

# Intellectual Property



## A Shared Responsibility

Protecting seed intellectual property is a shared responsibility on a local and global basis. It fosters innovation in the seed sector, providing many benefits to Canadian farmers and to society as a whole. As a seed dealer, you play a critical role in its success both in the short term and long term. Here's how you can help.

### Know your Responsibility

As a seed dealer or retailer of protected seed varieties, your dealer sales agreement may assign you the responsibility of:

- Educating growers about the benefits of intellectual property protection
- Informing growers about the risks associated with not complying with the law
- Co-operating with seed piracy verification and investigations by the patent holders
- Reporting suspected seed piracy issues anonymously

### Understand the Rules

	Save Seed & Replant		Save Seed & Re-sell	
	Legal	Illegal	Legal	Illegal
Canada Seeds Act	X			If sold by variety name
Plant Breeders' Rights (PBR)	X			X
TUA or Bag License		X		X
Production Contracts		X		X

### Share the Benefits

Taking a leadership role in speaking candidly and positively about the advantages of intellectual property protection will lead to successful adoption of the practice, foster a healthy competitive environment, and benefit the future of the Canadian seed industry. Share these messages with your farm customers:

**Intellectual property protection gives seed companies the confidence to invest in research and develop improved varieties that benefit growers. For example:**

- It took nine years and \$926,000 in research and development investment to bring one variety of fusarium tolerant winter wheat to market.
- Canada's seed companies will invest over \$56 million in R&D in 2007 and plan to almost double that investment by 2012.
- In 2007, research investment will account for 26% of the operating budgets of Canadian seed companies.

## Share the Benefits

The results of this research commitment provide tremendous benefits to growers.

- Yield benefits:
  - Canola ↑ 27% in 15 years
  - Ontario corn ↑ 59% in 15 years
  - Peas ↑ 25% in 30 years
  - Wheat ↑ 22% in 30 years
  - Ontario winter wheat ↑ 62% in 15 years
- Agronomic benefits:
  - Improved disease & pest resistance
  - Improved nitrogen use efficiency
  - Drought & salinity tolerance
- Economic benefits:
  - One new wheat variety generated an increase of \$562 million in farm gate receipts since its introduction, and less than 1% of this (\$4.5 million) was captured in the form of royalties.
  - A new soybean variety generated an extra \$2 million in farm income in just one year.

**R&D generates new products that bring benefits to growers, industry, and society as a whole:**

- Traits for healthier foods, for example:
  - Reduced trans fat & saturated fat
  - Omega 3 oils
  - Increased anti-oxidants
  - Increased beta glucan
- Traits for renewable resources, for example:
  - Biofuels
  - Bioplastics
  - Ink
  - Construction materials

**Crops that utilize intellectual property protection tools have a high research investment and see many innovations, keeping Canadian growers competitive in the global market. For example:**

- Corn, soybeans, and canola account for 90% of seed company research investment and resulted in more variety choices for farmers with higher yields, improved disease & pest resistance, and specialty food use traits.
- Canada's farmers have the choice of over 700 corn, 500 soybean, and 200 canola varieties.



## Be Familiar with the Tools

There are many different methods of protecting intellectual property that ag retailers should understand and utilize:

- Canada Seeds Act
- Plant Breeders' Rights (PBR)
- Bag and/or Tag Licenses
- Production contracts or Technology Use Agreements (TUA)
- Patents
- Trademarks
- Bag and/or Tag Licenses and TUAs (monitoring and enforcement)

Look for more details on  
the CSTA web site at  
[www.cdnseed.org](http://www.cdnseed.org)