

Mirka Fries (she/her)

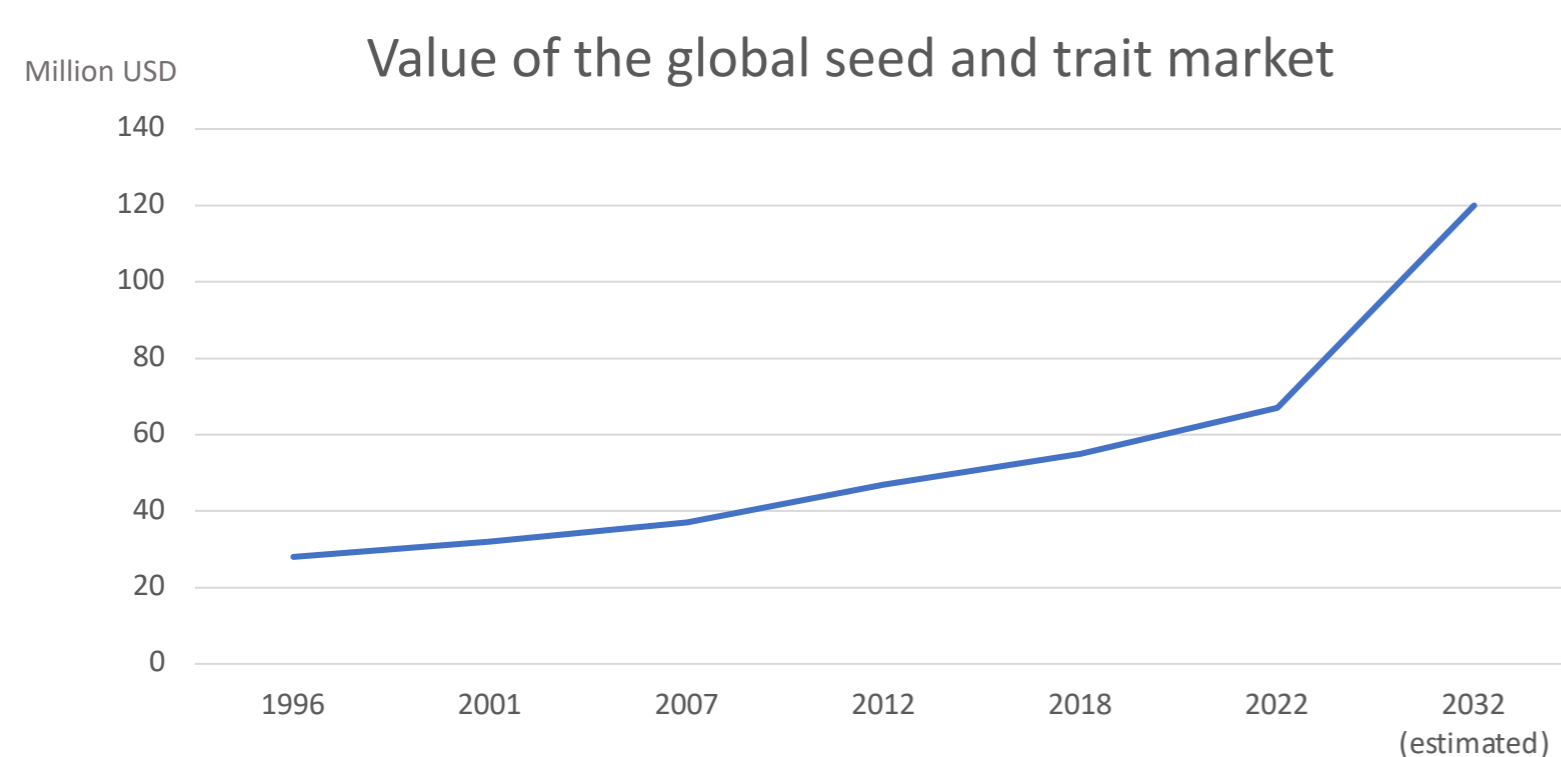
Research Question

How do international legal principles of seed intellectual property protection institutionalize and perpetuate power imbalances?

