

NDSU PLANT VARIETY DISCLOSURE FORM

A. Experimental Number _____

B. Proposed Variety Name _____

C. Genus and Species Name _____

D. Kind Name _____

E. Project Leader/Breeder Name: _____

Position: _____

Department: _____

Phone and e-mail: _____

List other breeder(s) – by position, department, and phone number.

Other(s)	Position	Department	Phone
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(i) Do you intend to waive or accept the 30% breeder's share under NDSU's Intellectual Property Policy (*mark only one*)?

_____ Waive Research Fees
 _____ Accept Research Fees.

(ii) Will any other NDSU personnel be considered developers of this variety?

_____ No _____ Yes

If YES, please submit (under separate cover) the 30% Breeder Distribution and Department Distribution decision(s) through the AES Director's Office.

F. Research Fee Distribution (identify NDSU personnel by name and indicate percentage):

<u>Name</u>	<u>Percentage</u>
_____	_____
_____	_____
_____	_____
_____	_____

G. Date of Determination (if available --see attached Instructions, Item G)_____

H. List any and all source(s) of U.S. Federal funding that led to or enabled the development of this variety – please identify the Federal Funding Agency/Agencies and the Grant/Contract Funding No. (include any federal funding of your salary and/or that of the other breeder(s), if applicable _____

I. Is there any non-U.S. federal funding of your breeding research (e.g., funds provided by associations, councils, companies, etc.)? _____ Yes _____ No.

If YES, please identify each and every funding source (please specify name, contact information, etc.):

K. Does any 3rd party (or parties) have any proprietary parentage(s), trait(s), or other interest(s) in this variety (see Instructions, Item K for more information)?

Yes _____ No _____

If YES, please identify any and all party/parties and describe and explain the nature and scope of the interest(s) – attach additional pages, as necessary (see Instructions, Item K).

L. Application for PVP Certificate Attached? Yes _____ No _____

If NO, please explain why. When will it be submitted? _____

M. Potential Licensees of this Variety? _____

N. Please attach to this form any additional pages of information or data you may wish to provide.

Submitted By _____

Date _____

Department Chair _____

Date _____

PLEASE FORWARD:

- 1) One **original, hardcopy completed form** to **NDSU Office of Technology Transfer (OTT)** which is located at 1735 NDSU Research Park Drive, Room 124, Phone: (701-231-6659);
 - 2) One **copy** of the completed form to your **Department Chairperson**; and
 - 3) One **copy** of the form to the N.D. Agricultural Experiment Station (**NDAES**) **Director**; and
- Please retain one **copy** of the form for **your files**.

DATE RECEIVED: _____
by NDSU OTT

ACKNOWLEDGEMENT _____
by NDSU OTT

Instructions for Completing NDSU Plant Variety Disclosure Form

Background

In accordance with Policy 190, this form should be utilized by NDSU personnel to report new plant varieties to the Office of Technology Transfer. Pursuant to NDSU policy, breeders/inventors are required to report discoveries to the Office of Technology Transfer prior to making any “enabling” disclosures. An “enabling” disclosure for patent or plant variety protection (PVP) purposes would consist of a transfer, sale, or license or offer for sale or license of an experimental line or variety. Note that prior to an application for patent or PVP, any transfer or evaluation of an experimental line or variety to or by another party must be done under the terms of a Material Transfer Agreement and, in the case of a patent, a Material Transfer Agreement with confidentiality provisions.

The Bayh-Dole Act, and its enabling regulations, requires NDSU to report to the U.S. government those plant varieties that were developed by NDSU through the use of any federal funding (including federal funding of salaries). The information that you provide via this form will enable the NDSU Office of Technology Transfer (OTT) to make a timely and systematic disclosure of this information to the applicable U.S. governmental funding agency thereby facilitating NDSU compliance with the Bayh-Dole Act. Also, the information you provide (via this disclosure form) concerning distribution of any research fee(s) will assist in fulfilling responsibilities and obligations regarding such fees.

In addition to this NDSU Plant Variety Disclosure Form, a complete Plant Variety Protection Application form must be submitted to the NDSU Research Foundation (NDSU-RF) for further submission to the USDA's Plant Variety Protection Office. The Plant Variety Protection Act provides patent-like protection for sexually (i.e., seed) reproduced plants, other than fungi or bacteria, and to tuber reproduced crops. The variety must be distinct from all other varieties, uniform, and stable as defined in Section 41a of the Plant Variety Protection Act. If the variety has been sold or used in the United States for more than one year or in a foreign country for longer than four years, the variety is ineligible for protection. (Use of the variety to produce and market a first-generation hybrid is considered use of the variety).

Instructions for Completing the NDSU Plant Variety Disclosure Form

- A. Please give the experimental number assigned to this variety.
- B. Please give the proposed name and number of this variety.
- C. Please indicate genus and species of this variety.
- D. The term "Kind" means one or more related species, or subspecies, singly or collectively known by one common name, such as soybean, wheat, flax, etc.
- E. The term "Project Leader" means the NDSU employee/breeder designated as the first listed investigator on the CSREES or other project of the program from which the variety is derived at the time of release. If other NDSU personnel are involved in or have contributed to this variety, please identify each person by name and provide the indicated information for each person.
- F. If other NDSU personnel, in addition to the Project Leader/Breeder, will share in the research fees received from sales of this variety amongst a group of participants based on their contribution to the final product, the individuals and their percent sharing should be designated here. If this section is

left blank, royalties will only be distributed to the Project Leader/Breeder listed in Section E of the form.

- G. If available, please provide the “Date of Determination” which is the date that the plant identified herein was determined to be and is released as a new NDSU variety as follows:

A new NDSU variety meets all of the following criteria:

- (1) meets the definition of new variety as defined in the PVP Act, and*
- (2) a decision by NDSU was made to increase the seed, and*
- (3) NDSU Variety Release Committee recommends release of the variety, and*
- (4) NDAES Director approves release and/or issues a public announcement that this new variety is released.*

- H. Please identify any and all U.S. federal agency or agencies funding your breeding research.
- I. If any, please identify any and all non-U.S. federal party/parties that is/are funding or has/have funded your breeding research. Examples of such parties include associations, councils, and companies.
- K. If any, please identify and list, any and all 3rd party or parties that may have a proprietary interest or interests in this variety in terms of any and all patented, patent-pending, licensed-in, or other parentage(s), trait(s), etc. Describe and explain the nature of any such interest(s). Please identify the party or those parties in Section K of the form and provide contact information for each party. You may attach additional pages as necessary.
- L. If a PVP Application has been filled out, please attach to this PVP Disclosure form. If a PVP application has not yet been filled out, please note when an Application will be submitted to NDSU Research Foundation.
- M. What companies are likely to license this variety, if any?
- N. As necessary and needed, attach any additional page(s) containing additional information and data that you wish to provide concerning any item of this form.

Submission Instructions

Please sign and date the original, hardcopy form where indicated. Please also have your Department Chair sign and date the original, hardcopy form where indicated.

Submit the original, hardcopy form to the NDSU OTT with one copy each to the NDAES Director and Department Chairperson. Please retain one copy for your file.

Please submit the PVP Application for this variety to the NDSU Research Foundation.

Your cooperation and assistance with these matters are appreciated. Please contact the NDSU Office of Technology Transfer with any questions.