



The Use of Proprietary Parental Lines of Hybrids¹

(Antalya, May 2009)

ISF members consider that proprietary parental lines of hybrids should not be used by third parties for the purpose of breeding, except when agreed upon by the owner.

Proprietary parental lines include, for instance, parental lines protected by patent, plant breeder's right, trade secret, contract or any other relevant legal mechanism.

Seed of proprietary parental lines may incidentally be included in bags of commercial hybrid seed. Proprietary parental lines may also incidentally happen to be present in fields in which hybrids are grown. In both cases, this presence results from technicalities in producing and processing hybrid seed and does not reflect the owner's intent to make its parental lines available to the public. ISF considers that it should not be permissible to take advantage of this presence by using those proprietary parental lines for further breeding.

In addition, to protect themselves against the unauthorised use of proprietary parental lines, for the purposes of breeding, breeders may use any relevant legal mechanisms including bag tag warnings and/or shrink-wrap agreements.

¹ *This position paper applies exclusively to parental lines that have been developed solely to produce hybrids and not to parental lines exploited as commercial varieties for the purpose of producing commodities.*