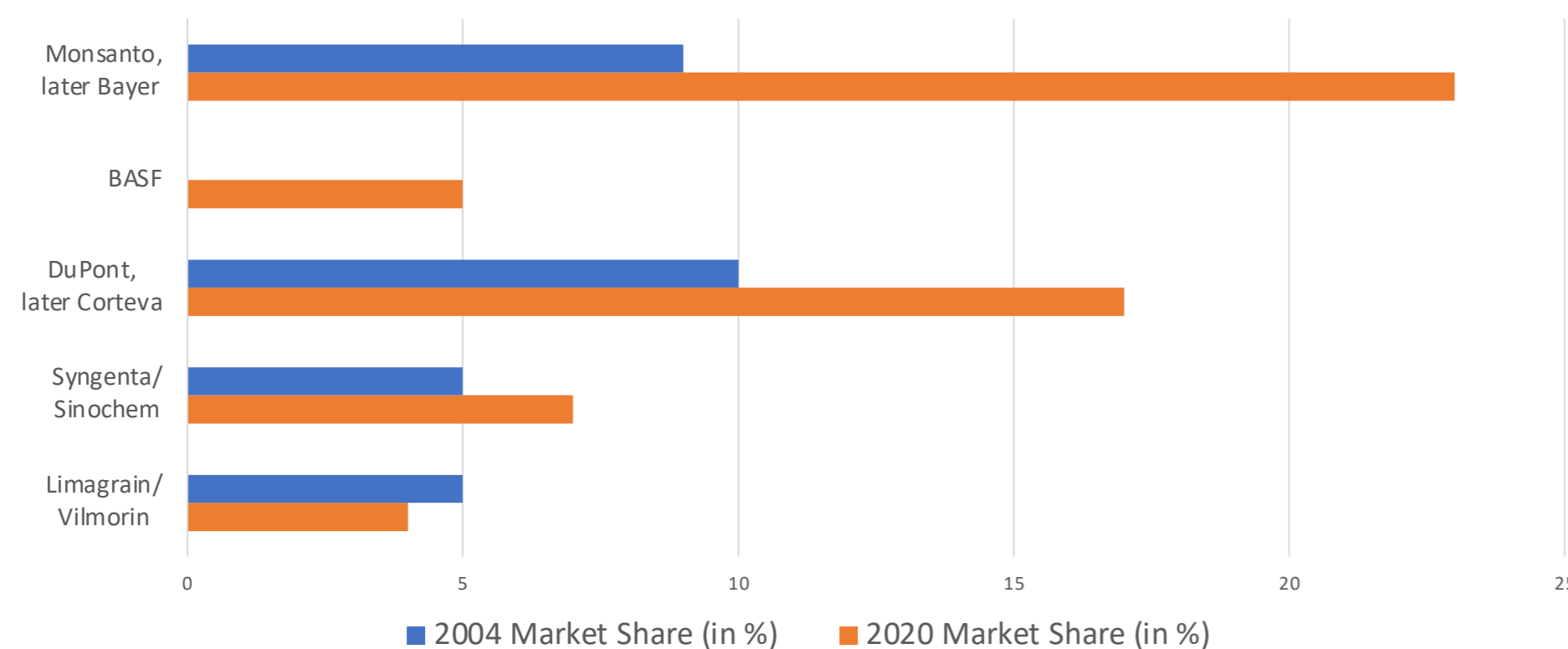
- Seeds represent the initial stage in agricultural and food production, with control over them dictating the entirety of the value chain.
- Over the past 40 years, transnational corporations have used intellectual property law to take control of the seed sector.
- Globally, R&D is increasingly focusing on features and variants that are eligible for intellectual property protection.
- Despite this, most farmers globally still rely on self-provisioned seeds, with farmer-controlled networks supplying 80-90% of seeds.
- These networks are increasingly under threat from the seed industry, endangering renewable agriculture, global food security, and biodiversity.



Commercialization of the Global Seed Market



Corporate control over the global seed market 2004 and 2020



1980: The top 10 seed companies held < 15% market share.

Legal Background

- The first intellectual property laws extending to seeds were developed in Europe: In 1961, the UPOV Convention was adopted, which provides for strong protection of breeders' rights.
- The first patent on plant material was granted in the USA; in 1995, the WTO TRIPS Agreement declared plants and seeds to be patentable subject matter at the international level.
- Both legal instruments are based on fundamental legal principles that have developed over centuries in Europe and North America.

Methodology

My research combines three methodologies:

- 1 **Doctrinal research:** Examination of legal principles relating to the international intellectual property system as applied to seeds.
- 2 **Critical legal theory:** Application of critical feminist theory to analyze and critique the power dynamics inherent in the international legal system governing intellectual property protection for seeds
- 3 **Case studies:** In-depth examination of specific cases to illustrate how the legal principles examined in ① operate in practice and their effect on various stakeholders, such as farmers, indigenous communities, and biodiversity. The case studies offer concrete examples that demonstrate how the theoretical concepts developed in ② manifest in practice.



Contribution to the BHR field

This research examines the roots of corporate power and its structural foundations, recognizing that private power facilitating transnational corporations' role in human rights abuses is a product of the international legal framework and its application. This understanding is pivotal for initiating systemic reevaluation.

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- Degrees: LL.B. in international law (Germany), LL.M. in human rights law (University of Amsterdam, Columbia Law School, *cum laude*).
- Experience: Mercator Fellowship on International Affairs, International Criminal Court, European Center for Constitutional and Human Rights.
- Expertise: Business and Human Rights, International Crimes, Intellectual Property Law, Critical Legal Theory.
- Current: Pursuing doctorate in Business and Human Rights (Friedrich-Alexander-University), teaching intellectual property law (Wageningen University).