

# What to do in case of suspected Seed Fraud?

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In general seed fraud can appear as either **violation of Intellectual Property (IP) Rights** or **violation of regulations**. In either case it is important to take the correct measures to stop or limit the damages seed fraud can cause. This paper is intended to assist you as a person dealing in marketing and trading of seeds – both within the European Union and imports from third countries. For more detailed information please see the Euroseeds SFG Tool-kit '*Intellectual property enforcement and Regulatory offences tool-kit*' - For fodder crops and amenity grasses seed companies.

Please check out the details in this document as to which steps to take to secure evidence and take note of the suggestions in the Tool-kit concerning contractual issues.

## IP Rights violation - examples:

- Propagation of seed protected by plant breeder's rights without the consent of the variety owner;
- Marketing of propagating material with unknown origin using the variety name of another IP protected variety. This often happens together with the misuse of trademarks and logos;
- Propagation of seed protected by plant breeder's rights without the consent of the variety owner;
- Exporting seeds of a protected variety outside the territory where the IP protection is valid, without the consent of the right holder

## Regulatory offences - examples:

- Marketing of propagating material as seed (without certificates or with falsified certificates);
- Selling seeds of a variety which is not listed on the national variety list/the EU Common Catalogues constitutes a regulatory offence since it is an obligation in the law that only seeds of varieties authorized for marketing can be put on the market;
- Commercialization of uncertified seeds, it is a regulatory offence since seed certification is mandatory for fodder crops and amenity grasses sold on the EU market.

If you experience or suspect any of these incidents, please report to Euroseeds Secretariat which will treat your report confidentially. Please see bottom info box for further action.

*In case of suspected fraud, you can approach:*

*Your company management*

*Euroseeds – Avenue des Arts 52 – 1000 Brussels - +32 2 743 28 60 – [secretariat@euroseeds.eu](mailto:secretariat@euroseeds.eu)*

*European Commission 'Fraud unit' - [SANTE-SEEDS-FRAUD@ec.europa.eu](mailto:SANTE-SEEDS-FRAUD@ec.europa.eu)*

*Breeders Trust – Rue du Luxembourg 23 – 1000 Brussels - +32 2 503 67 71 - [info@breederstrust.eu](mailto:info@breederstrust.eu)*