

5. Grain Report – Economy

Trade deals weaponised to enforce strict seed patents, warns new report. A report by GRAIN warns that FTAs are increasingly being used by wealthy nations to impose restrictive seed patent regimes on developing countries, potentially undermining farmers' rights and national sovereignty over agriculture.

Key Findings from the Report

1. **FTAs as Intellectual Property (IP) Tools** – Wealthy countries (U.S., EU, Japan, Australia) are leveraging FTAs to bypass WTO norms. They push for stricter intellectual property rights (IPRs) over seeds and plant varieties. This approach strengthens the monopoly of multinational seed corporations.
2. **Emerging Players in Seed IP Control** – The United Arab Emirates (UAE) has started including UPOV-style clauses in FTAs with Cambodia, Malaysia, and Mauritius.
3. **Impact of UPOV-1991** – Corporations gain 20–25 years of exclusive rights over new plant varieties. Farmers are barred from saving, reusing, or exchanging patented seeds, restricting traditional farming practices.
4. **Global South Under Pressure** – Countries in Asia, Africa, and Latin America are being pushed to adopt UPOV-aligned laws. This curtails sovereign decision-making in designing farmer-friendly seed systems.

International Convention for the Protection of New Varieties of Plants (UPOV)

Feature	Details
Origin	Adopted in 1961 in Paris; in force since 1968
Headquarters	Geneva, Switzerland
Objective	Grant Plant Breeders' Rights (PBRs) for new, distinct, uniform, and stable (DUS) plant varieties; promote agricultural innovation
Rights Duration	20–25 years exclusive rights for breeders
UPOV-1991 Revision	Strengthened breeders' rights; restricted farmers' privileges; membership exclusive to governments
Member Countries	80 countries

India and UPOV

Aspect	UPOV-1991	India's PPV&FR Act, 2001
Membership	Required for governments; excludes private bodies	India is not a member
Farmers' Rights	Very limited; farmers cannot save, reuse, or exchange seeds	Farmers can save, use, exchange, and sell farm-saved seeds (except branded)
Recognition for Traditional Varieties	Not emphasized	Farmers receive recognition and rewards for conserving traditional/indigenous varieties
Balance	Favors corporate breeders	Balances breeders' incentives and farmers' rights
Legal Framework	UPOV convention is uniform internationally	Sui generis system under Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act, 2001

About GRAIN

Feature	Details
Nature	International non-profit organization
Founded	1990
Headquarters	Barcelona, Spain
Mission	Supports small farmers and social movements in Africa, Asia, and Latin America

Focus	Building community-controlled, biodiversity-based food systems; protecting farmers' rights against corporate monopolies
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Key Takeaways – FTAs are being used as instruments for IP expansion, benefiting corporations at the cost of small farmers. UPOV-1991 restricts farmers' rights and is increasingly being pushed onto developing countries through trade agreements. India maintains a balanced approach under its PPV&FR Act, 2001, safeguarding farmers while promoting innovation. International advocacy (like GRAIN) emphasizes community control, biodiversity, and farmer-centric agriculture as alternatives to corporate-driven IP regimes.

Source - <https://www.downtoearth.org.in/agriculture/trade-deals-weaponised-to-enforce-strict-seed-patents-warns-new-report>

