

**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:

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.

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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.

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Proposed Significant Contributor of this variety:

Dept:

Email address:

Phone number:

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