

## “Rettet Linda” (“Save Linda”)

Linda is a potato variety which has many admirers due to its exceptional taste. Dubbed the “Queen of potatoes”, it is grown since 1974 and in 2007 was crowned potato of the year in Germany. Despite Linda being one of the overwhelmingly best liked potato varieties in Europe, it was deregistered by the breeding company Europlant, which held Linda’s variety protection for the past 30 years. In 2005, Linda would no longer have been covered by the plant varieties protection law, which grants the original cultivator the right to make exclusive use of his product for a period of 30 years. After the expiration, Europlant would no longer have been entitled to royalties from licensing agreements concerning Linda. Farmers would have been free to cultivate and sell Linda. But the European seed marketing legislation only allows registered plant varieties to be sold to the public. Since only the variety protection’s owner can apply to prolong the initial protection period of 30 years, Linda would have been effectively wiped from the market until readmission, a process which can take several years. During that period, farmers would have to switch to a different variety, without much incentive to switch back to Linda after readmission.

The use of these loopholes sparked counteractions by farmers, consumers and variety preservationists. The group “Rettet Linda” (“save Linda”) was founded with the goal to conserve the variety. In protest and to create public awareness of the endangered variety, Linda was named potato of the year in 2007. The Federal Office for Plant Varieties initially set the deadline for the sale of Linda at June 30<sup>th</sup>, 2005, but prolonged that period by two years after a request by Karsten Ellenberg. Europlant objected and sued the Federal Office for Plant Varieties for damages, since the short initial deadline prompted the company to destroy the remaining seed potatoes, which could have been sold with the prolonged deadline in place. Both the objection and the lawsuit were turned down, but farmers were not allowed to sell Linda until the matter was settled.

On August 28<sup>th</sup>, 2009, the British Office for Plant Varieties registered Linda. Thus, the variety was allowed to be produced and sold under European law. In 2010, the Federal Office for Plant Varieties also granted Linda a readmission.