

# Plant Breeders' Rights Fast Facts



## UNDERSTANDING YOUR OBLIGATIONS

On February 27, 2015, all new PBR-protected varieties are protected under legislation that conforms to the UPOV 1991 convention, bringing Canada in line with the rest of the world, and opening opportunities for increased investment to make new varieties available to Canadian farmers. This change has not only brought opportunity, but also new obligations for the value chain.



Are all varieties protected under the same Plant Breeders' Rights (PBR) Act?

As of February 27, 2015, all new varieties submitted for PBR are protected under the new legislation. These varieties carry the PBR 91 symbol.



All varieties granted protection under the PBR prior to February 27, 2015 continue under the original Act. These varieties carry the original PBR symbol.

## BREEDERS' RIGHTS

What are breeders' rights?

Breeders' rights are expanded under the new PBR Act. Authorization from the breeder is required to produce, reproduce, sell, clean/condition, stock, import or export seed of PBR-protected varieties.

Authorization from the breeder is required to sell, or produce for sale, seed of PBR-protected varieties.

Can breeders be compensated on harvested grain?

Yes, if seed was obtained and used illegally or without the authorization of the breeder, the breeder can choose to seek compensation, including for lost royalty revenue; lost markets; and for court costs; on delivered grain produced from that seed.

No

## FARMERS' PRIVILEGE

Can farmers save seed?	Yes, the "Farmers' Privilege" is entrenched in the legislation. It allows farmers to produce PBR 91-protected varieties for use as seed on their farms.	It is not spelled out in the legislation, but it is not prohibited.
Can farmers clean grain from PBR-protected varieties for use as seed on their farm?	Yes	Yes
Can farmers sell or advertise for sale seed they have produced from grain of PBR-protected varieties?	No	No
Can farmers exchange seed they have produced from grain of PBR-protected varieties?	No	No

## SEED CONDITIONERS' AND GRAIN BUYERS' RESPONSIBILITIES

Can seed conditioners clean seed of a PBR-protected variety for purposes of propagation?	Yes, if the seed was obtained legally (i.e. certified seed was purchased) and if farm-saved seed will only be used on the farmer's own land.	Yes
Do seed conditioners have certain responsibilities when cleaning farm-saved seed of a PBR-protected variety?	Yes, expanded breeders' rights mean that cleaners may be liable for breaches of the breeder's right. They should take precautions to ensure the seed they are cleaning was obtained legally, and that farm-saved seed that they clean will only be used on the farm of the farmer who has brought it in for cleaning.	No
Do grain buyers have certain responsibilities when handling PBR-protected varieties?	Yes, the harvested material provisions mean that grain buyers may be liable for breaches of the breeder's right. They should be aware of the varieties that are protected under the new legislation and be satisfied that the seed used to produce that grain was legally obtained.	No