**Table 1: Comparison of Major International Agreements Addressing Ownership of Plant Genetic Resources**

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|  Agreement | Entry Into Force | Status of Patent Holder Rights | Status of Plant Breeders Rights | Status of Farmers Rights | Political Dynamics |
| WTO’s Trade Related Intellectual Property Rights (TRIPs) Agreement | 1996 | 20-year protection for new plant varieties; Provisions for sui generis protections. | Not included | Not included | Enforceable through the WTO’s trade dispute settlement mechanism. Contains no provision subsuming its authority to other agreements.  |
| Convention on Biological Diversity (CBD) | 1993 | Any agreement must “recognize and [be] consistent with the adequate and effective protection of intellectual property rights.” (Art. 16.2) | Not included | Benefit sharing is mandated, with exact terms negotiated between governments and interested parties. | Formally replaced the common heritage doctrine with the principle that genetic resources were subject to national sovereignty.  |
| Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity  | 2014 | Facilitates the fair and equitable sharing of benefits arising from the utilization of genetic resources to incentive the conservation and sustainable use of biodiversity.  | Not included | Mandated and to be implemented through national legislation.  | Supplementary agreement to the CBD |
| FAO’s International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) | 2004 | Limits patent protections for varieties developed from genetic stock contained in the multilateral system (MLS).  | Implied in right to use and exchange seed, subject to limits based on requirement for access and benefit sharing.  | Recognizes farmers’ right to use, save, sell, and exchange seed subject to national law.  | Article 12.3.d limits intellectual property claims in a manner that could be at odds with TRIPs protections.  |
| International Union for the Protection of New Varieties of Plants (UPOV) | 1961 (rev. 1972, 1978, 1991) | Establishes criteria for protection of new plant varieties, which must be: (1) novel; (2) distinctive; (3) homogenous; and (4) stabile. Specific protections outlined under national legislation.  | 1978 version permitted use of protected varieties for the non-commercial development of new plant varieties. Exemption was limited in 1991 version.  | 1978 version permitted use of protected varieties for non-commercial applications (e.g., subsistence farming). Exemption was limited in 1991 version. | Exemptions under earlier versions have gradually been limited under more recent revisions, which falls closer in line with the TRIPs requirement for 20-year monopoly protection. |