

VARIETY RELEASE POLICY, MAES

November 2004

Montana Agricultural Experiment Station (MAES) experimental lines are considered for release when the following conditions are met:

A. TESTING

1. The minimum number location and calendar years of testing required for release are:
 - a. Cereal grains require a minimum of 16 location-years collected in two cropping seasons for agronomic performance.
 - b. Perennial forage crops require data from three harvest years, not including the year of seeding, at four locations, with at least one location providing an estimate of winterhardiness and/or drought tolerance.
 - c. Horticulture and specialty crops require a minimum of one location and three cropping seasons.
 - d. Native plants require AOSCA standards for source identified or selected class germplasm.
2. Test results are adequate to determine the experimental lines' potential and limitations.

B. APPLICATION FOR RELEASE

1. Applications should include the following information:
 - a. Agronomic and pest (e.g. disease resistance) data.
 - b. Quality data.
 - c. Variety description and number of increase generations permitted for seed certification program.
 - d. Status of Breeder and Foundation Seed.
2. Variety release applications must be submitted in writing and electronically to Head, Department of Plant Sciences and Plant Pathology.
 - a. Instructions can be found at: <http://plantsciences.montana.edu/FoundationSeed/Instructions.pdf>

C. VARIETY RELEASE COMMITTEES

1. Variety Release Committees include:
 - a. Wheat
 - b. Barley
 - c. Forage Crop
 - d. Specialty Crop
 - e. Horticulture and Native Plants
2. Committee recommendations shall be based on a majority rule basis. Written minority reports may be submitted.
3. Committee members, if not present, must submit a written vote or request a proxy to the Chair.
4. Non-voting members are encouraged to attend meetings and participate in the discussions.

D. PROCEDURES

1. Variety Release Committees will usually meet during the MAES - Annual Planning Conference in January.
2. Chair will solicit applications; assign membership and forward applications to appropriate committee members.
3. Chair will serve as a non-voting member for all variety release committees and will assign a Secretary.
4. The breeder of the experimental line will present data and discuss its attributes, limitations, and preferred release option (F.2.a., F.2.b., F.2.c.).
5. Variety Release Committee should consider the experimental line to be equal or superior in overall merit to the check varieties or have unique characteristics or special-use considerations.
6. Chair will submit the committee recommendations for approval to the Director of MAES.
7. Administrative action taken will be transmitted to the Chair within 30 days from the Director of MAES. Chair will in turn notify committee members about the administrative review result.
8. Written approval by PSPP Department Head and Director of MAES is necessary for variety release. The Director of MAES has veto power over Committee action. The MAES Director makes a recommendation to the Vice President for Research, Creativity and Technology Transfer (VPR). The VPR will consult with the Director of MAES on licensed releases, however, the final decision on release (F.2.c.) is with the VPR.
9. Variety Release Committees may waive the requirements of a specific rule(s) based on the recommendation of three-fourths (75%) of the Variety Release Committee voting membership.

E. VARIETY RELEASE COMMITTEES AND MEMBERSHIPS

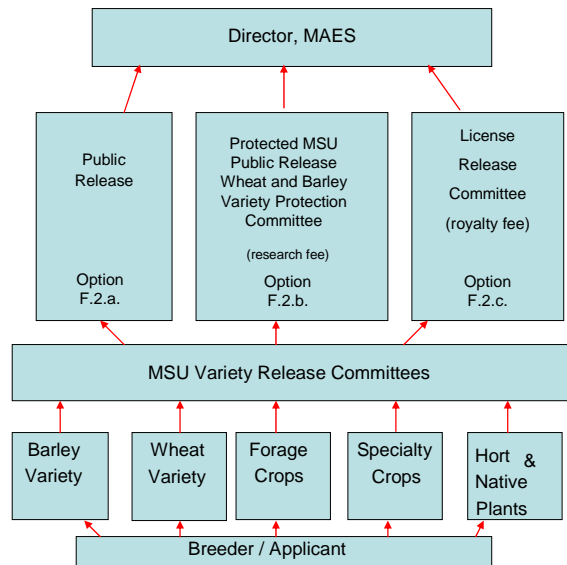
1. The Variety Release Committees will consist of :

