



PLANT VARIETY PROTECTION AND FARMERS' RIGHTS IN FRANCE

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Main plant breeding objectives

Plant breeding is necessary for agriculture, food and feed supply and industrial uses:

- Adaptation to the environment and climate change (drought or cold conditions)
- Improved resistance to disease, pest
- Productivity (Higher and regular Yield)
- Quality and diversification of agricultural products
 - Food and feed quality
 - Development of plants with composition adapted to specific uses (starch in potato, oil in sunflower, ...)
 - Diversification of products (vegetable, cereals,...)

PVP is needed to support plant breeding activities realized by private or public breeding companies





Rationale to develop IPR for plant variety

- Support research and breeding
- Promote the dissemination of genetic progress

By granting to the breeders:

- the exclusivity in the exploitation of its creation (new variety)
- for a limited time duration
- Important both for private and public research



The UPOV system

- UPOV is a sui generis system
- The UPOV convention provides the basis for UPOV members to encourage plant breeding by granting breeders of new varieties an IPR
- France member since 1970
- UPOV has 2 exemptions:
 - ➔ one compulsory ; breeders' or breeding exemption
 - ➔ one voluntary ; farmer's exemption



- Free access to genetic resources needed
- In exchange, the protected innovation is immediately accessible
- It accelerates genetic progress



- The seed industry is a genuine gold nugget for France- a world leader in terms of production and exports with sales over 3billions euros.
- It is hugely innovative: with 13% of total sales invested in research (comparable to the pharmaceutical industry) it delivers more than 500 new varieties every year in the country.
- Variety turnover is dynamic, with an average lifetime of two to six years for major crops.
- The breeding exemption is the cornerstone of genetic progress : for example a study showed that the genealogy of the 8 most cultivated varieties of wheat includes 70 % of protected inbred lines of other breeders



Results are clear :

In wheat 131 varieties were registered in 1954

In wheat 280 varieties were registered in 2014

New varieties and available diversity for main species in 2016

	Number of varieties registered on the French catalog	Number of new varieties for 2016
Sugar beet	404	46
Cereals and Protein plants	872	81
Forrage crops	907	62
Corn and Sorghum	1093	121
Oil seeds	539	51
Potatoes	217	10
Vegetables	2 693	140



- The first version of UPOV convention had no provision : each member state is free to decide to have or not a farmer's exemption. France had not.
- In the 1991 version, a provision on farmer's exemption was introduced which allow member states to authorize farm save seeds
- Two conditions were introduced :
 - ➔ Exemption for species using traditionally farm save seeds
 - ➔ Remuneration of the breeder

- Regarding Farmers' rights Europe is facing 2 challenges :
 - ➔ how to proceed to implement farm save seeds provisions with some money back to the breeders ?
 - ➔ How to avoid more and more difficulties of access to GR as source of breeding ?

- EU has a farm save seed provision since 1994, and the starting of a European Breeders' rights certificate. But this provision, opened for 21 species for which FSS is a tradition, is based on voluntary declaration of Farmers. Till now, a minority of EU countries –after 20 years- are implementing this provision.



Plant variety protection in European Union

- PVP according to the UPOV convention is the only one system in Europe
- European PVP is a balanced system : a legal protection for the breeder but a free availability for breeding and research purposes activities

	European PVP	Patent
Breeding	Free availability « <i>Breeding exemption</i> »	Impossibility
Experimentation without production	Free availability	Impossibility
Propagating the variety without marketing purposes and within a private or family framework	Free availability	Free availability
Using farm saved seeds of a protected variety by a farmer on his own holding	Possibility under regulated conditions « <i>farmer's exemption</i> »	Impossibility

A new law in France in 2011

The last act of 1991 introduces several new points in the UPOV convention :

- ➔ Add of 5 supplementary years to the duration of the protection
- ➔ Concept of the essentially derived variety
- ➔ Possibility in a regulated framework for a farmer to use farm saved seeds from protected varieties for some plant species

