

**Forms and Process for Plant Variety Release**  
Oregon Agricultural Experiment Station (OAES)  
College of Agricultural Sciences, Oregon State University  
April 2022

To release a plant variety, the OSU Plant Inventor/Breeder engages with the Department head, stakeholders, other OSU Inventor/Breeder, OSU Advantage of the Research Office, and a number of committees. This document provides a brief outline of the process.

**Plant Inventor/Breeder:**

The Plant Inventor/Breeder is responsible for preparation and filing of the forms necessary for release of a variety and guiding them through the plant variety release process as follows.

**1. Preparation of the following documents:**

- a) Plant Variety Release Proposal
- b) Plant Variety Disclosure Form
- c) Plant Variety Significant Contributor analysis.

In the three documents, “plant variety” is a general term used describe inventions of different types, in different plant species, with different levels of intellectual property protection, and with different licensing mechanisms. For example, the type of invention can range from a rootstock to a heterogeneous composite of seed. These varying types of inventions are created at OSU in a range of species including, but not limited to: barley, beans, hazelnuts, hops, mint, potatoes, tomatoes, wheat, and woody ornamentals. Types of intellectual property can range from none (as in the case of a public germplasm release) to comprehensive (as in the case of a utility patent). Licensing can range from none to exclusive. It is not possible to itemize all possible permutations of type of invention, species, type of intellectual property protection and license type in a form. Therefore, the Inventor/Breeder(s) will specify these considerations on a case-by-case basis for each variety release and at the following points in each document.

*a) Plant Variety Release Proposal:*

Under “Brief description of the plant material proposed for release” the Inventor/Breeder will define the type of invention and the species. By way of example, in the self-pollinated cereals the type of invention could be a germplasm (homogeneous or heterogeneous), a genetic stock, a mapping population, a multi-line, or pure-line variety, or a hybrid (and its inbred parents). Additional descriptive terms for types of inventions are welcome – they just need to be defined.

*b) Plant Variety Disclosure Form:*

Under Item J, the Inventor/Breeder(s) will define the level of proposed intellectual property choosing from the available options (Plant Patent, Utility Patent, Trademark, PVP, or other). If relevant, under “other” the Inventor/Breeder(s) may choose to describe the situation where no intellectual property is proposed – as in the case a public germplasm or variety release.

Under Item K, the Inventor/Breeder(s) will propose (having discussed the matter with OSU Advantage) the type of license arrangement (exclusive, non-exclusive, none, or other). If “other”, the Inventor/Breeder(s) should describe the arrangement.

\*Crop Advisory Committees exist for hazelnut, cereals, and ornamental breeding programs, providing ongoing guidance to the breeders. Breeders for those crops with a CAC initiate this process after receiving a recommendation from the CAC to release a variety.

c) Significant Contributor Analysis

The Plant Inventor/Breeder completes assessment and requests assignment of Significant Contributor designation for individuals who make substantial and documented contributions in the development of new plant varieties.

**2. Coordinates review by:**

- a) Department Head
- b) Crop Advisory Committee where applicable\* (Variety Release Proposal and Plant Variety Disclosure forms only)
- c) Variety Release Committee

At each step of the process, the Plant Inventor/Breeder answers questions and revises the documents to make corrections, improve clarity, or address other concerns.

**3. Completes the OSU Assignment and Royalty Sharing Agreement form**

This form will be filled out by the Corresponding Inventor/Breeder to reflect the Significant Contributors to the Plant Variety Release, as specified in the Significant Contributor Analysis.

**4. Circulation of documents for approval and signature.**

Load five documents (#1 a, b, c; #3, and the Cover Page/Signature Sheet) into DocuSign for signature by Dept Head, Chair of Crop Advisory Committee where applicable\*, Chair of the Variety Release Committee, and OAES Director. The [CAS-Deans.Approval@oregonstate.edu](mailto:CAS-Deans.Approval@oregonstate.edu) email signing group should be used as the signatory for the OAES Director. Detailed instructions can be found [here](#).

