

OpenSourceSeeds

Creating seed commons with an open-source licence

The Open-Source Seed Licence offers an alternative to the increasing privatisation and market concentration of common goods. Plant breeders, agricultural scientists, lawyers and commons experts have, therefore, developed a strategy to prevent crop seeds from being subjected to plant variety protection or patenting. And, *OpenSourceSeeds* a newly created service provider will support plant breeders in licensing their newly developed varieties and help seed producers and farmers to use them as seed commons, unrestricted by patents or plant variety protection. *OpenSourceSeeds*, based in Germany started work in April 2017.

Seeds as commons – why is it an issue?

For thousands of years, crop seeds have been common good. All over the world, crops have been cultivated, enhanced and bred by farmers, a practice which resulted in a rich diversity of crops and varieties. But since the emergence of scientific plant breeding at the end of the 19th century, plant breeding and plant production have become increasingly separated. Scientific plant breeding has contributed greatly to agricultural development but, at the same time, plant genetic resources in agriculture, have been increasingly privatised and the market has become concentrated in a few hands with the characteristics of monopolies. Seed monopolies, however, tend to reduce inter- and intraspecific plant genetic diversity.

Uniform cropping systems with only a few crops and varieties, spread over large areas are the opposite of what is required. In addition, farmers and society as a whole are becoming dependent on just a few companies.

This is a threat to agricultural production and to food security. Instead of uniformity in the seed sector, a rich diversity of crops and their varieties is required. Only then can the world's innumerable agro-ecological sites and corresponding farming systems be used in an optimal way. Varieties are needed that not only satisfy the needs of large scale farming in high-potential areas but also giving agricultural smallholders – by far the majority of farmers in the world – a livelihood and allowing them to contribute adequately to global food supply.

All this cannot be sufficiently supplied by the private seed sector. Its economic logic, namely economies of scale and decreasing innovation by monopolies, is in conflict with the tasks ahead. Therefore the non-private seed sector has to be strengthened and made a second pillar alongside private plant breeding.

What can be done?

With the Open-Source Seed (OSS) Licence, plant breeders are offered an opportunity to protect their new developments against privatisation and to maintain them as a commons.



Picture: ARCHE NOAH

Seed will once again become a common good for everyone



Crop diversity and varietal abundance need many independent breeders

Seeds can be made available without any plant variety protection or patents. The OSS Licence grants the licensee to use the seeds for his or her purposes, to multiply it, to pass it on and to enhance it. In addition, it allows the dissemination of multiplied and enhanced seeds. At the same time, it obliges the licensee to grant the same rights he or she has enjoyed to future owners of the seeds and any enhancements that have been made to them. This obligation is “viral” and is sometimes called “copyleft”. Not only the licensed seed itself, but all enhancements to it are included. With the first licensing, a chain of contracts is started, which in principle is endless. Licensees become licensors, who pass on the seed with the same licence. In doing so, the licence protects a commons that can no longer be transferred into the private domain. One might argue it would be impossible to finance plant breeding without royalties from plant variety protection or patents on seeds. Indeed new business models have to be developed. Already today commons based plant breeding does not rely on such royalties. For instance organic plant breeders in Europe finance their breeding work partly through “variety development contributions” that are negotiated bet-

ween breeders, seed producers and farmers. Some have, in cooperation with the food trade, developed a levy on food items and most of them raise funds from government programmes and foundations for their breeding activities. The funds for commons based plant breeding are still small but increasing continuously.

Conclusion

The laws on securing intellectual property rights on seeds have been strongly developed, whereas seeds as commons receive almost no legal protection. With the OSS Licence a way has been found to redress this imbalance.

Further Reading (Downloads)

- Kotschi J and K Rapf (2016): Liberating seeds with an open source seed licence. Working paper. AGRECOL. Guggenhausen.
- Kotschi J and J Wirz (2015): Who pays for seeds? Working paper. AGRECOL and Section for Agriculture Goetheanum. Göttingen and Dornach.



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