

# THE FACTS ON PBR

Plant Breeders' rights (PBR) creates investment in varietal research to ensure that new and improved varieties continue to get into farmers' hands. The federal government has been consulting the industry regarding possible amendments to the current Plant Breeders' Rights legislation which was introduced in 1990. The amendments would bring Canada's version of PBR into line with the world. A lot has been said in the farm media about PBR lately, but the real facts about amending PBR are a good news story. Farmers are the real beneficiaries of PBR since supporting variety development ensures access to competitive, new, and improved varieties.

## MYTH

## FACT

**Farmers will never be able to save their seed again.**

**Proposed amendments to the Plant Breeders' Rights Act will actually enshrine the right for farmers to save seed on varieties granted a PBR certificate.** That will allow farmers who have legitimately obtained their seed to clean and replant seed for their own farm without having to pay additional royalties on that seed or the subsequent crops it produces.

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

**The amendments will do very little to change farmers' lives.** Today farmers are not allowed to sell their farm saved seed of PBR protected varieties. Potential changes to the PBR legislation will not change this. Common seed of non-PBR protected seed can be sold, but the Canada Seeds Act prohibits common seed from being sold by variety name.

**PBR doesn't work.**

**Businesses have been caught violating PBR and have had to pay a lot for illegally selling seed.** PBR does work. It works better when everyone is protecting the value that rests in seeds. Farmers and retailers can both benefit by ensuring everyone is treated equitably and as many parties as possible are making their fair contribution to variety development.

**PBR results in higher seed prices.**

**Studies show that over a ten year period after the introduction of PBR there have been significant improvements in the yield and quality of many crops and an expansion of the area under production.** During the same period, seed costs in the cereal and oilseed industry actually increased at a slower rate – between 1990 and 1999 (8.6%) – than they did between 1980 and 1990 (24%) *Statistics Canada Table 328-0001-Farm Input Price Index*

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

**31% of all of the agricultural varieties protected under PBR were developed at public institutions and receive royalties on seed sales.** 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, about \$2.9 million per year in royalties is collected by seed growers through sales from one organization and reinvested into AAFC research stations. 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.** Genetic traits are patentable in Canada, but varieties are not. Conversely, only varieties are eligible for Plant Breeders' Rights. The rules for patent use are different than PBR, so if a farmer is planting material containing patented traits, it is not eligible for replanting. In the same way, if a farmer signs a contract like a Technology Use Agreement (TUA), that says he/she won't replant, he/she must live up to the contract. Only PBR allows replanting on a farmer's own land.

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

**The private sector invested \$109.6 million in plant breeding in 2012. That is up 7 fold from 1987 and 90% higher than 2007.** Private investment in crops like canola, corn and soybeans have given farmers access to tremendous new innovations and opportunities.