

Agrecol

OpenSourceSeeds Newsletter



Open
Source
Seeds

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Dear Readers,

We are happy to welcome you to the first OpenSourceSeeds Newsletter!

In this newsletter, you will find news about the Open Source Seed (OSS) Licence and gain further insight into our work. A lot has happened since the official launch of OpenSourceSeeds, on April 26 in Berlin. There was great interest in our project, from the press, from farmers and gardeners and from small-scale breeders. The project was covered in well-known German magazines, newspapers and featured in TV shows. It also received international media attention. You will find an overview of selected articles below.

Since our launch we have been receiving daily emails concerning either the open source licence or the first available varieties under the license, the cocktail tomato „Sunviva“ and the summer wheat variety „Convento C“. Sunviva drew most of the attention; and even though it was quite late in the year, lots of gardeners have already sowed the seeds in their gardens. We are happy about this positive feedback and feel reassured that we have found a practical and effective way to save seeds and protect them as a common good. Obviously, we have also received numerous questions via email and online discussion boards. Since many of these are of general interest, we will respond to some of them here.

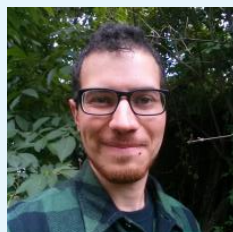
In this newsletter, we address the following topics:

1. Media coverage
2. Questions and answers
3. News

The OpenSourceSeeds team sincerely hopes you enjoy reading our newsletter!



Sophie Steigerwald



Benjamin Kahl



Johannes Kotschi

1. Media coverage

In both German and international media, there has been substantial interest in our project. Here we present a selection of English media coverage:

Brief: New Open-Source Licence For Seeds
28.4.2017 / [Monika Ermert, IP Watch](#)

New Open Source License Fights the Enclosure of Seeds
03. 5. 2017 / [David Bollier](#)

German Nonprofit Creates New Open-Source License for Seeds
22.5.2017 / [Nithin Coca, Shareable](#)

German breeders develop "open-source" plant seeds
12.6.2017 / [Lucas Laursen, Science](#)

You can find further articles about our initiative in both English and German on our website:
<http://www.opensourceseeds.org/en/resources>

2. Questions and answers

The launch of the open source licence has triggered intense online discussions. We have selected and responded to some of the most interesting questions and pertinent comments for you:

(1) You can get seeds everywhere. Once you have them they can be endlessly reproduced.

Sadly, it is not that easy. There are two main reasons for this: Firstly, there is an increasing number of varieties that cannot be reproduced for technical reasons, namely hybrid seeds and CMS hybrids. With these, the parent strains are needed to produce new seeds and these are usually unavailable to the consumer or farmer. Second, there are growing legal barriers, which forbid the free reproduction of seeds, even if it were technically possible. In Europe, this is achieved above all through plant variety protection (PVP), with patents becoming increasingly popular. In the U.S., some seed companies go as far as only selling one-off licences, only allowing farmers to grow their seeds for one year. To prove their compliance, farmers have to give access to their fields and documents to the seed company.

(2) "Breeding is labour intensive - shouldn't breeders be paid for their work?"

Of course breeders must be appropriately remunerated for their work. This is one of our aims. The question is how this can be achieved. The answer depends on the importance we place on breeding. We view plant breeding as an important societal task and not primarily an economic activity. Moreover, fees from PVP and patents only provide a relatively small part of breeders' revenue. In organic cereal breeding, for instance, fees currently cover around 12-15% of the breeding costs. And, if we take agrobiodiversity seriously, revenues from PVP and patents in other domains of plant breeding would also cover less, because large-scale distribution of a few varieties would have to be replaced by numerous varieties with a much smaller distribution. Therefore, new business models have to be created. Compulsory plant variety protection and patent fees, in the current paradigm, do not adequately finance the development of diverse varieties of plants. We believe that non-profit, biodiversity-promoting plant breeding should be financed by society as a whole: from farmers who pay a crop development contribution, to trade, processing, and consumers paying a "breeding cent" and through public funds for commons-oriented plant breeding. Many organic plant breeders are already going down this path.

(3) "Isn't it public domain instead of open-source seeds you are talking about?"

