Criteria for OSU Participation in Tri-state or USDA-ARS Releases
Guidance for the OAES and the OSU Variety Release Committee (vers. 2-10-10)

OSU is often invited to participate and co-release varieties in which WSU, U of I, or USDA-ARS are lead institutions. Similarly, OSU-developed varieties may be offered to WSU, U of I, or ARS for their participation in co-release. Historically this has been a routine administrative practice conducted under the umbrella of the Tri-state Agreement. Under the Tri-state Agreement, a co-release enabled the respective state Foundation Seed programs to access Breeder seed or clonal propagates of the new variety. However, changes in release mechanisms and fundamental changes in the seed industry call into question the need and value of Tri-state co-releases, except under special circumstances where joint development and use is evident.

Release documents are being sent to OSU for review and consideration of co-release which are often incomplete, provide no supporting data, and provide no evidence of field testing in Oregon. Oregon researchers may have little or no contribution to development or testing. In some cases, there is no evidence of testing by any researchers outside of the lead institution. There is apparently little consideration as to whether co-release is necessary or appropriate for such varieties. Situations such as these call into question the value and intent of invitations for co-release of those varieties.

If true tri-state ownership for special varieties is warranted and co-release signatures are needed (see Comments below), then the following criteria need to be met:

1. The release proposal must document breeding history, novelty, performance, quality, disease and insect resistance, as would be expected in a variety registration or Plant Variety Protection application for that respective crop.

2. Data from multiple locations / years of field testing must be presented to support the variety description and release.

3. The release proposal must show clear evidence that the variety is adapted to Oregon environments and crop management practices.

4. There must be documentation of, and data from, field testing in Oregon.

5. The proposal should provide evidence that the variety would be of economic benefit to Oregon growers, or that some component of the Oregon Agricultural industry would have interest in growing or managing the variety.

6. Co-authorship or contributions from an OSU researcher does not obligate OSU participation in co-release. Similarly, co-authorship is not a requirement for co-release.

7. The Variety Release Committee does not consider variety release mechanism, licensing, PVP, Patenting, or other intellectual property rights (IPR) issues in the decision-making process for co-release. Such IPR issues are left to the purview of AES Deans, Directors and their institutions.

8. Invitations for co-release received after publication of the variety registration, or after the registration is accepted for publication, should not be accepted.