

National Office
2717 Wentz Ave.
Saskatoon, Sask.
S7K 4B6
Tel (306) 652-9465
Fax (306) 664-6226
E-Mail: nfu@nfu.ca



national farmers union

In Union Is Strength

FOR IMMEDIATE RELEASE

DECEMBER 16, 2005

FARMERS' RIGHT TO SEED PROTECTED IN NORWAY, SAYS NFU:

The National Farmers Union (NFU) is extremely pleased at the news of Norway's rejection of UPOV '91, says Terry Boehm, Vice-President of the NFU.

Earlier this year, Norway's Parliament rejected a proposed law that would replace UPOV '78 with UPOV '91. This means that farmers' right to save and re-use seed remains protected in that country.

"This confirms the NFU's position, and reinforces the campaign we launched over the last 18 months against the federal government's efforts to have UPOV '91 adopted in Canada," stated Boehm. UPOV is the French acronym for the International Convention for the Protection of New Varieties of Plants – the template for plant breeders' rights legislation. Norway saw no reason to restrict farmers' use of their farm-saved seed under the terms of UPOV '91.

"The Norwegian government should be congratulated for rejecting this anti-farmer legislation," added Boehm. "Canada needs to do the same. There are no advantages for Canada in adopting UPOV '91. Likewise there are no international obligations that Canada must fulfill."

Boehm is currently in Europe. He has been attending a number of international meetings in France and speaking on a number of seed-related issues, including the consequences to farmers and the public of Plant Breeders' Rights, patents, and the use of "Terminator" or Genetic Use Restriction Technologies (GURTs). Terminator technology results in sterile seeds that will not reproduce.

"Canadians and Europeans are both facing the same threats from multinational companies which seek complete control of seeds," stated Boehm. "Seeds are farmers' most important input, and we know that when control of inputs is concentrated in the hands of a few large players, farmers' costs rise rapidly."

He said the current negotiations at the World Trade Organization (WTO), and initiatives like UPOV, will only make farmers' income situation even more desperate around the world. "This must be stopped," he concluded.

Contact:

Terry Boehm, NFU Vice-President (currently in Paris, France)

Phone 011-33-1-44-84-72-50

Terry Pugh, NFU Executive-Secretary (306) 652-9465

Backgrounder

What is UPOV 91?

The UPOV Convention was adopted in 1961 to give plant breeders exclusive property rights for a limited period of time over varieties they develop. The original UPOV '61 Convention was replaced by UPOV '78, and later by UPOV '91 – each with more restrictive exemptions for farmers and plant breeders. There are important differences between the 1978 and 1991 Acts of UPOV with regard to coverage, period, scope and exemptions:

1. UPOV '78 covers plant varieties of *nationally-defined* species or genera. UPOV '91 covers plant varieties of *all* genera and species.
2. The protection period under UPOV '78 is 15 years. Under UPOV '91 the protection period is extended to 20 years.
3. The protection scope under UPOV '78 is production for the purposes of commercial marketing, offering for sale, and marketing of propagating material of a protected variety. UPOV '91 adds, among other things, exporting, importing, conditioning (cleaning) and stocking for the above purposes of the protected material.
4. Breeders are free to use a protected variety to develop a new variety under UPOV 78, but not if it requires repeated use of that variety. Under UPOV '91, this exemption is restricted and, among other provisions, they are not allowed to produce varieties which are “essentially derived” from a protected variety or which are not distinguishable from such a variety.
5. Farmers are free to use their harvested material from a protected variety for any purpose under UPOV '78. Under UPOV '91, national governments are entitled to decide whether farmers shall be allowed to re-use the harvest of protected varieties on their own land holdings. Sale and exchange would be strictly prohibited.

For more information on the Norwegian decision, please log on to:

www.grain.org/bio-ipr/?id=458