

Plant Variety Release – Process and Forms

Oregon Agricultural Experiment Station (OAES)
College of Agricultural Sciences, Oregon State University

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. [Royalty Sharing Agreement & Significant Contributor Analysis](#)
- d. [Signature Sheet](#)

In these 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 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.

c) Royalty Sharing Agreement & 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. The Royalty Sharing Agreement 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.

d) Signature Sheet

The CAS-Deans.Approval@oregonstate.edu email signing group should be used as the signatory for the OAES Director. Detailed instructions can be found [here](#).

2. Coordination of 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. Circulation of documents for approval and signature.

The Plant Inventor/Breeder loads all five documents (Proposal, Disclosure Form, Royalty Sharing Agreement & Significant Contributor Analysis, and Signature Sheet) into DocuSign for signature by Department Head, Chair of Crop Advisory Committee where applicable*, Chair of the Variety Release Committee, and OAES Director.

**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.*

Associate Dean of Research, College of Agricultural Sciences (or delegate):

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

Division of Research and Innovation:

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