

*Plant Breeders' Rights*

Plant breeders' rights will enable plant breeders to collect reasonable royalties for their varieties. This will encourage greater investment in plant breeding, both in the private and public sector. The legislation will enable Canadian plant breeders to collect royalties from other countries where plant breeders' rights are already in existence. The legislation will open doors for Canada's producers to the best possible plant varieties, whether those varieties originate in Canada or abroad. This is essentially why Canada needs plant breeders' rights legislation.

By strengthening and broadening the base for plant breeders, as this legislation will do, we are in essence strengthening the entire farm industry. Most developed countries recognized the importance of plant breeders' rights many years ago. The United Kingdom did so in 1964. The United States followed in 1970. In fact, many countries granted rights to plant breeders even before the Second World War.

An international convention for the protection of new varieties of plants established an international union in 1961. Eighteen countries now belong to this organization, Australia being the most recent country to join. This legislation conforms to the convention. Our intention is to join this organization, too, once the legislation is passed.

In Canada, as far back as 1973, the Canadian Horticultural Council was recommending that laws to respect the rights of plant breeders be enacted by the Parliament of Canada. In the years since then agricultural and horticultural organizations have recommended continuously the introduction of plant breeders' rights in Canada.

In 1980 plant breeders' rights legislation was introduced to the House. It was introduced by a Liberal Government. However, it was never debated and it died on the Order Paper.

The legislation was again introduced in January, 1988 but it too died on the Order Paper when the election was called last fall.

I think it is fair to say that Canada's farm industry has waited a long time and has been very patient in the delays that have occurred for various reasons. I believe the legislation, as I said earlier, is overdue. I want to see it debated and passed.

Plant breeders' legislation will not have to stand on its own. In a previous session of Parliament we introduced legislation to strengthen the Seeds Act. As a matter of fact in December, 1985 amendments to the Seeds Act received Royal Assent. This Bill will complement plant breeders' rights. The two are integrally interwoven.

The amendments to the Seeds Act guard against any possible introduction of inferior agricultural varieties. They also ensure that seed offered for sale is properly presented in the market-place and that the pedigreed seed system is not subverted.

The Seeds Act amendments laid the groundwork for plant breeders' rights legislation. The homework has been done. As a result I am confident that this legislation will receive wide acceptance as a part of the total package which we hope will improve the ability of Canadian agriculture to take advantage of the latest varieties and, in the course, enhance their competitiveness.

The organizations which support plant breeders' rights include, among others, the Canadian Federation of Agriculture, the Agriculture Institute of Canada, the Canadian Horticultural Council, SeCan Association, the Canadian Seed Growers' Association, the Canadian Seed Trade Association, and the Western Canadian Wheat Growers' Association.

In terms of the contents of the Bill I would like to cover them briefly. Of course, I am sure that in committee we will be able to get into more of the details.

Varieties already on the market will not be affected by this legislation. All species of plants are eligible. The breeder of a new, distinct, uniform, stable variety will be granted the exclusive right to produce and sell reproductive material of the variety for a period up to 18 years.

Breeders have the right to set conditions and collect royalties from those who multiply the variety for sale. Anyone can use a protected variety for further plant breeding work. Breeders can pursue enforcement of their rights through the civil courts.

Breeders' rights will be restricted in the public interest. For example, the breeder cannot ask for an unreasonably high royalty or restrict the supply of a variety in order to boost prices. A protective direction may be granted while applications are pending, protecting the applicant's right to prosecute against infringements dur-