Variety Release Committees, Wheat, Barley, Forage Crop, Specialty Crop, Horticulture & Native Plants		
<i>Voting Members, 16</i>	<i>Affiliation</i>	<i>Appointing Administrator</i>
Chair	PSPP Head	Director MAES
1.	Breeder	PSPP Head
2.	Quality, Cereal or Forage	PSPP Head
3.	Plant Pathologist	PSPP Head
4.	Manager	MT Foundation Seed Program
5.	Manager	MT Seed Growers Association
6.	Weed Scientist	LRES Head
7.	Cropping systems	LRES Head
8.	Entomologist	PSPP Head
9.		NARC Superintendent
10.		CARC Superintendent
11.		WTARC Superintendent
12.		NWARC Superintendent
13.		EARC Superintendent
14.		SARC Superintendent
15.	Chair	MAES State Advisory Council
One member added to each of the Five Variety Release Committees		
16. Wheat	Representative	MT Wheat & Barley Committee
16. Barley – Feed	Representative	MT Wheat & Barley Committee
16. Barley – Malt	Representative	American Malting Barley Association
16. Specialty Crop		WARC Superintendent
16. Hort-Native Plant	NRCS Scientist	Bridger Plant Materials Ctr. Manager
16. Forage Crop		Bridger Plant Materials Ctr. Manager
Ex-officio	Representative	V.P. for Research, Creativity and Technology Transfer

2. The **Wheat and Barley Variety Protection Committee** will consist of:

Wheat and Barley Variety Protection Committee		
Voting Members, 7	Affiliation	Appointing Administrator
1. Chair	Director MAES	N.A.
2.	PSPP Head	N.A.
3.	Faculty	Director MAES
4.	Manager	Montana Foundation Seed Program
5.	Manager	Montana Seed Growers Association
6.	Representative	Montana Seed Trade Association
7.	Representative	Montana Wheat & Barley Committee
8.	Chair	MAES State Advisory Council
Ex-officio	Representative	Montana Dept of Agriculture, Seed Division
Ex-officio	Representative	V.P. for Research, Creativity and Technology Transfer

3. A **Research Fee** will be collected on all Registered Class and Certified Class seed sold of Protected Public Release varieties of wheat or barley (only option F.2.b.). The MAES Director will establish a MSU designated fund for protection of PVP title V varieties. This will be distributed as follows: 1) pay for costs associated with PVP title V and fees (administrative and MAES), 2) 50% of net to inventor and, 3) 50% of net to fund high priority programs for variety improvement, cereal quality and focused outreach.
4. A Research Fee Agreement between the private sector and MSU will be required to receive Foundation Seed of a Protected Public Release of wheat or barley.



F. DISTRIBUTION OF A MSU VARIETY

1. Montana Foundation Seed Program and/or a member of the Montana Seed Growers Association are responsible for the increase of Foundation class seed. Permission must be obtained from the PSPP Head and the Director of MAES to increase Foundation seed outside of these programs.
2. Variety Release Options:
 - a. Public Release: Variety of a new release is allocated to a qualified seed grower(s) with no research or royalty fee.
 - b. Protected MSU Public Release: New release of wheat or barley is protected with PVP title V with a MAES Research Fee.
 - c. License Release: Variety is protected with PVP title V and released as an exclusive (one business) or non-exclusive (more than one business) process. Each requires a license agreement with MSU Technology Transfer. MSU Royalty Fees are collected with a license releases and MAES Research Fees are not collected.
3. Wheat and Barley Variety Protection Committee will review wheat and barley varieties for protection by PVP title V and released as a public variety with an agreement for collection of fees on Registered Seed and Certified Seed sold.
4. The Director of MAES has veto power over Committee action. The MAES Director makes a recommendation to the Vice President for Research, Creativity and Technology Transfer (VPR). The VPR will consult with the Director of MAES on licensed releases, however, the final decision on the release process is with the VPR.
5. The Director of MAES will charge a License Release Committee for a recommendation on the release process. Technology Transfer, MSU will be responsible for appropriate license agreement for an exclusive or non-exclusive release.
6. The License Release Committee will be composed of:

