

# THE FACTS ON PBR

**Plant Breeders' Rights (PBR) helps to generate investment in research and development.** Almost 2 decades ago, Canada made a commitment to update its PBR legislation to provide the same tools to our plant breeders as are available to plant breeders in competing countries, whose legislation complies with the most recent international plant protection convention (UPOV 1991). Canada recently said it will honour its commitment to ratify UPOV 1991 as part of its commitments in the trade negotiations with the European Union. That has sparked some negative reaction based on misinformation. It is important to correct these myths. The real beneficiaries of intellectual property protection tools like PBR are farmers, who get access to new varieties for improved productivity and competitiveness.

## MYTH | FACT

**If Canada complies with UPOV 1991, farmers will never be able to save their seed again.**

**UPOV 1991 actually entrenches farmers' exception to Plant Breeders' Rights.<sup>1</sup> That exception is not clearly identified in the convention to which Canada's PBR Act currently complies.** The farmer's exception allows farmers who have legitimately obtained their seed to clean and replant on their own farms.

**Farm saved seed was meant to include selling it.**

**The sale of farm saved seed has always been prohibited by the Plant Breeders Rights Act.** Nothing would change if the Act was amended to comply with UPOV 1991. The holder of the PBR has the exclusive right to sell or produce for sale a protected variety.

**PBR results in higher seed prices.**

**Farmers have benefitted from new varieties while seed price increases have slowed –** According to the 10 year review of PBR in Canada, since the introduction of PBR in 1992, crop yields; the area under cultivation; industry employment; access to new varieties domestically and internationally; and exports have increased for all crops covered by PBR.<sup>2</sup> In the decade following the implementation of PBR, the farm product price index for seed increased by 13.7%. In the decade previous to the implementation of PBR, it increased by 18%.<sup>3</sup>

**Private sector plant breeding is the only beneficiary of PBR.**

**58% of all of the agricultural varieties protected under PBR were developed at public institutions and receive royalties on seed sales.<sup>4</sup>** Universities, provincial research facilities, and Agriculture and Agri-Food Canada (AAFC) have received royalties from private organizations to help fund their plant breeding programs. For example, over \$4.2 million per year in royalties is collected annually by seed growers through sales from one organization and reinvested in public sector research. The private sector in both the horticulture and agriculture industries has increased its investment almost three-fold since the passage of PBR in 1990.

**Patents and PBR are the same.**

**Patents and PBR are not the same thing.** Plant Breeders Rights can only protect plant varieties but plant varieties cannot be patented in Canada. Traits can be patented and patent rules prevent farmers from saving seed containing patented traits. Only PBR allows farmers to save seed for planting on their own farms.

**Seed companies aren't investing in Canada**

**In 2007, the private sector was the single largest investor in plant breeding and research.** The private sector invested \$56.7 million in plant breeding in 2007 and plans to double that by 2012. Private sector investments in crops like canola, corn and soybeans have given farmers access to tremendous new innovations and opportunities.<sup>5</sup>



<sup>1</sup> UPOV 1991 Article 15

<sup>2</sup> Canadian Food Inspection Agency: 10-Year Review of Canada's Plant Breeders' Rights Act

<sup>3</sup> Statistics Canada, Tables 328-0006 and 328-014

<sup>4</sup> Plant Breeders' Rights Journal

<sup>5</sup> CSTA Member Survey, 2008