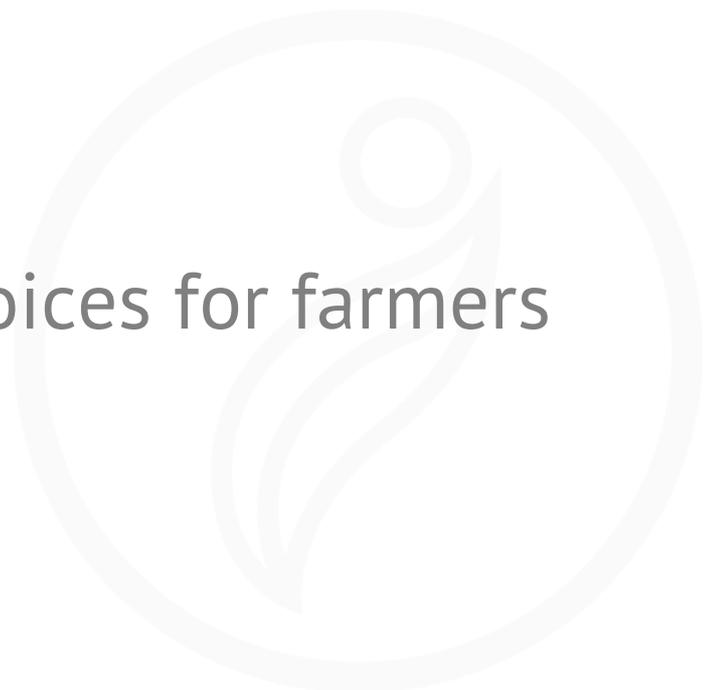
This document presents the views, experiences and best practices on the implementation of Farmers' Rights, as set up in Article 9 of the International Treaty submitted by International Seed Federation on 29 June 2018.

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

Supporting seed choices for farmers

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A POSITION PAPER PREPARED BY THE
International Seed Federation



CONTEXT

For millennia, farmers have chosen seeds to plant from the genetic diversity available to them. Through intentional and unintentional selection, farmers have shaped crop genetic resources. Public and private sector breeders have also contributed to shaping genetic resources. This is done through advances in breeding research and modern crop genetics, resulting in a wider choice of varieties for farmers to plant.

ISF and its members – representing thousands of small, medium, large, local, regional and international entities – are committed to the ISF Vision: “A world where the best quality seed is accessible to all, supporting sustainable agriculture and food security”. The accessibility of quality seed is vital to support the life and livelihood of each farmer. The seed industry strives to provide farmer-customers with diverse, well-adapted high-quality seed choices, as well as services and support to optimize productivity and yield for their local conditions.

POSITION

ISF believes that farmers should have the opportunity to make informed choices about which seeds they plant to best suit their personal circumstances, whether protected by intellectual property rights or not. Enhancing a farmer’s ability to make an informed choice requires the availability of suitable seed options and knowledge of any limitation that may restrict the use of varieties chosen.

ISF acknowledges the contribution that farmers and local communities, as well as plant breeders, have made to the conservation and development of plant genetic resources, in line with its previous commitments¹ towards the international treaty on plant genetic resources for food and agriculture (ITPGRFA).

Especially for topics related to conservation, sustainable use, access and benefit sharing of genetic resources and traditional knowledge, ISF encourages national governments to include all relevant stakeholders involved in the topics under discussion, including representative breeders and farmers to participate in decision-making.

ISF emphasizes that effective intellectual property (IP) protection stimulates breeders to invest in the development and delivery of new varieties so farmers have the widest possible choices for productivity and success, thereby ensuring global food security. The 1991 act of the UPOV convention, the most advanced international standard for IP protection for plant varieties, balances protection as an incentive for innovation and access to enable others to improve protected varieties, which benefits farmers and society in the end.

¹ See <http://www.worldseed.org/resources/position-papers/#sustainable-argiculture>

ISF recalls that IP protection under plant breeders rights (PBR) is for a limited period of time. For plant material (varieties, landraces, etc.) that is not, or no longer, subject to any time-limited intellectual property rights, ISF wants to underline that farmers have the right to save, use, exchange and sell farm-saved seed or propagating material subject to national law.

ISF and its members also believe that the occasional sale of seeds produced from protected varieties by subsistence farmers² does not significantly jeopardize intellectual property rights, and thus does not substantially undermine incentives to innovate by breeders. However, ISF asserts that free and unlimited use of farm saved seed of protected varieties by commercial farmers is negatively impacting the continued release of new varieties and ultimately limits farmer's choice.³

ISF calls for a mutually supportive implementation of the UPOV Convention and the ITPGRFA at a national level. This will ensure the development of new varieties of crops for the benefit of farmers and society. It will also promote the conservation and sustainable use of plant genetic resources for food and agriculture and the fair and equitable sharing of benefits arising out of their use.

ISF, together with its partners, encourage governments and international organizations to support the use of quality seeds as a viable option, in particular for subsistence farmers. Because seed is the most important input in crop production⁴, farmers must have the widest range of options available to them.

ISF urges governments and international organizations to promote farmer access to all kinds of varieties (local, commercial, from the public or private sector). It is critical that farmers of all sizes have the opportunity to choose the seed that best meets their needs.

² "Subsistence" refers to acts done "privately and for non-commercial purposes" (UPOV Article 15.1.i)

³ See ISF View on Intellectual Property http://www.worldseed.org/wp-content/uploads/2015/10/View_on_Intellectual_Property_2012.pdf

⁴ World Bank. 2017. Enabling the Business of Agriculture 2017. Washington, D.C: World Bank. doi:10.1596/978-1-4648-1021.