

# **PLANT GERMPLASM\* RELEASE POLICY**

## **Iowa State University Research Foundation, Inc. (ISURF)**

The development of new plant germplasm (variety, cultivar, line, population, etc.) is a natural output of research activities in a land-grant university. Iowa State University ("University") is proud to develop and introduce new plant germplasm. New plant germplasm does not benefit society unless it is managed and released effectively. The goals of ISURF's management of University plant germplasm follow the same two general principals guiding the management of all University intellectual property:

- manage intellectual property to ensure that the results of University research will have the maximum possible beneficial effect for Iowans and the larger public; and
- where it does not interfere with the first objective, manage intellectual property in such a way that the University benefits financially.

To achieve these goals, ISURF normally releases plant germplasm for commercial use in a non-exclusive manner to ensure wide availability and collects a reasonable royalty. Exceptions to this generally require sound, specific and overriding reasons and special approval (see below). Germplasm released for research and development use is distributed free of royalty in a non-exclusive manner.

### **1. Ownership & Record of Invention**

ISURF believes new plant germplasm is a natural and desirable output of research activities and, therefore, is managed with the same level of care and diligence as intellectual property developed by other disciplines of research at the University. Just as it is the owner of all University developed new recombinant gene constructs, novel machining methods, new ceramic composites, or original computer application programs, ISURF is the owner of all new plant germplasm developed as a result of research activities at the University.

University researchers have the responsibility and the duty to report any new plant germplasm that is worthy of release directly to the Office of Intellectual Property & Technology Transfer (OIPTT) as a Record of Invention. An "Intellectual Property Disclosure & Record" form available from OIPTT is used for this purpose. Along with the disclosure form, researchers provide all necessary background information, including the pedigree, existing contractual obligations, and any unique characteristics that justify the release of the new plant germplasm.

All new plant germplasm reported to OIPTT is given an ISURF record number and is on the permanent record of intellectual property developed as a result of research activities at the University. ISURF, in cooperation with other campus units, such as the Committee for Agriculture Development, takes an active role in the promotion and marketing of plant germplasm. ISURF disseminates the plant germplasm through appropriate routes after the execution of the proper "Commercialization" or "Research and Development" Agreements.

## **2. Recommendation & Approval for Release**

After receipt of the disclosure, OIPTT copies and forwards all relevant information of requests for commercial release to the Plant Germplasm Committee (PGC) of the Iowa Agriculture & Home Economics Experiment Station (IAHEES) for recommendations.

PGC serves the very important role of quality assurance for all plant germplasm released for commercial use by ISURF. Recommendations regarding whether the germplasm should be released exclusively, non-exclusively, or in a restricted manner may be made by the PGC to ISURF. ISURF normally honors the recommendations of PGC unless a recommendation is contrary to ISURF's two guiding principles for management of intellectual property.

## **3. Incentives to Researchers**

ISURF collects a reasonable royalty on germplasm released for commercialization. One third (1/3) of the net royalty (after deduction of a 15% administrative fee and direct costs from the gross royalty) is returned to the researchers within three months after the end of the fiscal year. The remaining two-third (2/3) of the net royalty is shared equally by IAHEES and ISURF.

Germplasm recommended for commercial release but not commercially licensed after four years of promotion and marketing by ISURF/OIPTT may be made available to the public royalty free. A small, one-time handling fee may be collected to recover costs associated with the propagation, maintenance and shipment of the germplasm.

ISURF does not collect royalty on germplasm released solely for research and development use. A small, one-time handling fee may be collected to recover costs associated with the propagation, maintenance and shipment of the germplasm.

## **4. Dissemination to Growers & Restrictions**

Normally, ISURF releases germplasm in a non-exclusive manner. Under such a mechanism, any grower interested in receiving a license to grow and propagate the germplasm will be offered an opportunity to do so with payment at an established royalty rate.

Specialty germplasm that requires either a high level of identity preservation, a sizable initial capital investment, and/or a specialized marketing effort, may be released in an exclusive or in a restricted manner. Exceptions to a non-exclusive release will be made upon approval by the Board after considering written justification by a requester.

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\* Does not include individual genes or gene constructs that may be protected separately by patents.

- Reviewed by ISURF Membership, March 30, 1995

- Approved with amendments by the ISURF Board of Directors, June 1, 1995