

Shared Concerns

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The system of plant breeders' rights (PBR) is often considered and seen as important for breeders only. For many discussions the organizing governmental bodies and institutes used to send invitations just to breeders and their organizations, thereby confirming this way of thinking.

However, this approach to PBR nowadays can only be part of the reality. Even more so from the perspective that the system of PBR has been designed from a wide and socially orientated view. Politicians and society were well aware of the need for a law based system for intellectual property protection when developing new crop varieties that could benefit mankind. Therefore it was considered appropriate to grant a breeder a right giving him the exclusive position to make money from his findings. With these earnings he would be able to continue breeding and introducing new and better varieties. These new and better varieties would enable growers to earn a living and meet the continually changing wishes and demands of consumers. That is how it started.

Today, it is also necessary to look at the interests of the growers who are using and growing these protected varieties. At the moment, this is very much the case in the lily sector, where new varieties are numerous, the product is abundantly available and bulb and flower prices are low. Growers buy licenses to obtain the new varieties and pay additional royalties per unit of production to the breeders. These payments are a substantial part of their production costs and must be regarded as investments that should pay off. This requires that the new varieties must be excellent in production and quality, and in usability and performance in the supply chain. Most of all they should fit in with consumer wishes and demands. Without satisfied buyers there is no opportunity to sell products on a continuous basis.

As a result of the increased professionalism and skills of the breeders the number of new varieties has increased tremendously over the last few decades, making decisions for growers more complicated. For this reason it might not be a surprise to the breeder when a grower considering using a certain variety asks for information about production performance, estimated market share and consumer satisfaction. Besides this he may also ask for product specifications concerning disease resistance and longevity, plus photo material that can be used in marketing the variety.

In my opinion, in the near future it will be of the utmost importance to have a very close cooperation between breeders and producers about the introductions, production and marketing of new varieties. In the interest of both breeder and grower there should also be a strict regime to prevent infringement on protected varieties. The investment and interest for both parties is high and thus requires every effort to avoid mistakes of any kind. Instead of territorial behaviour, shared benefits and shared concerns must be the leading principals for discussions about future development of the PBR system and growing protected varieties. I am convinced growers are willing to follow this line.

[note from Peggy Walsh Craig] – Much in keeping with the long-time mission of COPF: “*To provide effective solutions in the management of propagation and intellectual property rights for the benefit of the horticulture industry.*”