**Associate Dean of Research, College of Agricultural Sciences:**

1. Submits all five documents to the [OSU Inventor Portal](#).
2. Oversees the Plant Variety Release Process for the Oregon Agricultural Experiment Station
3. Coordinates with OSU Advantage and the Inventor/Breeder
4. Participates (ex-officio) on Crop Advisory Committees and Variety Release Committee

**OSU Advantage:**

1. Provides advice throughout the process
2. Determines the best approach for plant variety protection
3. Approves the OSU Assignment and Royalty Sharing Agreement form
4. Prepares PVPs and Plant Patents in coordination with the plant Inventor/Breeder
5. Negotiates and manages licensing and agreements concerning plant varieties, and royalty distributions
6. Participates (ex-officio) on Crop Advisory Committees and Variety Release Committee
7. In consultation with the CAS Associate Dean for Research, determines the need for and reserves the right to engage with outside counsel when extraordinary circumstances are presented for this process

## **Plant Variety Release Proposal\***

This outline is provided as a general guideline for the type of information included in a Plant Variety Release Proposal, which may be useful to those new to the OSU plant variety release process. Every proposal will be distinct in the type of information provided, and this outline is not meant to dictate the content of proposals. Refer to the Plant Variety Release Policy for further description of information to be included in the proposal.

*A Word document template based on the below is located on [the CAS website](#). This proposal, once completed, can be uploaded in Word format to DocuSign with the Disclosure Form and the Significant Contributor Analysis PDF packet following the instructions [in this document](#).*

**Crop name**  
**Experimental designation of variety**  
**Inventor/Breeder**

### **Introduction**

- Brief description of the plant material proposed for release
- Rationale for release
- Intended Market or use

**Pedigree and Breeding History:** Detailed description of the crop characteristics, breeding strategy, genetics

### **Plant Description and Performance**

- Detailed description of the plants, emphasizing characteristics that distinguish the new variety from existing varieties, which may include yield, resistance to disease or abiotic stress, plant stature, product quality, chemical analysis (i.e., acrylamide content of processed potatoes), etc.
- Description of field trials, including the field sites, management practices, and data collection.
- Tables and figures summarizing the experimental data and portraying plant characteristics. Whenever possible, statistics should be included to support conclusions.

**Seed/plant production**

**Acknowledgements**

**References**

PLANT VARIETY RELEASE DISCLOSURE FORM

- A. **Experimental designation of variety:** **Crop name:**
- B. **Inventor/Breeder:** **Dept:**
- C. **Federal grant numbers used in the development of the variety:**
- D. **Brief Description of the Experimental Line and Breeding Method (print or type in space below, or attach an additional page):**
- E. **OSU Advantage will review their MTA files and provide a list of parties currently in possession of the selection. The inventors must add any other companies that are in possession of the material to this list. See attached listing E.**
- F. **Companies that have expressed Interest in the Variety. List all:**
- G. **Proposed trade names for the variety (list at least two in the space below):** *Note: Be sure to search the database at <https://www.uspto.gov/trademarks> to ensure that your proposed names do not infringe on any current trademarks . Also, apply for variety name clearance with USDA AMS ([www.ams.usda.gov/services/seed-testing/applying-for-variety](http://www.ams.usda.gov/services/seed-testing/applying-for-variety)) and provide a copy of report from AMS with regard to variety name.* ; or

H. **Proposed Variety (or Germplasm) Release Date:** Amount (Seed) Available: \_\_\_\_\_, (Units)

I. **1st Offer or Sale Date.**  
 HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? Yes No  
 Provide details below of the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries. Inventor/Breeder is informed that false representation herein can jeopardize protection and result in federal penalties.

- i. Date:
- ii. Describe circumstances:

II. **Intellectual Property Protection** *(Note: The expenses of IP protection are deducted from variety income)*

Check all that apply:  Plant Patent  Utility Patent  Trademark  PVP  Other:

If Plant Variety Protection (PVP) is checked above, the PVP application requires a decision concerning the classification of sale of seed:

i. Should the certificate specify that the seed of this variety be sold only as a class of certified seed? Yes No Undecided  
*If "Yes", answer the next 2 questions regarding number of classes and generations.*

ii. Should the certificate specify that this variety be limited as to number of classes? Yes No  
*If "Yes", which classes?:*  Foundation  Registered  Certified

iii. Should the certificate specify that seed of this variety be limited to number of generations? Yes No  
*If "Yes", specify the number of generations (1,2,3, etc.) for each class:*

Foundation  Registered  Certified

K. **The Inventor/Breeder(s) will propose (having discussed the matter with OSU Advantage) the type of license arrangement (exclusive, non-exclusive, none, or other). If "other", the Inventor/Breeder(s) should describe the arrangement.**

**E. continued**

**List all companies that currently are in possession of this material, and corresponding agreement numbers (e.g. MTA):**

