

# Crop diversity as life insurance

**75 % of the world's 1,2 billion poor lives in rural areas**



Plant breeding needed for ever.



Source: Regine Andersen,



# Farmers' Rights in the ITPGRFA

- recognizes the enormous contribution of farmers conservation and development of plant genetic resources
- Protect traditional knowledge
- Benefit sharing
- Participate in decision making
- save, use, exchange and sell farm-saved

seed



**UTVIKLINGSFONDET**

# TRIPS flexibilities

- Art.27.3 Members may also exclude from patentability: (b) plants and animals ..., and essentially biological processes for the production of plants or animals ....  
However, Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof.



**UTVIKLINGSFONDET**

# Patents

- Prohibits further breeding of new varieties
- Prohibits independent biosafety research
- If further breeding is allowed, commercialisation is not allowed.
- May prohibit use of farmed saved seeds for own use. Illegal to exchange and sell farmed saved seeds.

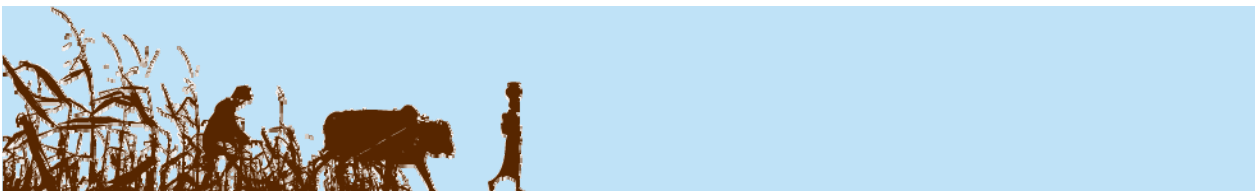


**UTVIKLINGSFONDET**



# Teff patent granted in 2007 in EPO – innovative?

- Teff grain (any variety) with certain falling number values at the time of grinding
- Milling of flour from these grains to fine powder
- The dough resulting from mixing this flour with liquid
- Non-traditional products from sugh dough such as bread, pancakes, cookies and cakes.



# Plant variety protection

- Sui generis system
  - «flexible, adopt locally, balance costs and benefits» Hon.minister Dr. Rob Davis
  - «country specific IP», «balanced and tailored» Mr. Geoffrey Onyeama, WIPO
  - Plant breeders' rights and farmers' rights



**UTVIKLINGSFONDET**

# UPOV 1991

- Art. 15: [Optional exception] each Contracting Party may, within reasonable limits and subject to the safeguarding of the legitimate interests of the breeder, restrict the breeder's right in relation to any variety in order to permit farmers to use for propagating purposes, on their own holdings, the product of the harvest which they have obtained by planting, on their own holdings, the protected variety



**UTVIKLINGSFONDET**

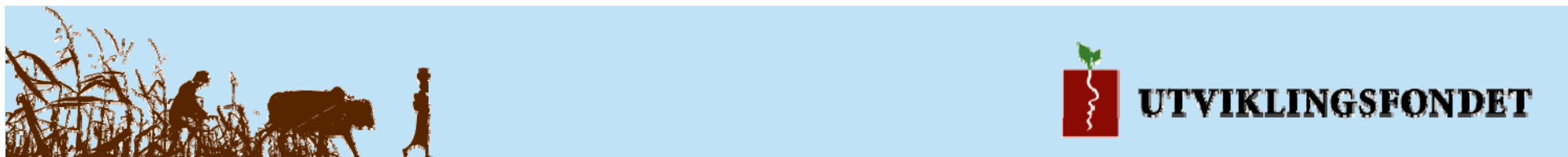


# ARIPO draft PVP



**November 2012: Acknowledgment to UPOV Secretariat, the United States Patent and Trademark Office (USPTO), CIOPORA (a global Seed Association) and the French Association representing the Seeds Sector (GNIS).**

**Up-coming national consultations.**



# IP and food security

- “In developing countries especially, instruments such as patents may drive up costs, restrict experimentation by the individual farmer or public researcher while also potentially undermining local practices that enhance food security and economic sustainability. “

IAASTD (2008)

- ”The expansion of IPRs can constitute an obstacle to the adoption of policies that encourage the maintenance of agrobiodiveristy and reliance on farmers' varieties.”

UN Special Rapporteur on the right to food (2009)



**UTVIKLINGSFONDET**

# Development of seeds

- Promote innovation through farmers' adaptive selection and exchange of seeds.
- Possible to combine with UPOV 1978.
- Affordable and adaptive seeds according to farmers' needs and preferences, sufficient amount at the right time.

