

Common Questions

What counts as farm-saved seed?

Seed that you have harvested off your own property, for personal use on that property or other properties belonging to the same legal entity.

What's proprietary seed?

Seed of any plant registered under the Plant Variety Rights (PVR) Act 1987 or which has a patent.

How about seed with novel endophyte?

Varieties with novel endophyte such as AR37, have additional protection under patent law so cannot be kept as farmer saved seed.

Who can sell proprietary seed in New Zealand?

The proprietor (typically the company which bred the crop in question) and its sub-licensees, e.g. other seed companies or seed distributors. Farmers cannot transact proprietary seed for commercial gain.

What should I look for when buying seed?

Check for certification labels on the bag, and ask for purity and germination test results. Make sure the person you're buying from is allowed to sell it to you. Beware 'bargains' – you're probably not getting what you think you are.

What seed varieties have PVR protection?

Plant Variety Rights under the Act are granted by the Plant Variety Rights Office and its website lists the varieties which have PVR. See: www.iponz.govt.nz

Can proprietary seed be identified from commodity seed?

The variety of seed can be identified using a range of modern scientific methods such as HPLC and PCR (DNA) testing.



play fair

Where can I get
more information?

Contact: The General Manager,
New Zealand Plant Breeding and
Research Association,
Ph 03 349 8430, www.nzpbra.org

Intellectual Property Office of NZ
www.iponz.govt.nz



Farm-saved
seed is for
your own
use on your
own farm
not for
trading.

The law

NZ Plant Variety Rights legislation enshrines the International Union for the Protection of New Varieties of Plants (UPOV) convention. This convention permits farmers to grow and harvest seed of protected varieties on their own holdings, for use on their own holdings.

If farmers sell or trade seed of protected varieties instead of using them for their own purposes, they are breaking the law. This illegal practise is commonly called “*over the fence*” trading or “*brown bagging*”.

If you are a buyer of “*over the fence*” seed not only are you breaking the law but you have no idea of exactly what the seed contains (including weeds), nor can you be sure if it will perform to your expectations.

Play fair this season. Don't trade seed over the fence. The PVR system, and associated seed royalty payments, are for the good of our plant breeding industry, and the good of farming as a whole, including you.

Which will
be of more
value to
you in the
future - an
old variety,
or a new,
improved
one?



Play fair this season. Don't buy or sell seed over the fence.



Benefits of protected varieties

It can take 10 years and up to \$1 million dollars to develop a new improved variety. Breeders are only willing to offer new varieties to markets that are prepared to support the costs of this investment. The New Zealand agricultural sector is an example of such a market. NZ farmers are very quick to take on new varieties and incorporate their attributes into their farming systems.

In the last 40 years New Zealand plant breeders have:

- Lifted average dry matter yields in perennial ryegrass by 30% and spread yields across the seasons
- Helped increased average milling wheat yields by 4 tonnes/ha
- Reduced the incidence of disease in feed barley by 70%
- Bred specialist cultivars for dryland, hill country, finishing and dairy pastures
- Introduced technology such as novel endophytes in grasses for better agronomic performance and animal health.

These and other improvements have helped farmers to increase productivity.

Which will be of more value to you in the future – an old variety, or a new, improved one?