

Plant Breeders' Rights

the advent of this legislation, they will then be able to have access to the kinds of varieties that they can test, and hopefully the tests will prove successful to help them develop a greater degree of self-sufficiency for the production of cereal grains within the Atlantic region.

For these reasons and many others which I have not covered, Bill C-15, in our view, will stimulate a stronger, more vital plant breeding effort in Canada both in the public and private sector. We believe this to be in the best interest of Canadian agriculture.

Therefore, I urge this House to support this long overdue, progressive and fair piece of legislation. I hope it is thoroughly considered in the committee. I know that there have been some preliminary discussions about whether in fact this bill should go back to the Agriculture Committee. If that is the decision of the House, I would certainly have no objection but I leave that to the further discussion of the Members of all three Parties. Suffice to say, we think the time has come to move this legislation ahead and I bring it forth with a great deal of pleasure for the consideration of the House.

Mr. Maurice Foster (Algoma): Mr. Speaker, I am happy to have an opportunity this morning to make some comments on Bill C-15, the Plant Breeders' Rights legislation, which the Minister of Agriculture has just introduced. The Minister pointed out that this legislation has been before the House in various forms for quite a few years now. This is the third such Bill, though I believe this is the first time the legislation has actually been debated in the House.

• (1140)

The Minister has pointed out all the advantages of the Bill that he could, and there can be no doubt that the legislation is designed to provide plant breeders with a royalty regime not only for the seeds that they develop and sell in Canada but for the seeds that they develop and sell in other countries that are members of the International Union for the Protection of Plant Varieties. Canada has been a signatory to that convention since 1978, and many of the industrialized western nations are members of that union.

The other advantage pointed out by the Minister is that this Bill would allow seeds developed in other

countries that are members of UPOV to be able to be sold in Canada and to receive royalty benefits as well. There is that advantage to plant breeders, an advantage they have not had up until now.

We are concerned that the production lasts for eight years, not 18 years, under this legislation. The legislation also provides that the enforcement of rights would be done through civil court actions undertaken by the individual plant breeders who have the rights.

It is my understanding that there are now some 18 countries that are members of this union. It is becoming a larger and more significant group all the time.

As the Minister pointed out, a variety accepted for plant breeders' rights and royalties would not necessarily be acceptable for registration under the Canada Seeds Act. That is very important because only seeds which are new, significant and have a significant advantage to the country would be accepted. It is my understanding that under this legislation researchers would have to develop a new, distinctive, uniform, stable variety of seed in order to be eligible for the royalty regime and that such royalty would carry to the use of the seed for seeding or reproductive purposes but would not apply where the seed was being used for feed or for research. It is important to make that distinction.

There are a number of concerns that we have with this legislation. It provides for compulsory licensing up to 18 years, which seems to be a very long period of time. It would be possible to grant a corporation that developed a new seed a guaranteed exclusivity for up to 18 years. I find it interesting that the Government would provide such an amount of time for seed production, an important input cost to farmers, while under the drug legislation, which was passed by the last Parliament, we granted an exclusivity of only 7 to 10 years. It seems to me that an 18-year period is a very long period.

I would point out that granting patent rights or, in this case, plant breeders' rights, does not guarantee that a great deal of research will be done in Canada. For instance, in the farm chemical industry, a very important input cost to agriculture, even though there has been full patent protection throughout the years, there has only been one new farm chemical developed in Canada.