<u>Agreement ID</u>	<u>Field of use</u>	<u>Party Name</u>	<u>Effective Date</u>
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**Additional Space for further details (indicate section)**

**LETTER OF UNDERSTANDING  
 ASSIGNMENT and ROYALTY DISTRIBUTION AGREEMENT  
 for PLANT VARIETIES**

Experimental designation of the variety:

Crop:

Inventor/Breeder:

**Assignment(s) by Inventor/Breeder:** The undersigned declare that they are the true and only originator(s) of the invention disclosed to Oregon State University (OSU). By signing, OSU Inventor/Breeder recognize that, as a requirement of employment at OSU, they hereby assign all right, title and interest in this invention to Oregon State University. OSU student Inventor/Breeder hereby assign all right, title and interest in this invention to Oregon State University.

This agreement will be effective when signed below or in counterpart, and photocopy, facsimile, electronic or other copies shall have the same effect for all purposes as an ink-signed original.

AGREED AND ACCEPTED by Inventor/Breeder:

Signature	Date	Signature	Date
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**Royalty Distribution by Inventor/Breeder:** Plant Inventor/Breeders can distribute their personal royalty distributions (or a portion thereof) to Significant Contributors or they can forgo personal royalty distributions and waive them to their College. In the latter case, the Inventor/Breeder directs these funds to the breeding program or other programs through a memorandum of understanding with his/her Department Head.

Below, list all Significant Contributors identified through the Significant Contributor Analysis of OSU's Variety Release Process. State the percentage of personal royalty distributions going to the Inventor/Breeder, any contributors, or to the College to support the program. Note: It is anticipated that on rare occasions there will be more than four Significant Contributors. This may trigger an independent, external analysis of all contributions made.

Addresses for all individuals receiving royalties must be provided on the following page.

Inventor/Breeder shares will be distributed as follows:

	Name	Employed by OSU?	Initials
% to			
% to			
% to			
% to			
% to			
% to			

## Addresses of Individuals for Distribution of Royalties for Plant Varieties

Experimental designation of the variety:

Crop:

Inventor/Breeder:

List Names and Addresses (where checks are to be mailed):

Name

*Address (where checks are to be mailed)*

Phone

Name

*Address (where checks are to be mailed)*

Phone

Name

*Address (where checks are to be mailed)*

Phone

Name

*Address (where checks are to be mailed)*

Phone

Name

*Address (where checks are to be mailed)*

Phone

Name

*Address (where checks are to be mailed)*

Phone

**Definition of a Plant Inventor/Breeder and  
Designation of Significant Contributors to the Development of OSU Plant Varieties  
by the Oregon Agricultural Experiment Station  
January 2022**

This document provides guidance for the College of Agricultural Sciences at Oregon State University in identifying individuals as an Inventor/Breeder and assignment of other individuals who make substantial and documented contributions in the development of new plant varieties as a Significant Contributor.

**Inventor/Breeder:** The individual who assumes primary responsibility for directing or overseeing the key steps needed to develop and characterize a new plant variety, pollinizer, or germplasm.

The Inventor/Breeder has responsibility for oversight of the following processes needed to invent, discover or asexually reproduce any distinct and new variety of plant, including cultivated sports, mutants, hybrids, and newly found seedlings:

- (1) Establishing the goals of a breeding program including identification of the traits desired in released varieties and overall approach to attain program goals.
- (2) Identification of the genetic crosses to meet the program goals
- (3) Hybridization of selected genetic material (making the cross or directing the cross to be made).
- (4) Selection of superior recombinants and identification of criteria for selection
- (5) Testing and evaluation of the superior recombinants

Note that some plant breeding leading to discovery of new varieties may not include all of the above steps (i.e. an asexually reproduced variety may not include a “cross”).

**Significant Contributor:** An individual who has made a substantial **intellectual contribution** to the development of a plant variety but is not the Inventor/Breeder. Designation as Significant Contributor is assigned upon evaluation by the Inventor/Breeder and approval by the Department Head where the variety originates, the Variety Release Committee, the CAS Associate Dean for Research, and the Director of IP, Industry and Strategic Transactions in OSU’s Advantage Office. Individuals identified as such are eligible to receive a portion of the royalties earned from licensing of the new plant variety.

The identification as Significant Contributor should be guided by the level of participation in the primary processes necessary for the discovery of a new sexually reproduced, tuber propagated, or asexually reproduced plant variety. Participation and decision making in at least 2 of the last 4 items listed above in the discovery of a new plant variety including should be considered in the determination of Significant Contributor status.

