



Progress Through Research
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Plant Breeders' Rights

Know your opportunities and obligations

**PBR Outreach and Education
Grain Value Chain Roundtable
April, 2015**



Why PBR 91?

- Breeders have more authority over the use of their new varieties
 - Private, public, large and small have more confidence to invest in Canada
 - International breeders will release their varieties into the Canadian marketplace
- Farmers will have more choice with better access to new improved varieties
 - Improved agronomics, higher yield potential, special characteristics for markets





Understanding the Opportunities and the Obligations

Assisting the Value Chain to Comply

- Updated PBR legislation impacts the entire value chain
- All stakeholders need to be aware of the obligations that come with the opportunity to choose new varieties
 - Farmers
 - Seed Retailers
 - Seed Conditioners
 - Buyers of Harvested Material (Grain)



Understanding the Opportunities and the Obligations

Addressing the Information Challenge



Varieties granted PBR protection before February 27, will continue to be protected by PBR 78



New varieties granted PBR protection after February 27 will be protected by PBR 91



Know the Varieties and the Protection

BARLEY



Variety	Awn Type ¹	Overall Yield	Station Years of Testing	Yield Category ² (% AC Metcalfe)			
				Low <60 (bu/ac)	Medium 60-90 (bu/ac)	High 90-120 (bu/ac)	V. High >120 (bu/ac)
AC Metcalfe		100		48	79	104	133
AC Metcalfe	R	100	(422)	100	100	100	100
AC Harper	SS	103+	(166)	94	96-	102	111+
AC Lacombe *	6 S	107+	(194)	98	100	107+	115+
AC Ranger *	6 S	107+	(48)	100	99	118+	108+
AC Rosser	6 S	110+	(166)	100	103	111+	117+
Busby	2 R	104+	(45)	107	103	106	103
CDC Austenson	2 R	111+	(61)	108	111+	111+	112+
CDC Coalition	2 R	109+	(53)	107	110+	108+	109+
CDC Cowboy	2 R	95-	(75)	107	94-	93-	95-
CDC Dolly	2 R	101	(184)	97	100	103+	100
CDC Helgason	2 R	104+	(101)	96	99	106+	114+
CDC Mindon	2 R	99	(47)	XX	98	103	96-
CDC Trey	2 R	104+	(106)	98	103	103	109+
Champion	2 R	112+	(97)	124+	111+	111+	110+
Chigwell	6 S	104	(43)	XX	98	106	111+
Conlon	2 S	94-	(63)	94	92-	93-	95-
Gadsby	2 R	109+	(31)	XX	109+	110+	108+
Manny †	6 R	110+	(77)	99	101	113+	119+
Niobe †	2 R	105+	(63)	96	97	108+	113+
Ponoka	2 R	110+	(120)	98	107+	112+	112+
Seebe	2 R	100	(229)	91-	98	103	102



Know the Varieties and the Protection



Plant Breeders' Rights Fast Facts

Understanding the changes and your obligations

As of February 27, 2015, all new PBR-protected varieties will be protected under the new legislation that conforms to the UPOV 1991 convention, bringing Canada in line with the rest of the world, and opening opportunities for increased investment to make new varieties available to Canadian farmers. It brings opportunity, but it also brings new obligations for the value chain.

		
Are all varieties protected under the same Plant Breeders' Rights (PBR) Act?	As of February 27, 2015, all new varieties submitted for PBR are protected under the new legislation. These varieties carry the PBR 91 symbol.	All varieties granted protection under the PBR prior to February 27, 2015, continue under the original Act. These varieties carry the original PBR symbol.
Breeders' rights		
What are breeders' rights?	Breeders' rights are now expanded under the new PBR Act. Authorization from the breeder is required to produce, reproduce, sell, clean/condition, stock, import or export seed of PBR-protected varieties.	Authorization from the breeder is required to sell, or produce for sale, seed of PBR-protected varieties.
Can breeders be compensated on harvested grain?	Yes, if seed was obtained and used legally or without the authorization of the breeder, the breeder can choose to seek compensation, including for lost royalty revenue; lost markets; and for court costs; on delivered grain produced from that seed.	No

Plant Breeders' Rights Fast Facts

		
Farmers' privilege		
Can farmers save seed?	Yes, the "Farmers' Privilege" is entrenched in the legislation. It allows farmers to produce PBR-protected varieties for use as seed on their farms.	It is not spelled out in the legislation, but it is not prohibited.
Can farmers clean grain from PBR-protected varieties for use as seed on their farm?	Yes	Yes
Can farmers sell or advertise for sale seed they have produced from grain of PBR-protected varieties?	No	No
Can farmers exchange seed they have produced from grain of PBR-protected varieties?	No	No
Seed conditioners' and Grain buyers' responsibilities		
Can seed conditioners clean seed of a PBR-protected variety for purposes of propagation?	Yes, if the seed was obtained legally (i.e. certified seed was purchased) and if farm-saved seed will only be used on the farmer's own land.	Yes
Do seed conditioners have certain responsibilities when cleaning farm-saved seed of a PBR-protected variety?	Yes, expanded breeders' rights mean that cleaners may be liable for breaches of the breeder's right. They should take precautions to ensure the seed they are cleaning was obtained legally, and that farm-saved seed that they clean will only be used on the farm of the farmer who has brought it in for cleaning.	No
Do grain buyers have certain responsibilities when handling PBR-protected varieties?	Yes, the harvested material provisions mean that grain buyers may be liable for breaches of the breeder's right. They should be aware of the varieties that are protected under the new legislation and be satisfied that the seed used to produce that grain was legally obtained.	No
Want to learn more about Plant Breeders' Rights? Visit pbrfacts.ca		





