

To the Editor:

The members of Partners in Innovation have been watching and reading recent media articles around Bill C-18, the *Agricultural Growth Act*, and are growing more and more concerned that farmers and the general public may be forming opinions based on claims founded in incorrect information. This letter presents the perspective of organizations representing the vast majority of Canadian farmers. It also provides the correct information about Bill C-18's proposed amendments to Canada's Plant Breeders' Rights (PBR) legislation.

Partners in Innovation brings together organizations representing producers of grains, oilseeds and pulse crops, and growers of fruits, vegetables, potatoes and ornamental crops in all regions of Canada. The farmer organizations, value chain groups and industry groups that participate in Partners in Innovation are united in support for amendments to Canada's Plant Breeders' Rights legislation to bring it in line with the rest of the world; opening opportunities for plant breeders in Canada and outside of our borders to deliver superior varieties to Canadian farmers. This is critical to the ability of our farmers and our agricultural industry to compete in the global market and to make a contribution to the effort to feed, fuel and clothe a rapidly growing world population.

The protection of intellectual property is important to generate funds for investment in further plant breeding and research. However it does often create an emotional debate. We recognize that some individuals, who perhaps do not fully understand the proposed amendments, have been very vocally expressing concerns. We need to stress that these concerns are not based in fact. The fact is, the greatest impact on farmers of amended PBR legislation will be access to new genetics and improved crop varieties that will increase productivity, deliver higher yields, and open more market opportunities for farm production.

The members of Partners in Innovation have been asking for updated PBR legislation for over 20 years. Canada is one of a small minority of members of the International Union for the Protection of New Plant Varieties (UPOV) whose legislation does not conform to the most recent convention (UPOV 1991). The impact on farmers of not having up to date legislation has been significant.

For example, wheat producers in Ontario have been denied access to superior varieties developed in Europe because European plant breeders will not risk their varieties in a market that does not afford the protection they have in other markets. Similarly, potato growers who require varieties that will help them battle disease and adverse environmental conditions are denied access to those genetics because plant breeders will not risk their investments in Canada.

Cereal crop producers in Canada are at a disadvantage to their international counterparts. In fact, a recent international study ranks Canada's ability to generate funds for investment in plant breeding at the bottom of the list of cereal crop producing countries, with the result that Canadian productivity is also near the bottom of the same list. It is clear that we must take every possible action to attract investment in plant breeding and variety development for Canada. Updated Plant Breeders' Rights legislation is a high priority.

Some important facts on Plant Breeders' Rights and the Bill C-18 amendments include:

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 make their protected varieties available to other breeders for research and to use 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. Of the 359 registered varieties of wheat available to farmers, only 91 are protected by PBR. Only 59 of the 252 registered barley varieties available to farmers are protected by PBR, and only 29 of the 126 registered oats varieties are protected by PBR. Farmers have plenty of choice.
3. **Not only the private sector uses Plant Breeders' Rights** – 48% of all of the agricultural varieties protected under PBR were developed at public institutions. 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 for their own use** - Canada's Plant Breeders Rights legislation has always allowed, and will continue to allow, farmers to save grain they produce from protected varieties to use as seed on their farms. Under the proposed amendments, they can produce it, reproduce it, store it and condition it for use as seed in their own operations.
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 without the authority of the breeder contravenes every convention of UPOV, and is a clear contravention of both Canada's current Plant Breeders Rights Act and the amended legislation that will result from Bill C-18.
6. **Bill C-18 does not allow breeders to collect royalties "at every stage of production"** – UPOV 1991 and Canada's proposed amended legislation allows the breeder to collect a royalty on the seed. Royalties cannot be collected on the grain or elsewhere in the production system. However if the breeder can prove that seed was acquired without his/her authorization, the breeder can seek compensation on the grain produced from the illegally acquired seed.
7. **Bill C-18 does not allow the Minister to take away the Farmers' Privilege** – The Bill does not contain any provisions that would prevent farmers from saving grain for use as seed on their own farms. While the legislation does state that the Minister may make regulations, the regulatory process requires the development of the rationale for the regulation, including a detailed and comprehensive economic impact assessment. The process also requires thorough consultations demonstrating support from those who may be affected by the regulation.

We hope this has helped you to understand the real facts about the PBR amendments proposed in Bill C-18. We would be very happy to answer any other questions you may have, and to make available any of the members of Partners in Innovation for meetings and interviews. Just contact us at [info@partnersininnovation.ca](mailto:info@partnersininnovation.ca).

Sincerely

The Members of Partners in Innovation:

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Alberta Barley Commission ● Alberta Wheat Commission ● Atlantic Grains Council ● Barley Council of Canada  
Canadian Horticultural Council ● Cereals Canada ● Canadian Federation of Agriculture ● Canadian Ornamental Horticulture Alliance ● Canadian Potato Council ● Canadian Seed Trade Association ● Grain Farmers of Ontario ● Grain Growers of Canada ● Mustard 21 Canada Inc. ● Fédération des producteurs de cultures commerciales du Québec ● Manitoba Pulse Growers ● Prairie Oat Growers Association ● Western Canadian Wheat Growers Association