

PLANT BREEDERS' RIGHTS FREQUENTLY ASKED QUESTIONS

Q: Are all Plant Breeders' Rights (PBR) protected varieties now protected under the new Act?

A: No, only varieties that are granted PBR after February 27, 2015, are protected under the new legislation. All varieties previously granted PBR protection continue under the original Act. You can determine this by looking at the logo associated with the variety or by asking your seed retailer.

Q: I'm a crop producer, how will the new PBR Act affect me?

A: The PBR amendments give plant breeders confidence to invest in research and develop new varieties for farmers. As a result, you can expect greater choice and access to more new and improved varieties.

Q: Can I save seed under the new PBR Act?

A: Yes. The new PBR Act enshrines in legislation your ability to save seed of PBR-protected varieties. You may also condition and plant store/stock grain of PBR-protected varieties to use as seed on your farm. However, the selling of farm saved (common) seed of PBR protected varieties continues to be illegal. If the seed is of a variety that carries other intellectual property protection, such as patents or use agreements, you need to be aware that may prohibit seed saving.

Q: I'm a plant breeder, what does the new PBR Act mean to me?

A: Breeders' rights are now expanded under the new PBR rules. You now have more authority over your inventions. You can set conditions for production, reproduction, conditioning, stocking, exporting and importing propagating material (seed) of varieties that you choose to protect with PBR. In addition, if your PBR-protected seed was obtained and used illegally or without your consent, you can choose to seek compensation on harvested material (grain) produced from that seed.

Q: I'm a seed cleaner, do the new PBR rules affect me?

A: Yes. You need to know the varieties and the PBR protection that may be on the seed that you are conditioning. You also need to take precautions to ensure the seed you are cleaning was obtained legally. You must be confident that you are cleaning farm-saved seed that will only be used on the farm of the farmer who has brought it to you for cleaning. If not, you could be liable for infringements of the breeder's right.

Q: I'm a grain buyer, what are my obligations under the new legislation?

A: You need to be aware of the varieties that are protected under the new legislation and be satisfied that the seed used to produce the grain you are purchasing was legally obtained. If not, you could be liable for infringements of the breeder's right.

Q: Why were changes to the PBR Act necessary?

A: These changes were necessary to put Canada on equal footing with other countries. The new PBR provisions conform to an international treaty known as UPOV-91. Until 2015, Canada was one of only three developed countries that didn't comply. The update gives plant breeders the confidence to invest in plant breeding in Canada and it gives international plant breeders the confidence to provide Canadian farmers access to their new and improved varieties.

Q: How can we be sure that the PBR amendments will have an impact?

A: The PBR Act changes in 2015 have had a positive impact. Even before the legislation was passed, the industry witnessed new investments in breeding, the formation of new partnerships, and increased interest from foreign breeders to release their varieties into Canada.



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