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PLANT BREEDERS' RIGHTS
Important changes to Canada's Plant Breeders' Rights (PBR) Act are now in effect. The updated legislation ensures continued investment in new and improved seed varieties for Canadian farmers. It also puts Canada on equal footing with other countries, helping Canadian farmers competitive in the global market.

GET THE FACTS
This updated PBR legislation impacts everyone in the seed value chain. Understand the changes and your obligations under the new PBR laws.
[Download the PBR Fact Sheet](#)

UNDERSTAND YOUR OBLIGATIONS

- Farmers
- Seed Retailers
- Seed Conditioners
- Grain Buyers

QUESTIONS?

Need answers? Read our most asked questions in the FAQ section.

All other inquiries can be e-mailed to info@PBRfacts.ca

Send Question

Centre Piece of the Campaign

www.PBRfacts.ca

- Bilingual site
- Information for targeted stakeholders





Farmers

[Learn More >](#)

Benefits

- Better access to improved varieties
- Ability to save seed is entrenched in the legislation

You can:

- Save, condition, store and replant grain of PBR 91 protected varieties to use on your own farm
- Take grain produced on your farm, have it conditioned to use as seed on your own farm

You can't:

- Sell PBR protected seed (78 and 91)
 - Includes exchanging seed for products or services
- Buy farm saved seed





Seed Retailers

[Learn More >](#)

Two Critical Roles

1. Ensure you are not infringing PBR
2. Communication and education of customers

- It has always been illegal to sell farm saved seed of varieties protected by PBR (brown bag)
- Under PBR 91 it is an infringement to buy brown bag seed
- If retailer is custom treating seed – make sure it was legally obtained
- You can be liable for infringements
- Communication tools are available from PBRfacts.ca
 - Fact sheets, counter cards, presentations





Seed Conditioners

[Learn More >](#)

- Seed cleaners have new obligations under PBR 91
- Take steps to ensure you are processing legally acquired seed

Stocking and/or conditioning seed that was not acquired with the authority of the breeder is an infringement of PBR 91 - Seed conditioners can be liable for damages

- Know the varieties you are processing
- Be satisfied that you are cleaning/conditioning legally obtained seed
 - For first generation – ask for the certified seed tag
 - Consider including a declaration in your service agreement for farm saved seed
 - The seed was produced on the farmer's own holdings
 - The seed will be used solely for planting on the farmer's own holdings
 - The seed was produced from legally obtained seed





Grain Buyers

[Learn More >](#)

- Buyers of Harvested Material have new obligations under PBR 91
- Take steps to ensure you are purchasing material produced from legally obtained seed

Expanded breeders' rights includes the potential for compensation on harvested material – you can be liable

- Know the varieties you are buying
- Be satisfied that the grain was produced from legally obtained seed
 - Consider including a declaration in your purchase agreement
 - The grain was produced from seed that was legally obtained from the rights holder
 - The grain was produced on the farmer's own holdings from farm saved seed grown from legally obtained seed



Outreach and Education Tools

- Use of certification marks in ads and seed guides and variety listings
- www.PBRfacts.ca
- Quick Facts on PBR
- Retailer counter cards
- Mail out inserts for retailers and others
- Inserts in farm publications
- Banner and page ads in electronic publications
- Webinars for each target audience



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Plant Breeders' Rights



New legislation creates opportunity for Canadian farmers

As of February 27, 2015, all new varieties submitted for Plant Breeders' Rights (PBR) are protected under the new legislation. This update conforms to the UPOV 1991 convention, bringing Canada in line with the rest of the world and opening the door for increased investment to make new varieties available to Canadian farmers. Changes to the PBR Act create opportunity, but they also bring new obligations for the value chain.

Understanding the changes and your obligations



Expanded Breeders' Rights

Do the breeders' rights have implications for the entire crop value chain?	Yes	No
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Farmers' Privilege

Is the ability to save PBR protected seed for use on a farmer's holdings entrenched in legislation?	Yes	No
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New Seed Conditioners' and Grain Buyers' Responsibilities

Can seed conditioners and buyers of harvested material (grain) be liable for PBR infringements?	Yes	No
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For more details about how the new PBR legislation affects you, visit: PBRfacts.ca

Plant Breeders' Rights



changes and obligations

PBRfacts.ca

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