



Box 130
Canwood, SK S0J 0K0
Phone: 306-468-2218
Fax: 306-468-2346
Email: lester.wyatt@saskorganic.com
www.saskorganic.com

February 18, 2005

SASKATCHEWAN ORGANIC DIRECTORATE

Position Paper on Proposed Changes to the Plant Breeders Rights Act

To the Canadian Food Inspection Agency:

The Saskatchewan Organic Directorate (SOD) would like to make the following points regarding proposed changes to the Plant Breeders Rights Act that is designed to bring the act into compliance with the 1991 UPOV (Convention of the International Union for the Protection of New Varieties of Plants), treaty:

- 1) SOD objects to a legislative framework that enshrines "rights" for plant breeders and which may or may not give farmers a "privilege" or an "exemption" that would allow farmers to save or re-use their seeds. Farmers' rights to save seed are based on thousands of years of tradition and farmer participation in seed selecting and crop breeding. Properly designed legislation should foremost enshrine farmers' rights to their seeds, and only then grant limited privileges to seed corporations where a specific benefit to the public good is identified.
- 2) SOD objects to the proposed change in legislation that would grant "cascade rights" which would enable seed companies to seize farmers' crops if they are using a PBR protected variety without permission or royalty payment. This "cascade right" would even give seed companies' the ability to extract royalties on farmers crops that are contaminated by the seed companies' patented varieties.
- 3) SOD objects to changes that would put the reverse onus on farmers to prove to a seed company complainant that they are not growing its patented varieties without proper authorization. It would be a "guilty until proven innocent" situation where it would be up to the farmer to "pay-up" or prove in court that the variety in question did not belong to the company.
- 4) SOD objects to changes, which would add to the seed companies' exclusive rights to clean seed, or hold significant amounts of clean seed. These proposed changes would "criminalize" seed saving unless royalties are paid. Proposed farmer exemptions to this rule would be limited, temporary, and subject to termination, and **do not** protect farmers' traditional rights to save and re-use their seed. According to their Seed Sector Review, seed companies admit their goal is to have farmers paying royalties every year on seed they save and reuse on their own farms.

5) SOD objects to proposed amendments that would prohibit unauthorized *possession* of protected varieties. This could dramatically extend the ability of a seed company to sue a farmer for unauthorized use of its patented varieties. Liability could extend to crops grown and harvested years later, not just for the seed that was initially "illegally" used.

6) SOD objects to any amendments that would extend on PBR varieties, the present royalty protection period of 18 years.

7) It is the position of the Saskatchewan Organic Directorate that it has long been recognized because of competitive pressures on the farm, that new variety development and increased yields do not significantly increase a farmer's bottom line. The benefits flow to the "downstream" users and society in general. Therefore SOD believes the current system of publicly funded and supported research stations and university researchers should be maintained, and indeed strengthened.

SOD objects to any changes that diminish or withdraw government support for public plant breeding initiatives. Such a withdrawal will throw the cost of plant variety development onto the shoulders of farmers, to the detriment of the public good and the Canadian economy. It is highly unlikely that the privatization of the current system of publicly funded agricultural researchers will benefit farmers, and will only lead to foreign transnational corporations ownership and control all new seeds, and by extension, their control over Canadians' food supply.

Furthermore, SOD wants to see an end or reduction in the practice of public funding of agricultural research being tied to matching funding with "partners" in the private sector. Only large corporations have the capital to participate in these arrangements. This means that these linked research grants in effect function as a taxpayer subsidy to large private companies, for private profits.

Sincerely

On behalf of the Saskatchewan Organic Directorate
Arnold Taylor, President