

# SOS!

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# SAVE OUR SEED

A new initiative by the Seed Synergy group is advancing the idea that plant breeding must be financed by charging farmers royalties on farm saved seed or the farmer's entire crop.\*

We can stop this from happening by getting involved and speaking out!



Today, our federal government appears ready to give this corporate seed lobby group what they want by preparing to bring in **a new regulation** that would force farmers to pay royalties on seed saved for their own use, or pay royalties on the entire crop when using new varieties.

**Farmers would have no say** in the royalty rates nor any control over how the money would be used.

Farmers have been saving their own seed for thousands of years, and these genetics are the basis of the new varieties. **The National Farmers Union asserts the inalienable right of farmers to save, reuse, exchange and sell seed – and calls for these rights to be entrenched in legislation** – not a mere privilege that can be eroded, modified or made unworkable at a moment's notice as is now the case.

**Plant breeders already have exclusive rights to save, reuse, stock, condition, import and export new varieties** of seed, and to **authorize** any of these activities to be done by another party. The law now limits farmers to a mere privilege to save and reuse seed on their own holdings and to condition (clean or treat) and stock (store) seed. **This “farmers’ privilege” can be restricted or made unworkable through a simple regulatory change without amending legislation.** The Seed Synergy proposal is the first step in eroding “farmers’ privilege”.

**Seed Synergy's** stated interest is **to create value for private breeders by extracting royalties from farmers.** **Seed Synergy** members are comprised of the biggest, wealthiest and most powerful agro seed and chemical corporations in the world, namely **Bayer** (now owns Monsanto), **Syngenta** (a subsidiary of ChemChina), **DowDuPont**, **Limagrain**, **BASF**, **Cargill**, and their subsidiaries such as Canterra and Pride.

Along with our fellow Canadians, **farmers have invested in public plant breeding** and we want to rebuild our robust public plant breeding system which cooperates **to advance the public good on behalf of farmers and citizens.** We will not stand by and allow **our seed** to be usurped by the biggest corporations in the world making us dependent on them for the very basis of **our food system.**

\* *Royalties would apply to plant varieties registered after Bill C-18 went into effect in February 2015. If the proposed regulatory change is allowed to happen there will be a strong incentive for seed companies to de-register older varieties, reducing choice and forcing farmers to plant newer varieties and pay royalties on them.*

# SOS - TAKE ACTION!

## LEARN MORE ...

**Visit the NFU Save our Seed web page** at [nfu.ca/campaigns/save-our-seed/](http://nfu.ca/campaigns/save-our-seed/)

**Subscribe to the NFU SOS Action Group** to get info and updates by email - <http://eepurl.com/dt7s0n>

**Join the National Farmers Union** – [www.nfu.ca/join/](http://www.nfu.ca/join/) or call 306-652-9465

*(note: non-farmers can join as non-voting Associate Members)*

## SHARE YOUR VIEWS ...

**Write letters** to your local paper

**Comment** on social media – hashtag **#SaveOurSeed**

**Phone in** to radio call-in shows

## CONTACT ...

**Your MP** – find their info at [ourcommons.ca/Parliamentarians/en/members](http://ourcommons.ca/Parliamentarians/en/members)

**Agriculture Minister Bibeau** [Marie-Claude.Bibeau@parl.gc.ca](mailto:Marie-Claude.Bibeau@parl.gc.ca) fax 613-992-1696 or call 613-995-2024

**Prime Minister Trudeau** [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca) fax 613-941-6900 or call 613-992-4211

*Letters to MPs do not need a stamp when mailed to House of Commons, Ottawa, ON K1A 0A6*

## Relevant sections of the *Plant Breeder's Rights Act*:

### 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).

### Royalty

- (2) Without prejudice to any rights or privileges of the Crown, **an authorization conferred under paragraph 1(h) may be subject to a condition to pay royalty to the holder of the plant breeder's rights** whether or not the holder is Her Majesty in right of Canada or a province.

### Farmers' privilege

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.

### Regulations

- 75 (1) The Governor in Council may make regulations ...
- (1.1) respecting any classes of farmers or plant varieties to which subsection 5.3(2) is not to apply;**
  - (1.2) respecting the use of harvested material under subsection 5.3(2),** including any circumstances in which that use is restricted or prohibited and any conditions to which that use is subject;

### Infringement

- 41 (1) A person who infringes plant breeder's rights is liable to the holder thereof and to all persons claiming under the holder for all damages that are, by reason of the infringement, sustained by the holder or any of those persons and, unless otherwise expressly provided, the holder shall be made a party to any action for the recovery of those damages.



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