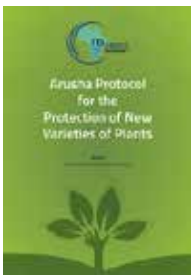


THE ARUSHA PROTOCOL FOR THE PROTECTION OF NEW VARIETIES OF PLANTS THAT HAS COMES INTO FORCE: IMPLICATIONS FOR AFRICAN AGRICULTURE



The Arusha Protocol for the Protection of New Varieties of Plants officially came into force on November 24, 2024, nearly 10 years after its adoption in Arusha, Tanzania, in July 2015. This Protocol creates a harmonized system for the protection of plant variety rights (PVRs) across the member states of the **African Regional Intellectual Property Organization (ARIPO)**. It allows applicants to apply for protection through ARIPO, ensuring uniform protection in the contracting states that participate.

Under the Protocol, PVR protection is granted for 25 years for trees and vines and 20 years for all other plant varieties.

The system closely follows the **1991 Act of the International Convention for the Protection of New Varieties of Plants (UPOV 1991)**, which has faced both support and criticism worldwide. Critics argue that the Protocol will mostly benefit multinational seed companies, potentially threatening local farmers' rights, particularly their ability to save, replant, and exchange seeds. However, the Protocol allows for a limited exception where farmers can save and replant certain agricultural and vegetable varieties, but they must pay remuneration to the PVR holder.

Supporters of the Protocol argue that it could lead to the development of more sustainable and climate-resilient plant varieties, improve farmers' access to better seeds, and ultimately enhance food security and stimulate economic growth across the continent.

The Protocol also provides a safety net. According to Article 4(1), PVR protection will have uniform effect in all contracting states unless a state refuses the grant within six months of receiving the application, provided the state offers specific grounds for refusal.

So far, only **Four (4) of ARIPO 22 member states**—Cape Verde, Ghana, Rwanda, and São Tomé and Príncipe, have ratified the Protocol. Given the ongoing debate surrounding the Protocol's potential impact, it will be interesting to see whether more ARIPO member states choose to adopt it in the future. The success of the Protocol will depend on balancing the interests of multinational companies and local farmers, as well as ensuring the protection of Africa's agricultural diversity.

FURTHER INFORMATION:

This editorial is intended to give you a general overview of the Law. If you would like further information and clarification on any issue raised in this editorial, please contact.

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