THE NETHERLANDS PLANT BREEDER'S DECREES

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Received 12 Sept. 1961

ABSTRACT

The writer gives a survey of the essential features of the Plant Breeder's Decree which has been in force now for 20 years. The protection of the breeder's work and its remuneration has exerted a stimulating influence on the development of plant breeding in the Netherlands.

In discussing the rate of compensation for breeders the potato has been taken as an example. More than 480,000 guilders was paid to potato breeders as a compensation for the seed potato production of their varieties in harvest year 1958.

The Plant Breeder's Decree also holds for varieties developed by foreign breeders provided that reciprocal arrangements exist with the country concerned.

INTRODUCTION

"What a inventor is to industry
a plant breeder is to agriculture"

The above motto expresses the thought that the originators of new varieties render a service to society comparable to that done by inventors. The work of the plant breeder is on a par with that of the technical innovator in making the life of his fellow men more comfortable.

The law in all civilized countries sees to it that the inventor derives a just profit from his labour; patent rights protect his work. The more the invention is applied, the larger the reward of the inventor. Authors and artists are also protected similarly by a copyright.

These legal measures satisfy a sense of justice and at the same time stimulate inventive activity and cause social progress. What labour and ingenuity they have encouraged! They have vigorously furthered the development of agricultural implements, motors, electric lamps, radios and of a thousand other tools of modern civilization. They have enabled the creation of a great number of works of art. If patents and copyrights were abolished many gifted people would have to earn their living in another way, doing less important things.

Until recently (and in many countries this is still the case) a plant breeder who sold a handful of grain or a few tubers lost his ownership of the variety. Any one could
increase and sell the stock without obligation to its originator. In some countries a regulation for the protection of the rights of the plant breeder has come into being.

Visitors from abroad are always highly interested in the way a plant breeder is remunerated and his work is safeguarded in the Netherlands (7).

In 1947 an article was published in The American Potato Journal (3) on the protection of the property of the potato breeder in the Netherlands. Although in various articles in Euphytica (1, 2, 4) attention has been drawn to the significance of the Plant Breeder's Decree no special article has been written about it so far. It may be of importance to revise the previous article and to supplement it with recent data.

**Provisions of the Plant Breeders' Decree**

In the commentary on the contents of the thirty sixth Descriptive List of Varieties of Field Crops 1961 the following statement is made concerning the supply of seed and planting material in the Netherlands.

"The special legal status of the plant breeder is laid down by law. This act – the Plant Breeder's Decree – also underlies the regulations concerning the marketing of propagating material. Disregarding some minor exceptions and as far as field crops are concerned, the most important provisions are:

1. A new variety, whether bred by a Dutch or by a foreign breeder, can be entered into the Central Register of Varieties with the effect that the plant breeder obtains the "right of the breeder" including, among other things, a right to receive a remuneration for certified seeds and seed potatoes of his varieties when marketed by others.
2. In the List of Varieties are mentioned varieties with special value for agriculture.
3. Only varieties figuring on the List of Varieties are inspected by the N.A.K. (General Netherlands Inspection Service for Seeds of Field Crops and for Seed Potatoes) at Wageningen.
4. Only certified propagating material may be brought into circulation in the Netherlands or be exported."

If for a given crop there is a legal list of varieties (and this is the case with all agricultural crops) the plant breeder has

1. The sole right to introduce elite or original propagating material (provided it was approved by the N.A.K.).
2. The right to claim compensation for his varieties grown by others for seed.

Through the sole right on elite and original propagating material a breeder can calculate a premium in the price; seed production by others is a source for the breeder's compensation.

In the case of rye, wheat, flax, peas, etc., a breeder in general will receive both a premium and a compensation; with sugar beet and other crops of which no later generations are introduced into the trade a plant breeder will exclusively receive a premium.

The Plant Breeder's Decree does not only hold for agricultural crops but for all crops cultivated in the Netherlands. If for some crop there is no legal list of varieties a breeder has the sole right to introduce propagating material, which in fact comes down