

THE AUSTRALIAN SEED FEDERATION (ASF)

The ASF strives to deliver *Leadership, Advocacy, Adaptation and Solutions* on key issues including climate change adaptation, technological developments, trade, and the growth in productivity of Australian and international agriculture, through the delivery and supply of new and improved commodities and services to the market.

With over 60 years of commitment, the ASF is the peak industry body for the Australian seed industry at the local, state, and national level.

The ASF also represents its members internationally, as a member of the International Seed Federation (ISF) and the Asia Pacific Seed Association (APSA).

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THE ILLEGAL SEED TRADE

Issue

Technological developments in plant varieties are a risk management tool for agriculture, and the route to enhancing Australia's international competitiveness, while fulfilling our ongoing thirst to adapt to climate variability.

Background

The Advisory Council on Intellectual Property (ACIP) has identified that the *"breeding of a new variety typically takes about 12 to 14 years"*.³

The reality is that the majority of the investment in breeding is now undertaken by private entities, and not Government. It is estimated that over 99% of breeding lines will be discarded from the breeding process, due to under performance in one or more characteristics, before a viable commercial product is released. These are extremely long lead times, and require heavy investment to achieve the delivery of a new variety to the paddock.

This investment however is being jeopardised at a critical time, as industry is continually exposed to the stealing of intellectual property through breaches of Federal Legislation, known as the Plant Breeders Rights Act (PBR Act).

Plant Breeder's Rights (PBR) is also a form of intellectual property, like patents and copyright, and provides the owner with *"exclusive commercial rights to a registered variety"*.⁴

Alarming for Australian agriculture, those engaging in breaches of the PBR Act, and operating outside the contractual boundaries they have negotiated, are doing so at the same time agriculture industries and scientists are calling for more investment in new plant varieties.

The days have long gone where seed can be simply viewed as a commodity to be traded illegally, through the movement of intellectual property without the owner's permission.

The illegal seed trade is in breach of Federal Legislation, enshrined in the PBR Act, and is viewed as no different to the piracy of movies, music, designer clothes, electronics and pharmaceutical goods.

ASF Position

The aim of the Australian Seed Federation (ASF) is to work constructively with industry to ensure there is an awareness of the contractual obligations being negotiated, and to work hard and cooperatively with customers so agriculture can reap the benefits of underpinning the productivity and sustainability of agriculture production in Australia.

The ASF encourages users of seed to contact your ASF supplier for more information.

³ ACIP options paper June 2007 – page 3

⁴ IP Australia
www.ipaustralia.gov.au/pbr/about.shtml