An employee working under the supervision of a program leader is not considered a Significant Contributor if they did not have substantial intellectual input into the development of the variety. Furthermore, an employee hired to do a specific job is not a Significant Contributor unless their work included the intellectual input needed to select a new variety. The contributions of Significant Contributor(s) (and subsequent distribution of income) need not be equal.

**Identification of Significant Contributor:** To engage the process of naming a Significant Contributor, the Inventor/Breeder, who prepares the plant variety release proposal and oversees its review and approval, also completes and submits the Significant Contributor analysis questionnaire (below) for each proposed Significant Contributor for each variety.

The analysis will be reviewed by the Department Head, the Variety Release Committee, the CAS Associate Dean for Research, and the Director of IP, Industry and Strategic Transactions in OSU’s Advantage Office. Following approval by those parties, the Inventor/Breeder completes the “Letter of Understanding: Distribution of Royalty Sharing Agreement and Assignment”. The Inventor/Breeder then includes the “Letter of Understanding ...” in the packet of documents that are routed for approval (currently DocuSign). After all parties have signed, the CAS Associate Dean for Research submits the packet to OSU Advantage through the [OSU Inventor Portal](#).



## Plant Variety - Significant Contributor Analysis

Experimental designation of the variety:

Crop name:

Inventor/Breeder:

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Proposed Significant Contributor of this variety:

Dept:

Email address:

Phone number:

Below, please indicate the significant contributions of the individual above to the following. Please indicate areas where the individual had input to decision-making that influenced the direction of the breeding program that led to this variety release or contributed intellectually to the discovery or development of a useful plant from collections or through asexual propagation. If some areas do not apply, please indicate as not applicable.

Establishing the goals of a breeding program

Identification of the genetic crosses to meet the program goals

Hybridization of selected genetic material

Selection of superior recombinants

Testing and evaluation of the superior recombinants

Proposed Significant Contributor of this variety:

Dept:

Email address:

Phone number:

Below, please indicate the significant contributions of the individual above to the following. Please indicate areas where the individual had input to decision-making that influenced the direction of the breeding program that led to this variety release or contributed intellectually to the discovery or development of a useful plant from collections or through asexual propagation. If some areas do not apply, please indicate as not applicable.

Establishing the goals of a breeding program

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Proposed Significant Contributor of this variety:

Dept:

Email address:

Phone number:

Below, please indicate the significant contributions of the individual above to the following. Please indicate areas where the individual had input to decision-making that influenced the direction of the breeding program that led to this variety release or contributed intellectually to the discovery or development of a useful plant from collections or through asexual propagation. If some areas do not apply, please indicate as not applicable.

Establishing the goals of a breeding program

Identification of the genetic crosses to meet the program goals

Hybridization of selected genetic material

Selection of superior recombinants

Testing and evaluation of the superior recombinants

Proposed Significant Contributor of this variety:

Dept:

Email address:

Phone number:

Below, please indicate the significant contributions of the individual above to the following. Please indicate areas where the individual had input to decision-making that influenced the direction of the breeding program that led to this variety release or contributed intellectually to the discovery or development of a useful plant from collections or through asexual propagation. If some areas do not apply, please indicate as not applicable.

Establishing the goals of a breeding program

Identification of the genetic crosses to meet the program goals

Hybridization of selected genetic material

Selection of superior recombinants

Testing and evaluation of the superior recombinants

**Primary Breeder/Developer**

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(Print Name) (Signature) Date

**Department Head** (if Appropriate) - *By signing, the Department Head / Director, affirms supporting the variety/germplasm official release.*

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(Print Name) (Signature) Date

**Chair of Crop Advisory Committee** - *By signing, the Chair of the Crop Advisory Committee affirms that ample science is supportive of the release and a 2/3 majority of the Advisory Committee recommends the variety/germplasm be considered by the OSU Variety Release Committee.*

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(Print Name) (Signature) Date

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(Specify Committee)

**Chair of Variety Release Committee** - *By signing, the Chair of the Variety Release Committee affirms the majority of committee members are supportive for general public release of the variety/germplasm and recommend approval by the Director of OAES.*

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(Print Name) (Signature) Date

**Director of the Oregon Agricultural Experiment Station** - *By signing, the Director of the Oregon Agricultural Experiment Station approves the general public release of the variety (germplasm or material) and that it may be further protected and commercialized by the Office for Commercialization and Corporate Development.*

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(Print Name) (Signature) Date