



CRI

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Plant Breeders' Rights Act/UPOV'91 Impact Study

Canada's agriculture, horticulture and ornamental sectors need to access new plant varieties to remain competitive. Stronger intellectual property (IP) protection provides international plant breeding companies with the confidence to release new plant varieties in Canada, and provides incentives to domestic breeding companies to increase their investments in plant breeding. Plant Breeders' Rights (PBRs) are granted by national governments and are reserved solely for new plant varieties. In 2015, Canada amended its *Plant Breeder's Rights Act* to conform to the 1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV'91) and to establish stronger IP protection for PBR-protected plant varieties.

There is a lack of information and evidence on how and to what extent different crop production sectors have benefited from these legislative amendments. Qualitative and quantitative data needs to be gathered in order to determine the economic impacts of the change, and to provide evidence to inform the further strengthening of Canada's PBR IP framework through regulatory amendments planned for 2022/2023.

In collaboration with the Canadian Food Inspection Agency (CFIA), AAFC conducted this project in three phases. Firstly, online surveys of stakeholders were conducted in order to solicit respondents' views on whether the Act establishes sufficient protection for their plant varieties and encourages further investment into plant breeding. Secondly, eight case studies covering a broad spectrum of crop sectors that use PBRs were conducted in order to identify which legislative changes had been most important to the plant breeders interviewed, and what suggestions they had for further improvement. Lastly, AAFC officials conducted a statistical review and economic analysis of trends in the use of plant breeders' rights since the 2015 changes. Over half of the survey respondents agreed that the changes provided sufficient IP protection to protect new plant varieties and incentivize investment in plant breeding. The participants in the case study approved of the expanded protections under the amended *PBR Act*, but suggested further clarity was needed regarding certain parts of the *Act*, and that the administrative framework could be improved.