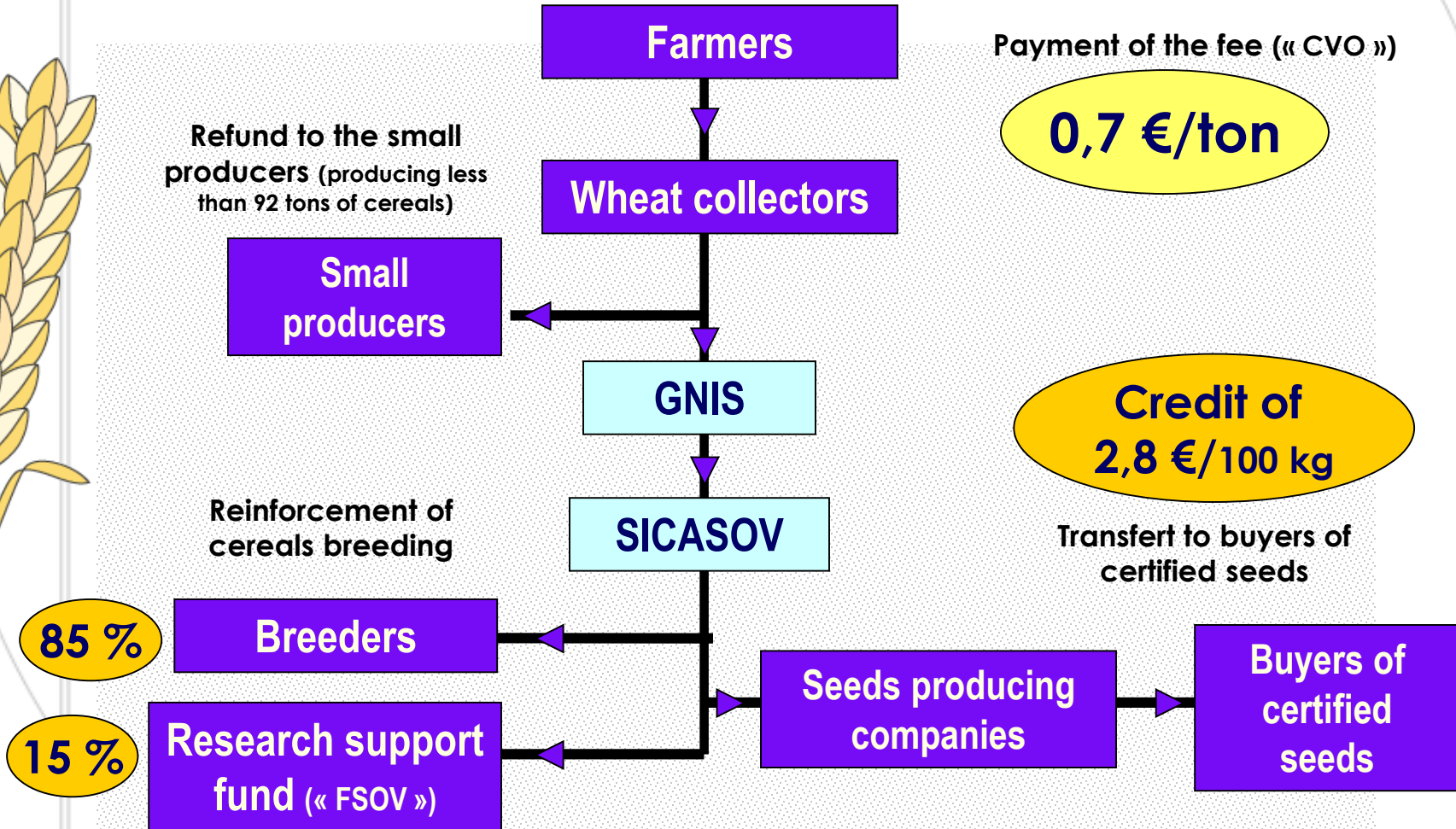
3 main changes :

- ➔ only bred varieties protected ; not discovered and developed
- ➔ inclusion of the concept of essentially derived varieties
- ➔ article 16 introduces a « farm save seed » provision

- In France, for 15 years in wheat, and for 4 years in other small grain cereals, potatoes plants, and forage crops we are implementing a different way : Farmers are paying some fees for Breeders at the time of harvesting or when they sale their harvest.

- Farmers may use on their own holdings seeds of protected varieties produced on their own holdings
- Possible for more than 21 species for which farm save seed is traditionnal (34 species)
- Possible if a payment is done on FSS to the breeder of the variety used
- This payment may be done through :
 - a direct contractuel agreement between farmers and breeders
 - A collective agreement between group of farmers and group of breeders or a single breeder
 - A special general agreement through GNIS (with is actually the preferred choice of farmers' trade-unions)

The French agreement on farm saved seeds for cereals





Balance sheet of the three-year agreement 2013-2016

- Agreement allowing the opening for all species of straw cereals , from 1 july 2014
- Maintenance of rates 0,70 €/t collected and 2,80 €/q bought

Balance sheet of the campaign 2015-2016

- Total of tonnage collected : **50 297 456, 47 t**
- Total collected over the period : **35 208 219, 53 €**
- Total refunded to breeders : **16 271 841, 77 €**
- Total paid to FSOV : **2 871 501,50 €**



THANK YOU FOR YOUR ATTENTION

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