License Release Committee		
<i>Voting Members, 5</i>	<i>Affiliation</i>	<i>Appointing Administrator</i>
1. Chair	Head, PSPP	MAES Director
2.	Chair	MAES State Advisory Council
3. Wheat or Barley	Board Member	Montana Wheat & Barley Committee
3. Non-Wheat or barley	Representative	PSPP Head
4.	Representative	PSPP Head
5.	Representative	PSPP Head
Ex-officio	Representative	V.P. for Research, Creativity and Technology Transfer

APPROVED:

 Dr. John Sherwood
 Head, Department of Plant Sciences and Plant Pathology

 Date

 Dr. Jeffrey Jacobsen
 Director, Montana Agricultural Experiment Station
 Dean, College of Agriculture, Montana State University

 Date

WHEAT AND BARLEY VARIETY PROTECTION COMMITTEE Concept and Background November 2004

The concept of a Fee on protected MSU varieties of spring or winter wheat and barley has been proposed by many groups over many years. The private sector has instituted fees for several years to enhance their breeding programs. The Montana Wheat and Barley Committee have commented that additional monies are needed for variety development, quality enhancement and expansion of research on barley and wheat. MSU breeders have used research dollars and Montana Foundation Seed Program has raised seed prices to fund costs associated with variety protection (PVP title V). The Montana Seed Growers Association has collected fees from their members and distributed these back to private companies, other states and nations.

The Montana Seed Trade Association have endorsed a fee on certified seed sales and established a Seed Trade Variety Release Committee as a liaison with MSU during their summer business meeting. The Montana Wheat and Barley Committee were encouraged by the discussion brought forward by MSU at their 2004 summer meeting and support a fee for variety research and reduced Foundation seed prices. The Montana Grain Growers Association has endorsed, in theory, an assessment on certified seed sales.

Proposal for a 'WHEAT AND BARLEY VARIETY PROTECTION COMMITTEE' in the Variety Release Policy, MAES

1. The MSU Variety Release Policy outlines the process for review, recommendation and release of improved varieties by the Director of Montana Agricultural Experiment Station (MAES). Currently, a MSU breeder will propose to the Variety Release Committee that with an approved variety recommendation, the preferred method of release. A MSU public variety is released by the Director of MAES to the Montana Foundation Seed Program for allocation to qualified growers. A MSU License release is provided by Technology Transfer, MSU. A revision is proposed to the Variety Release Policy, MAES (1999) for inclusion of a "Wheat and Barley Variety Protection Committee" to allow for discussion and recommendation on variety protection by PVP title V of a MSU public release on wheat and barley. A research fee would be collected on Registered seed and Certified seed sold of the protected MSU variety.
2. The Wheat and Barley Variety Protection Committee will consist of:
 - Chair, Director of MAES
 - Head, Department of Plant Sciences and Plant Pathology, MSU
 - Manager, Montana Foundation Seed Program, MSU
 - Manager, Montana Seed Growers Association
 - Representative, Montana Seed Trade Association
 - Representative, Montana Wheat and Barley Committee
 - Representative, MAES State Advisory Council
 - ex-officio, Seed Program, Montana Department of Agriculture
 - ex-officio, Representative, V.P. of Research, Creativity and Technology Transfer
3. A **Research Fee** will be collected on all Registered Class and Certified Class seed sold of Protected Public Release varieties of wheat or barley (only option F.2.b.). The MAES Director will establish a MSU designated fund for protection of PVP title V varieties. This will be distributed as follows: 1) pay for costs associated with PVP title V and fees (administrative and MAES), 2) 50% of net to inventor and, 3) 50% of net to fund high priority programs for variety improvement, cereal quality and focused outreach.
4. A Research Fee Agreement between the private sector and MSU will be required to receive Foundation seed of a Protected Public Release of wheat or barley.