



## Seed companies want to ban farm-saved seed

***“Make it a crime for a farmer to save seeds for the next year’s planting.”***

***That is one of the key demands in a new lobbying offensive from the global seed industry, described in a new briefing from GRAIN.\****

Seed companies already have strong legal support from governments. In many countries, seed laws require farmers to use only certified seed of government-approved varieties. That seed is often available only from commercial seed companies.

A rapidly increasing number of governments also grant legal monopoly rights for commercial seed, by means of industrial patents and so-called plant variety protection (PVP). Until recently, both seed patents and PVP existed only in developed countries. But since the World Trade Organisation (WTO) was created in 1994, all member governments must provide some form of monopoly rights on seeds. There is now enormous pressure on developing countries to adopt the developed country models. Many have been persuaded to join the international PVP system, managed by UPOV (International Union for the Protection of New Varieties of Plants). In the past ten years, UPOV has more than doubled its membership. Most new members are developing countries.

The UPOV system was originally set up in 1961, in response to many years of lobbying by the seed industry. What the companies really wanted was to have industrial patents on seeds. Patents give absolute rights to control all uses of the seed, both for planting and for further breeding. But at the time many governments felt that patents would give industry too much power over farmers. The UPOV PVP was created as a compromise. From the beginning, it gave seed companies a monopoly on only the commercial multiplication and the marketing of seeds. Farmers remained free to save seed from their own harvest to plant in the following year, and other breeders could freely use any variety, protected or not, to develop a new one.

During the 1980s, the development of genetic engineering attracted large transnational companies from the pharmaceuticals and chemical sectors into plant breeding. With their much greater lobbying power, they began a new offensive to strengthen monopoly rights on plant breeding in developed countries. First, they got industrial patents on plants bred with genetic engineering (GE) and related techniques. This meant, in practice, that they got the absolute monopoly that conventional breeders had been refused two decades earlier.

Second, the UPOV PVP rights were radically expanded for all plant varieties, GE or conventional. Since 1991, the PVP monopoly has applied not only to seed multiplication but also to the harvest and sometimes the final product as well. The previously unlimited right for farmers to save seed for the following year’s planting has been changed into an optional exception. Only if the national government allows it can farm-saved seed still be used, and a royalty has to be paid to the seed company even for seeds grown on-farm.

Third, these much stronger monopoly rights are required for membership in the WTO, as already

described. This is the starting point for the new lobby offensive now being prepared by the global seed industry. The goal this time is to remove the few remaining differences between the PVP system and patents, so that companies will have an absolute monopoly over seeds all over the world, regardless of which legal system is used, for all crops and all countries.

Farm-saved seed will be a primary target of this offensive. At least two-thirds of the global crop area is currently planted with farm-saved seed every year. In many developing countries, it represents 80–90 per cent of all seed used, but even in developed countries it commonly accounts for a large share (30–60 per cent). If farmers were legally forced to plant all of this area with commercial seed, it could easily mean a doubling of seed industry turnover, that is, an extra US\$20 billion annually – all taken out of farmers' pockets and delivered to transnational giants such as DuPont, Bayer, Syngenta, and Monsanto.

Another key industry demand will be to restrict or eliminate the freedom to use PVP-protected varieties for breeding – the other major difference between the UPOV system and patents. The purpose is simply to block competition. If nobody else is allowed to improve on a variety until after the term of protection – 20 years or so – a seed company will be able to sell the unimproved variety for a much longer period, and postpone the cost of new research. The net effect: increased profits for the PVP owner, higher seed prices and fewer new varieties for farmers.

The seed industry has every reason to fear competition from farm-saved seed and more innovative independent breeders. Even individual farmers can often match or beat the performance of commercial varieties by simple on-farm selection. With constantly stronger monopoly rights and increasing consolidation into a few giant conglomerates, seed companies have produced fewer and fewer products of value to farmers. The big strides in yield and resistance improvement were made early in the 20th century, before any monopoly rights were available on seeds. And those improvements came mainly from selecting and crossing the very best of the thousands of farmer varieties which had been developed over centuries, not from any industry-sponsored research.

The failure of commercial plant breeding has left global agriculture badly prepared for the challenges of the near future, such as climate change and the need to wean ourselves off dependence on fossil fuels. It is now time to start rolling back the monopoly privileges of the seed industry, not to strengthen them further.

**\*For a copy of the full briefing paper, *The end of farm-saved seed? Industry's wish-list for the next revision of UPOV* (12 pp) (<http://www.grain.org/briefings/?id=202>), contact: GRAIN, Girona 25 pral., 08010 Barcelona, Spain, Tel: +34 93 301 1381, Fax: +34 93 301 1627, Email: [grain@grain.org](mailto:grain@grain.org)**

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