

Cannabis Breeder's Rights ver 2.0

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Abstract

A licensing framework for cannabis and hemp breeders similar to Creative Commons for software and media. Twenty-two license designations describe propagation, sales, and attribute conditions. This schema was suggested by DJ Short as a means of conveying a breeder's intentions for the genetics they release. [www.LeBlancCNE.com/cannabis-breeders-rights/]

During Hempfest 2015, DJ Short expressed a desire for a way to release his genetics to the public with some degree of protection and control over how they are used.

"I don't want to own my strains. I don't want to patent it. But my biggest fear is that someone else will take my work and prevent me from working with it. And I see as the only solution to this is to make all of this public domain and open source."

DJ Short <https://youtu.be/0veCgnBJDU0?t=38m46s>

38:46 mark

I volunteered to review the Creative Commons licensing schema [creativecommons.org/] to determine whether it's appropriate for cannabis breeders to use. Reading it carefully, I realized that Creative Commons licenses are geared toward digital content not genetics. For example the concept of NoDerivs (CC BY-ND & CC NC-ND) is too broad for breeders to use because it doesn't distinguish cloning, seeding, and breeding.

The Open Source Seed Initiative [osseeds.org/] addresses the rights associated with seeds but they define an all-or-nothing approach. Seeds are released free of any restrictions. It offers none of the parameters desired by hemp and cannabis breeders.

"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."

OSSI Pledge <https://osseeds.org/faqs/>

The Cannabis Breeder's Rights can potentially be integrated into existing efforts like The Open Cannabis Project.

[opencannabisproject.org]

The Cannabis Breeder's Rights Approach

CBR is a way for a breeder to convey their wishes and intentions along with their genetics. The Cannabis Breeder's Rights addresses three things any breeder is concerned about when releasing a cultivar:

- propagation
- commerce
- attribution

Cannabis Breeder's Rights (CBR) accommodates those who want to release their genetics in ways more flexible and nuanced than U.S. patent protection. In fact, CBR can be used in alongside patents and other plant protection and licensing schemas. They aren't necessarily mutually exclusive.

Not only is propagation not a simple either/or attribute, from a breeder's perspective it's perhaps the most important of the three attributes defined. Under CBR everyone has the right to grow, flower, and harvest. Carrying a cultivar forward through propagation, breeding or sales is what's at stake (and where the money is).

Creative Commons does not address the issue of derivative works in a manner that works for breeders. CBR makes the distinction between cloning and tissue culture, creating seeds, and breeding new cultivars. One can clone cannabis (creating more of what you already have), passively allow plants to seed or actively manipulate them (feminization), or breed entirely new cultivars. A breeder may want to allow cloning but discourage breeding. Or perhaps they allow seed production for backcrossing purposes but not for breeding new cultivars.

Much like Creative Commons, Cannabis Breeders' Rights addresses commercialization separate and apart from sharing without remuneration. Breeders can specify that their cultivars be sold or given away for free.

Another attribute addresses whether someone wants credit or anonymity for their work. A breeder can specify if they want their name associated with a cultivar or not.

Porting the Creative Commons ShareAlike attribute to Cannabis Breeders' Rights raises interesting questions about propagation. What happens when two cultivars are involved, each with different CBR propagation rights specified?

For example, Alice is licensed **CBR: N-C-C** (no propagation allowed) and Bob is **CBR: B-F-A** (breeding allowed). The only fair resolution is to defer to the more restrictive propagation rights (those towards the top of the following table).

When all of the cultivation, commerce, and credit permutations are assembled there are 22 possible combinations including a custom commercial license. There's no reason tissue culture, pollen and other genetic material can't have CBR designations.

The current version of the Cannabis Breeder's Rights (version 2.0 27jan19) takes more scenarios into account than previous

versions. It's LeBlanc CNE's wish that those distributing genetics use Cannabis Breeder's Rights designations. It's free and may come in handy at some point in the future. While there is no enforcement or penalty component that was never the intention. CBR is a standardized way for breeders to protect their hard work. **Zulu Time** was released under two Cannabis Breeder's Rights designations, one commercial (**CBR: L**) and one free (**CBR: P-F-C**). [www.LeBlancCNE.com/Zulu-Time]

It is my sincere hope that Cannabis Breeder's Rights embodies DJ Short's original intentions and addresses the concerns of all hemp and cannabis breeders and growers. Thanks pal.

Jerry Whiting

27jan19

All power to the people! Om mani padme hum.



Cannabis Breeder's Rights v2.0					
	classification	propagation	commerce	attribute	
	CBR: N	no propagation allowed	N/A	N/A	grow & harvest only
	CBR: L	per license agreement	per license agreement	per license agreement	custom licensing agreement
	CBR: C-I	cloning allowed	in-house use only	N/A	not publicly released
	CBR: C-C-C	cloning allowed	commercial sales	credit given	commercial nurseries
	CBR: C-C-N	cloning allowed	commercial sales	no credit given	commercial nurseries
	CBR: C-F-C	cloning allowed	free distribution	credit given	free as in beer
	CBR: C-F-N	cloning allowed	free distribution	no credit given	free as in beer
	CBR: S-I	seed production allowed	in-house use only	N/A	non-feminized seeds
	CBR: S-C-C	seed production allowed	commercial sales	credit given	non-feminized seeds
	CBR: S-C-N	seed production allowed	commercial sales	no credit given	non-feminized seeds
	CBR: S-F-C	seed production allowed	free distribution	credit given	non-feminized seeds
	CBR: S-F-N	seed production allowed	free distribution	no credit given	non-feminized seeds
	CBR: B-I	breeding allowed	in-house use only	N/A	not publicly released
	CBR: B-C-C	breeding allowed	commercial sales	credit given	\$
	CBR: B-C-N	breeding allowed	commercial sales	no credit given	\$\$ because the brand itself is worth something
	CBR: B-F-C	breeding allowed	free distribution	credit given	free as in beer
	CBR: B-F-N	breeding allowed	free distribution	no credit given	free as in beer
	CBR: P-I	no propagation restrictions*	in-house use only	N/A	not publicly released
	CBR: P-C-C	no propagation restrictions*	commercial sales	credit given	\$
	CBR: P-C-N	no propagation restrictions*	commercial sales	no credit given	\$\$ because the brand itself is worth something
	CBR: P-F-C	no propagation restrictions*	free distribution	credit given	free as in beer
	CBR: P-F-N	no propagation restrictions*	free distribution	no credit given	free as in beer

* clones, seeds, breeding, grafting, tissue culture & anything else that works, present or future.

