



The Open Source Seed Initiative: Growing Access to a Liberated Domain of Plant Genetic Diversity

Origins and Orientation

The Open Source Seed Initiative (OSSI) was formally established in May, 2012, at a meeting in Minneapolis, Minnesota. The twenty people attending represented a wide variety of perspectives and interests—academics, plant breeders, the seed trade, farmers, indigenous people, the Global South—and shared a deep concern over the way in which intellectual property rights are being used to enhance the power and control of a handful of companies over the seeds and farmers that feed the world. Further, the participants shared a commitment to creating a means for ensuring that the genes in at least some seed cannot be locked away from use by patents and other restrictive arrangements. The core strategy for achieving that goal is the dissemination and propagation of the OSSI Pledge and of OSSI-Pledged varieties, both of which preserve the rights of farmers, gardeners, and plant breeders to freely use, save, replant, and improve seed of OSSI-Pledged material.

OSSI was incorporated in the State of Wisconsin in July, 2014. It was granted federal tax exempt, 501(c)3, status in April, 2015. It received trademarks for the OSSI logo in August, 2015, and for “Open Source Seed Initiative” in January, 2016. OSSI is managed by a nine person board of directors supported by an Executive Director. Together, this staff plans and implements education and outreach that promotes sharing rather than restricting access to plant germplasm, recognizes and supports the work of plant breeders of all kinds, and supports a diversified and decentralized seed industry.

The OSSI Pledge

The OSSI Pledge was inspired by the free and open software movement that has provided alternatives to proprietary software. Since a formal license, while possible to develop, turned out to be impractical to use, OSSI created its Pledge as a simpler and more functional tool. The OSSI Pledge reads: ***“You have the freedom to use these OSSI-Pledged seeds in any way you choose. In return, you pledge not to restrict others’ use of these seeds or their derivatives by patents or other means, and to include this Pledge with any transfer of these seeds or their derivatives.”*** This “copyleft” commitment ensures that the Pledge is transmitted with any further distribution of the seed or the seed of any new varieties or germplasm bred from it. The Pledge has both moral and legal force. In this way, OSSI preserves the unencumbered exchange of plant germplasm for breeding purposes and guarantees the rights of farmers and gardeners to save and replant seed.

We refer to seed of OSSI-Pledged varieties as **“freed seed,”** rather than “free” seed in order to emphasize that OSSI-Pledged seed is freed with respect to use, but not necessarily free in price. OSSI accepts certain contracts or agreements in order to facilitate seed increase and/or provide benefit sharing to breeders. OSSI permits any contract or agreement for seed increase and/or benefit sharing for OSSI-Pledged varieties in which the restrictions on the use of the seeds are limited to the two contracting parties. OSSI does not accept arrangements in which there are restrictions on the seed that extend beyond the two contracting parties. Seed companies can pass

no restrictions on to breeders or customers. From the point of view of breeders or customers, OSSI-Pledged varieties must be unrestricted.

Operations

OSSI's objective is to continuously enlarge the pool of crop varieties that are "OSSI-Pledged," and so are freely available for use and improvement by farmers, gardeners and breeders without encumbrances. In addition, OSSI spreads information about and promotes the use of these varieties. OSSI recruits breeders ("OSSI Variety Contributors") who formally commit to offering one or more of their cultivars only under the OSSI Pledge. "OSSI Seed Company Partners" agree to sell at least one OSSI-Pledged variety, to market the seed by labeling it with the OSSI logo and/or name, to acknowledge the OSSI breeder in variety descriptions, and to include the Pledge and information about OSSI in their print and on-line catalogs. On the "Seeds" page of its website, OSSI provides a list of OSSI-Pledged varieties with photos and descriptions. The list is searchable by crop, breeder, and seed source. Through its educational and outreach activities, OSSI creates awareness of the social value of purchasing "freed seed." Via its website and outreach materials, OSSI guides farmers and gardeners to its Seed Company Partners. For its Seed Company Partners, OSSI is thereby creating a niche market for ethically produced, "freed seed" analogous to the markets for "fair trade" and "organic" products. For its Variety Contributors, OSSI is providing public acknowledgment of their work and, via its seed list, a way to "register," announce, and promote their varieties.

2015, OSSI's first operational year, has been very successful. OSSI's seed list currently includes nearly 300 varieties contributed by 33 OSSI Variety Contributors. Seed of these varieties is available from 38 OSSI Seed Company Partners. OSSI's work has received extensive coverage in media outlets of all kinds.

International Cooperation

The issues that have stimulated the creation of OSSI are global in scope and significance. Colleagues all over the world have been excited and inspired by the potential of "open source" approaches to freeing the seed. OSSI has Variety Contributors and Seed Company Partners in Australia and the UK. However, socio-agro-legal-political environments vary considerably around the world. OSSI's deployment of open source seeds in the USA is facilitated by the fact that the USA places virtually no restrictions on breeding and subsequent sale of seed. In contrast, breeders and seed sellers in the European Union labor under the extremely restrictive regulations of the Common Catalog. These regulations forbid selling seed that is not listed in the Catalog, and the requirements for listing are such that, practically speaking, farmers, gardeners, and small seed companies find it prohibitively difficult to breed and sell their own varieties. Most nations of the Global South are now being pressed to accept similarly restrictive IPR, phytosanitary, and certification rules. Efforts to free the seed are making gains, however, in spite of barriers. The German NGO, AGRECOL, is writing an open source license adapted to EU conditions. The Indian NGO, Centre for Sustainable Agriculture, is developing an open source license designed to complement the Indian Seed Law. OSSI is cooperating with these initiatives and others to build an international movement for open source—"freed"—seed.

Contact:

OSSI welcomes communication and commentary from interested parties. Visit our website at osseeds.org or contact us via e-mail at info@osseeds.org.