



January, 2014

To the Editor:

Partners in Innovation is a coalition of farm organizations representing the majority of farmers in Canada, and value chain and industry associations. These groups formed the partnership to support amendments to Canada's Plant Breeders' Rights (PBR) legislation to bring it into compliance with the 1991 convention of the Union for the Protection of New Plant Varieties (UPOV).

Partners in Innovation supports updated PBR legislation because it will give both private and public sector plant breeders the confidence and ability to invest in developing improved varieties that deliver higher yields and better agronomics for farmers. It will also give the international plant breeding community the confidence to provide our farmers access to new and improved varieties developed beyond our borders.

We have just reviewed the opinion piece written by Matt Gehl that was published in a number of farm publications in December and January. This article is full of misleading comments and completely incorrect statements. We are particularly concerned with this comment: *"In exchange for this increased level of patenting of seed stocks, farmers will lose the right to save, store, sell and reuse farm-saved seed"*. With this statement, the writer is wrong on many levels. We believe that it is very important to ensure that your readers have access to real facts about amendments to Canada's Plant Breeders' Rights legislation.

1. **Plant Breeders' Rights are not patents** - Unlike patents, Plant Breeders' Rights that comply with the UPOV Convention of 1991 make it mandatory for breeders to allow the use of their protected varieties for experimental (research) purposes and for the development of new varieties. Also unlike patents, Plant Breeders' Rights in Canada allow farm saved seed.
2. **Plant Breeders' Rights are Voluntary** – Breeders, both private and public, are not required to protect their inventions with Plant Breeders' Rights. It is an intellectual property tool that can be used completely at the discretion of the breeder. In addition, farmers can choose not to use PBR protected varieties.
3. **Not Only the Private Sector Uses Plant Breeders' Rights** – 45% 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.
4. **Plant Breeders Rights allows farmers to save seed** - Canada's Plant Breeders Rights legislation has always allowed, and will continue to allow, farmers to save the product of protected varieties for their own use. Under the proposed amendments, they can produce it, reproduce it, store it and condition it for use as seed on their own farms.
5. **The sale of farm saved seed has always been illegal** - Plant Breeders' Rights legislation has never allowed for the sale of farm saved seed. Selling seed of a protected variety contravenes every convention of UPOV, and is a clear contravention of both the current Plant Breeders Rights Act and the amended legislation that will result from Bill C-18.

It is very important that Canadian farmers and Canadians in general are presented with clear facts about legislation and regulations that affect them. For the truth on the proposed amendments to Plant Breeders' Rights legislation, please refer your readers to the Canadian Food Inspection Agency's answers to questions on PBR amendments. <http://www.inspection.gc.ca/about-the-cfia/newsroom/news-releases/2013-12-09/q-a/eng/1386443790655/1386443953435>

The Partners in Innovation are:

Alberta Barley Commission
Barley Council of Canada
Canadian Horticultural Council
Canadian Ornamental Horticulture Alliance
Canadian Potato Council
Canadian Seed Trade Association
Fédération des Producteurs de Cultures Commerciales du Québec
Grain Farmers of Ontario
Grain Growers of Canada
Manitoba Pulse Growers Association
The Prairie Oat Growers Association
Western Canadian Wheat Growers Association