

/CORRESPONDENCE

PVPs and Patents Are Complementary

To the editor:

In the October issue of *BioTechnology* (11:1102-1103), George Kidd discussed the plant genetics industry's effort to strengthen intellectual rights for plant breeders. Dr. Kidd predicts a clash between patent-based and PVP-based protection of plant breeders' efforts. I predict the two will complement each other rather than clash.

Through PVP certificates, plant breeders have established protection for improved varieties developed for important

self-pollinated crops. PVP-driven investment has identified and incorporated performance characteristics such as yield, standability, and disease resistance in hundreds of PVP-protected varieties. Once the certificate is granted, the owner expects to

be the sole producer and marketer of the protected variety unless permission is granted to others.

We don't expect patenting of genes to become a widespread practice for broad-based traits, such as yield, in the seed industry. Genes that are isolated, identified, and provide a significant increase in the value of the end product of a plant, are already being patented. The licensing fee factor referred to by Mr. Kidd is already part of the balance sheet for many plant breeders.

The right to sell, as seed, saved grain of PVP-protected varieties is where we are asking for clearer definition through both judicial and legislative approaches.

Asgrow has pursued violators of our PVP certificates through the court system. When a person becomes a competitor, selling protected varieties without permission, without the expense of a research effort or the effort and expense of introducing the variety, it puts the developer at a decided disadvantage. It gives the PVP certificate holder no opportunity to recoup the research investment.

The legislative approach to strengthen the PVP Act is being driven by the American Seed Trade Association (ASTA), of which we are a member. ASTA has asked that the U.S. PVP Act be brought in line with UPOV, the international regulation governing the development and use of plant varieties.

Senate subcommittee hearings, chaired by Senator

Bob Kerrey of Nebraska, have already been held on PVP legislation. At the hearing, support for strengthening the PVP Act was voiced by several senators, by farmer organizations, and by ASTA members. The "prevalent opposition" mentioned by Mr. Kidd was largely absent.

With strong protection, both from PVP and patents, plant breeding companies will continue to keep U.S. farmers in a leadership position in global agriculture.

James D. Fetrow
Executive Director

*North and Latin American Agronomic
Asgrow Seed Company
7000 Portage Road
Kalamazoo, MI 49001*

IMAGE UNAVAILABLE FOR COPYRIGHT REASONS

**Dr. Leeb's
experiments
with virtual
reality
were about to
clash with
reality reality.**

Change Is Not Necessarily Progress

To the editor:

The comments from Vice President Al Gore's chief domestic policy advisor Dr. Greg Simon (*BioTechnology* 11:1504-1505) are not reflective of an environmentally and ethically sensitive administration. He dismisses opposition over FDA's approval of bovine growth hormone as being based on arguing against change, not safety. Simon lambastes the European Parliament's moratorium on this product for social and economic reasons, predicting that, "...they'll see a flight of capital in biotechnology like they'll never believe."

Safety is not the sole issue of new biotechnology products. Social, economic, environmental and humane considerations are essential components of an objective bioethical determination of risks, costs, and benefits. These concerns should not be construed as "political hurdles." To imply that what critics of biotechnology "are really arguing against is change" is simplistic and insulting. Simon equates change with progress stating, "If we are going to resist change at every turn, we are never going to go anywhere." This bullshitness may sound encouraging to U.S. biotechnology, but it is an attitude that may be counterproductive to the long-term interests and benefits of this new industry.

A broad-based bioethical determination of the risks and benefits of new biotechnology products would provide a framework or map to help maximize both corporate and public interests. To dismiss social, economic, and other bioethical concerns is a disservice to both the industry and society.

Michael J. Fox
Vice President/Bioethics and Farm Animals
The Humane Society of the United States

*2100 L. Street, NW
Washington, D.C. 20037*