No. If seeds were in the public domain they would not have so-called intellectual property rights attached to them. Open source seeds, however, do have intellectual property rights attached to them in the form of a license. This is because the commons are not simply free. Commons need rules to preserve them. Commons are not simply open access, providing free use for any purpose by anyone. It was Nobel laureate Elinor Ostrom's great achievement to distill general rules for institutions (such as the Open Source Seed License), which transform goods into commons and help preserve them as such. In doing so, she refuted the much evoked "tragedy

of the commons".

The Open Source Seed License has been developed in this spirit. The user has not only got freedoms, but duties too. Among the obligations is that she will not privatize (or enclose) the seeds, that she must grant the same rights to future users as she has enjoyed and that she must inform them about those rights and obligations, as defined in the license.

(4) "It is likely that the purchase of seeds is cheaper for farmers than growing their own seeds, so why should farmers be interested in the Open Source Seeds License at all?"

What is cheaper? This certainly is a good question. Many people make complex things themselves, even though it is much more costly than buying them.

The open source license does not ensure that seeds cost nothing. Producing seeds takes time and costs money and seed production is a service that needs to be financed. This also applies to open source seeds. By using this type of seeds, farmers are helping create a diverse range of varieties, and increase their level of influence on exactly what is being bred. In addition, farmers are free to reproduce open source seeds; however, it is good to buy seeds from a qualified seed producer, who knows how to develop high quality seed.

(5) "GMO plants don't have a chance in Germany because breeders are aware that GMOs are strongly rejected by the public. This shows the power of the consumer. Isn't it therefore more powerful and easier to utilize the power of consumers? "

This is perfectly true. Consumers could ask for open source seeds or buy products with OS seeds derived ingredients. This would provide a pull effect. Seed merchants selling seeds of the cocktail tomato Sunviva are already building on this.

(6) "This sounds like a good idea for the "flower pot on the balcony ", but there are already enough such varieties in the garden shop next door. But market gardeners don't buy their seeds in small packages in the supermarket"

Of course not. But opensource seeds are not only delivered in small quantities. All pack sizes are possible. The decisive factor is that every transaction includes comprehensive labelling.

(7) The open-source license is a nice idea, but how do you want to control compliance worldwide?

Generally speaking, license violations can be punished in court. Our license is based on German civil law, which complies with international civil law and can therefore be enforced in most countries of the world.

But we are not Big Brother. We think it is a common task and the responsibility of all users to ensure that open source remains open source, as unpunished licensing offenses could have negative repercussions for everyone. Our idea is also to initiate a social process in which everyone is responsible and everyone takes part in exchanging observations.

(8) How can a license infringement be proven for a new variety, which has received variety protection even though it contains open-source licensed material?

There are several methods, which can be combined to prove this: a) comparing the phenotypes and other varietal characteristics, b) inspecting the documentation on the pedigree of the breeding process of the control variety; and (c) comparing gene-mapping data. This can be very simple in some cases or quite expensive in others, but it means that licence violations can be conclusively proven.

Further reading :

... you will find many more questions and answers on our web page:

<http://www.opensourceseeds.org/en/faq>

3. News:

Open-source and the honeybee: Inspired by our seed initiative and based on our licence, the world association of beekeepers (Apimondia) has developed an open source licence for honeybees. Apimondia sees this as an important step in protecting and furthering the development of the genetic diversity of the *Apis mellifera* and *Apis cerana* species and protecting them from privatisation.

http://www.apimondia.com/documents/gmo/apimondia_press_release_license.pdf

What's next? In September, Agrecol is organising a strategy workshop to further develop the Open Source Seeds service provider. We want to specify our aims, set priorities for future work and consolidate cooperation with our partners.

Our sister organization OSSI has been very successful! OSSI, the Open Source Seed Initiative, is our slightly older sister from the U.S. They already offer 375 varieties. While OpenSourceSeeds has chosen legal protection of the seeds with the licence, OSSI works with a pledge. <http://osseeds.org/seeds/>

Call for a worldwide open-source seed network: The UNEP initiative SCP - sustainable consumption and production - is calling for a worldwide alliance for open source seeds: <http://www.scpclearinghouse.org/initiative/building-global-open-source-seeds-alliance>

We thank Silke Helfrich und Klaus Rapf for their scientific contribution to this newsletter.

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