Plant Variety Protection and Variety Patents are

used to protect the investments of plant variety developers from unauthorized use of the varieties they have put significant effort into. **PVPA & Patented Varieties are** protected by federal seed laws!

Don't risk the future of your farm or business by purchasing pirated seed or selling seed of a protected variety!



The Variety Developer may elect to enact Title 5 of the Federal Seed Act so that the variety can be sold only as a class of certified seed. PVP status is noted on a certified seed tag.

CERTIFI IED SEED

UTAH CERTIFIED SEED

MBER OF ASSOCIATION OF OFFICIAL SEED CERTIFYING AGENCIES



WHEA W-33 LOT #: GVW-4855 WARNING UAES PVP VARIET)



UTAH CROP IMPROVEMENT ASSOCIATION

www.utahcrop.org

4588 Old Main Hill Logan, Utah 84335 Phone: 435 797-2082 Fax: 435 797-3376 E-mail: ucia@usu.edu



- Third-party official seed certifying agency for Utah since 1937
- Non-profit corporation
- Member, Association of Official Seed Certifying Agencies (AOSCA)



UCIA Personnel

- Michael Bouck, 435 881-2058 michael.bouck@usu.edu
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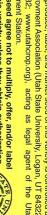


How do **PVP Varieties** benefit your farm operation?



UNAUTHORIZED SEED 9







VARIETY PROTECTED

Newly Developed Crop Varieties Offer Many Benefits

Agronomists assert that new crop varieties with improved yield and pest resistance are the most significant contributor to higher yields over the last 30 years. These improvements benefit your farm's bottom line.

Higher yields are achieved by developing new varieties that have better agronomic characteristics and resist damaging insect and disease pests. The development of new varieties requires a substantial investment of money, time, testing, propagation and marketing.

Private corporations and public institutions need to be compensated for their efforts in developing new crop varieties. Everyone in the seed industry shares in the responsibility to ensure that all parties are fairly compensated for new crop varieties.

'Pirating' of seed by farmers, seed conditioners and others is not only illegal but reduces funding available for research for continued variety development.



Most 'Newer' Crop Varieties are protected by the Plant Variety Protection Act (PVPA) and/or a Utility Patent.

Under the 1994 PVPA:

A farmer may save enough seed of a protected variety to plant on his own farm holdings but may NOT sell seed without permission of the variety's owner.

It is an infringement to condition, bag or store farmer-saved seed if the quantity exceeds what the farmer can legally save for planting purposes.

Under U.S. Patent Law:

A farmer may not save ANY seed of a utility patent protected variety for planting.

A custom conditioner may NOT condition, treat, bag or store any seed of a utility patent protected variety.

U.S. courts have continued to enforce these laws and the protection they provide to plant breeders and seed companies. Fines and penalties have been handed down to growers and seed handlers who attempt to save seed for resale without the permission of the owner of the variety.

For more information on PVPA, contact the PVP office at pvpomail@usda.gov; or visit <u>www.ams.usda.gov/AMSv1.0/PVPO</u>.



PVPA Penalties:

- Upon finding an infringement the court shall award damages adequate to compensate for the infringement but in no event LESS than a reasonable royalty for the use made of the variety by the infringer, together with interest and costs as fixed by the court.
- When the damages are not determined by the jury, the court shall determine them. In either event the court may increase the damages up to THREE TIMES THE AMOUNT DETERMINED.

<u>U.S. Patent Penalties:</u>

- Are determined in court and cases can be tried before a jury.
- Judgments are usually in excess of the actual loss or damage.
- Such penalties are used as a deterrent, i.e. discourage unauthorized use.