



**KEYSTONE
AGRICULTURAL
PRODUCERS**
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Canadian Food Inspection Agency
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Plant Breeders' Rights Consultation

Keystone Agricultural Producers (KAP) is Manitoba's general farm policy organization, providing a unified voice for farmers on issues that affect agriculture. KAP represents and promotes the interests of all Manitoba farmers and 19 commodity associations.

The Plant Breeders' Right Act is an important piece of legislation that protects plant varieties and promotes plant breeding in the country. KAP is pleased to respond to the Canadian Food Inspection Agency's consultation on proposed amendments to the Plant Breeders' Rights Regulations.

Should Canada better align with other similar jurisdictions, such as the United States of America and the European Union, by clarifying that the farmers' privilege does not extend to the saving and reusing of propagating material (e.g. cuttings, budding, grafting, seeds, etc.) of PBR protected fruit, vegetable, and ornamental varieties?

Yes, KAP supports providing additional clarity to the Plant Breeders' Rights Regulations regarding the definition of farmers' privilege. The fruit, vegetable, and ornamental sectors are highly dependent on genetics from foreign jurisdictions, and adding clarity to farmers' privilege will increase the confidence of plant breeders who are interested in doing business in Canada. These proposed changes will formalize common practices that are currently done in these sectors.

Should the PBR Regulations be amended to clarify that the farmers' privilege does not apply to the saving and reusing of propagating material (e.g. cuttings and seed) of PBR protected hybrids, and protected parental inbred varieties used in hybrid combinations?

Yes, producers who use hybrids varieties benefit from the advantages that these plants provide such as higher yields and better disease resistance. It would be atypical for a producer to reuse a hybrid variety for number of reasons: legal and contractual restraints, lower yields and increased disease pressures. Continued recognition of farmers' privilege is important for practices that are considered common and traditional. Since the saving of hybrid seed is considered neither common nor traditional, we are supportive of the agency's proposed amendment.

Should the period of PBR protection for potatoes, asparagus, and woody plants, be extended from 20 to 25 years (or possibly longer) to encourage domestic breeding efforts and support greater access to new international varieties?

Yes, potatoes, asparaguses, and woody plants have unique breeding characteristics that would benefit from an extended protection period. The breeding costs associated with these plants are expensive and time consuming.

The realized gain with these plants may not be immediate, and a limited protection period may prevent innovative varieties from being introduced in Canada; thereby, reducing potential benefits to farmers. Increasing the protection period by five years balances the needs of plant breeders and producers while remaining competitive with other jurisdictions.

Should the concept of "sale" for the purposes of filing a PBR application be narrowed, by excluding advertisements?

Yes, KAP does see not any potential disadvantages to producers if the concept of sale excludes advertisements. The current definition appears to be beneficial for enforcement purposes, but it may disadvantage individuals applying for plant breeder protection.

Should a new application fee be introduced, offering a substantially reduced price when using UPOV PRISMA in comparison to the normal PBR fee, in order to encourage the filing of electronic applications?

Yes, filing a plant breeders' rights application and using UPOV PRISMA costs over \$400. It is not uncommon for plant breeders to file multiple applications for varietal protection. Reducing the the current application fee would incentivize the use of UPOV PRISMA and improve the management of plant breeding applications.

Thank you for providing the opportunity to provide feedback on proposed amendments to the Plant Breeders' Rights Regulations. If you have any questions about this submission, please contact KAP policy manager, Neil Van Overloop, at neil.vanoverloop@kap.ca.

Sincerely,

A handwritten signature in cursive script that reads "Brenna Mahoney".

Brenna Mahoney

General Manager, Keystone Agricultural Producers Inc.