

*Plant Breeders' Rights*

best varieties of cultivars in existence, but today, unfortunately, there is some question whether they do in fact have that access.

For those who are not really familiar with what the discussion on plant breeders' rights is all about, I want to draw a comparison with the Copyright Act. The Hon. Member who spoke previously mentioned it briefly in passing. There are a number of similarities, quite frankly, with copyright.

Copyright is the right to copy, and it means that only the owner of the original literary, musical or artistic work may copy that work or permit others to do so. It includes the exclusive right to publish, produce, reproduce and perform a work in public. The objective, of course, is to provide legal recognition for creative work, allowing the creative person to obtain a reward for his or her efforts. This encourages creativity and individuality to the general benefit of society. The concept of legal recognition of copyright has been accepted in Canada for at least 65 years.

The development of new varieties of seeds involves creativity in concept and in methods of selection. The varieties developed are original works and in many ways the recognition of plant breeders' rights by this legislation resembles copyright. The main reason for not including plant varieties under the Copyright Act is that unlike other creative works, plant varieties reproduce themselves and make their own copies.

To carry this analogy a little further, the provision of plant breeders' rights is intended to give plant breeders the same kind of legal protection for their works that is received by authors, musicians and artists. That gives the general public some familiarity with the concept. Certainly, it is a concept that is not at all foreign to Canadian people. The plant breeders' rights legislation is an idea and policy that certainly is not new or different. It has been discussed widely in Canada and in other nations for many, many years. Many agricultural countries have had some form of plant breeders' rights for many years. In fact, it is now in place in 18 countries around the world. I will mention some of those later in my presentation. In some of the Communist bloc centrally-controlled nations, there is a form of government control that approximates some of the actions of this type of legislation.

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We believe very strongly that it is now time to recognize the progressive and individual acts of Canadian plant breeders and allow them to benefit somewhat for their originality and initiative. The rewards provided in this legislation certainly are not large. There are all sorts of mechanisms built into this legislation to make sure that plant breeders or companies do not take advantage of various aspects of this legislation.

Let us take a brief look at the legislation we are now discussing and see how in fact it developed. In 1923, the Canadian Horticultural Council recommended legislation for plant patents. However, nothing was done at that time. In 1961, the international convention for the protection of new varieties of plants was drawn up by several European nations. It came into effect in 1968. Arising from that was a new co-operative organization for countries, the International Union for the Protection of New Varieties of Plants. By 1970, the United States introduced its Plant Variety Protection Act for sexually reproduced plants, which means plants reproduced from seed.

In 1971, the University of Guelph sponsored a conference on plant breeders' rights here in Canada. It was attended by a great many interested organizations. I might mention that during the 1970s, I was a professor at the University of Guelph. I attended part of that conference and recognized then how important it was to introduce plant breeders' rights legislation in Canada. In 1972, the Canadian Agricultural Services Co-ordinating Committee agreed that plant breeders' rights should be a part of Canadian legislation and would be desirable in Canada. They asked Agriculture Canada to put forward draft legislation. It has been introduced on previous occasions in this House, as previous speakers have mentioned, but in each case it has died on the Order Paper.

Many countries have taken the step that we hope Canada is about to take. The Netherlands has had such legislation since 1941, West Germany since 1953, Denmark since 1962, the United Kingdom since 1964, and Australia since 1987. These countries are members of the International Union for the Protection of New Varieties of Plants. This international body now counts 18 countries as members. These also include countries such as Japan, New Zealand and Hungary. All of these nations have highly developed food producing systems