Cannabis Breeder's Rights ver 2.1.0

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Abstract

The Cannabis Breeder's Rights (CBR) is a licensing framework for cannabis and hemp breeders similar to Creative Commons used for software and digital content. 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.

During Seattle 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

I volunteered to review the Creative Commons licensing schema [creativecommons.org/] to determine whether it's appropriate for cannabis breeders. 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.

There are several other open source seed initiatives but none seem to fit the specific needs of hemp and cannabis breeders and seeders.

The Open Source Seed Initiative for example [osseeds.org] addresses the rights associated with seeds but they define an all-or-nothing approach. Seeds are released free of any restrictions.

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.

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

CBR accommodates those who want to release their genetics in ways more flexible and nuanced than other "open source" seed schemas let alone U.S. patent protection. In fact, CBR can be used alongside patents and other plant protection and licensing schemas. They aren't necessarily mutually exclusive.

Breeders have a vested interest in propagation rights and limitations. Under CBR everyone has the right to grow, flower, and harvest. Carrying a cultivar forward through propagation, breeding, sales, or even relicensing 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, manipulate them (feminization), or breed entirely new cultivars. CBR defines 21 combinations of rights as well as a custom designation negotiated between the two parties.

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 or company name associated with a cultivar. Strains under CBR can be released anonymously.

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).

A cultivar can have more than one designation assigned to it. **Zulu Time** was released under two Cannabis Breeder's Rights designations, one commercial (**CBR:** L) and one free (**CBR:** P-F-C).

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 too.

It's LeBlanc CNE's wish that those creating and distributing genetics use Cannabis Breeder's Rights designations. CBR establishes a standardized way for breeder's to state how they ish their work be used. Like all standards, it only works if a critical mass of people use it. Why? Because it's free and may come in handy at some point in the future. There is no enforcement or penalty component because that was never my intention. The real test is when it's used in one or more court cases.

I wrote a simple JSON file format to store CBR information. One use would be adding it to the Ethereum blockchain.

```
Cannabis Breeder's Rights 2.1.0
[CBR abbreviation]
[Cultivar Name]
[URL]
[email]
[notes]
```

The JSON snippet:

```
{
    "Cannabis Breeder's Rights 2.1.0": "CBR:L",
    "cultivar": "CiZL the Engine",
    "URL": "LeBlancCNE.com/CiZL-the-Engine"
    "email": "LeBlancCNE@gmail.com"
    "notes": "feral Chinese hemp"
}
```

One option is to write a hash [SHA-256] of a JSON file to a blockchain. For example the above JSON's hash is:

```
61e617d1f00268ca0a3e22b46479d3dcedbb43049dae22a
476679f89387c24b4
```

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..

Jerry Whiting
26jul24

All power to the people! Om mani padme hum.

Cannabis Breeder´s Rights ver 2.1.0				
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*

propagation rights
more restrictive →
← less restrictive

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

Cannabis Breeder's Rights glyph

. [LeBlancCNE.com/cannabis-breeders-rights/glyphs.zip]

CBR: N   CBR: L

CBR: C-C-C   CBR: C-C-N   CBR: C-F-C   CBR: C-F-N

CBR: S-C-C   CBR: S-C-N   CBR: S-F-C   CBR: S-F-N

CBR: B-C-C   CBR: B-C-N   CBR: B-F-C   CBR: B-F-N

CBR: P-C-C   CBR: P-C-N   CBR: P-F-C   CBR: P-F-N