

## **Nature of plant breeder's rights**

5. (1) Subject to the other provisions of this Act and the regulations, the holder of the plant breeder's rights respecting a plant variety has the exclusive right
- (a) to produce and reproduce propagating material of the variety;
  - (b) to condition propagating material of the variety for the purposes of propagating the variety;
  - (c) to sell propagating material of the variety;
  - (d) to export or import propagating material of the variety;
  - (e) to make repeated use of propagating material of the variety to produce commercially another plant variety if the repetition is necessary for that purpose;
  - (f) in the case of a variety to which ornamental plants belong, if those plants are normally marketed for purposes other than propagation, to use any such plants or parts of those plants as propagating material for the production of ornamental plants or cut flowers;
  - (g) to stock propagating material of the variety for the purpose of doing any act described in any of paragraphs (a) to (f); and
  - (h) to authorize, conditionally or unconditionally, the doing of any act described in any of paragraphs (a) to (g).

### **Farmers' privilege - Original Bill's wording:**

(2) The rights referred to in paragraphs 5(1)(a) and (b) do not apply to harvested material of the plant variety that is grown by a farmer on the farmer's holdings and used by the farmer on those holdings for the sole purpose of propagation of the plant variety.

### **Farmers' privilege - Wording as amended and passed:**

5.3 (2) The rights referred to in paragraphs 5(1)(a) and (b) and — for the purposes of exercising those rights and the right to store — the right referred to in paragraph 5(1)(g) do not apply to harvested material of the plant variety that is grown by a farmer on the farmer's holdings and used by the farmer on those holdings for the sole purpose of propagation of the plant variety.