SUBJECT: IFAS; Policy Governing Release, Protection and Introduction of Plant Material

The University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS) has the responsibility of developing, introducing and releasing new cultivars of field, forage, vegetable, fruit, ornamental and forest plants to support agricultural, horticultural, and natural resources development in Florida. The policy and procedure statements outlined in this document are intended to provide guidelines for the release and protection of various types of plant material developed by UF/IFAS personnel or originating through cooperative efforts with other state, federal, or private organizations. This policy is set forward to ensure quality releases by peer review and to provide an orderly mechanism for the release process.

EFFECTIVE DATE: August 24, 2016
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I. Purpose of UF/IFAS Policy Governing Release, Protection, and Introduction of Plant Material

The University of Florida’s Institute of Food and Agricultural Sciences (UF/IFAS) has the responsibility of developing, introducing and releasing new cultivars of field, forage, vegetable, fruit, ornamental and forest plants to support agricultural, horticultural, and natural resources development in Florida. The policy and procedure statements outlined in this document are intended to provide guidelines for the release and protection of various types of plant material developed by UF/IFAS personnel or originating through cooperative efforts with other state, federal, or private organizations. This policy is set forward to ensure quality releases by peer review and to provide an orderly mechanism for the release process.

II. The UF/IFAS Cultivar Release Committee (CRC)

a. Role and Responsibilities of the CRC

The CRC shall make the final decision concerning the release of a potential cultivar, germplasm, or breeding line. The CRC shall meet at least quarterly to consider requests made by Cultivar Release Advisory Committees for the release of new plant materials. A quorum shall consist of two-thirds of the voting members of the CRC. Voting members can designate a proxy with approval of the Chair of the CRC. Approval of the CRC on any voting matter shall be denied if there is more than one dissenting vote. In the event of denial, the issue shall be referred back to the Cultivar Release Advisory Committee with comments, if appropriate. Cultivars, germplasm, or breeding lines which are rejected for release may be resubmitted to the CRC with additional documentation. Although this policy serves as a general guideline, the CRC reserves the right to approve or deny the release of any cultivar, germplasm, or breeding line for just cause. The CRC shall:

i. Approve the formation of new standing Cultivar Release Advisory Committees, as requested;

ii. Approve release of Breeder stock of new plant materials developed by UF/IFAS personnel, including material provided to UF/IFAS, as recommended by the Cultivar Release Advisory Committee;

iii. Approve stock increases and increase procedures for planting materials prior to release, as requested;

iv. Approve release of cultivars, germplasm, breeding lines, and other new plant materials;

v. Review and approve content and claims of cultivar release documentation presented by developers;

vi. Approve names of cultivars and other new plant materials, using as a guide the International Code of Nomenclature for Cultivated Plants as a guide;

vii. Approve intellectual property protection alternatives as appropriate. Intellectual property protection alternatives include no protection, Plant Patent (asexually propagated cultivars), Plant Variety Protection (sexually propagated cultivars), or Utility Patent; and

viii. Receive and review dissenting reports associated with the consideration of any candidate cultivar, germplasm, or breeding line.

b. Composition of the CRC

Voting members of the CRC shall consist of the chairs of the Departments of Agronomy, Environmental Horticulture, Forest Resources and Conservation, Horticultural Sciences, and Plant Pathology; the Associate Dean for Extension-Agricultural Programs; the Executive Director of Florida Foundation Seed Producers, Inc.; a representative of the Florida Department of Agriculture and Consumer Services; a Research and Education Center Director appointed by the Dean for Research; and the Dean for Research, who will serve as Chair. The chairman of the Plant Breeder’s Working Group (PBWG) will serve as a
The Cultivar Release Advisory Committee (CRAC)

a. Role and Responsibilities of the CRAC

A CRAC shall be appointed for each potential crop type to be released. The CRAC shall provide scientific scrutiny of the proposed cultivar, germplasm, or breeding line. The CRAC shall:

   i. Evaluate the proposed release regarding its intended purpose(s) and in accordance with the Guidelines for Releases within Commodity Areas (using the Commodity Checklist submitted by the developer(s) as a guide). The CRAC shall take whatever action is necessary to carry out this function, including on-site inspection and evaluation;

   ii. Review and evaluate the performance data provided by the developer(s). CRACs shall recommend additional data or evaluations which would improve the chances of the CRAC’s recommendation in the future for those not recommended by the CRAC;

   iii. Discuss the commercial opportunities regarding the cultivar, germplasm, or breeding line and the likelihood of the cultivar, germplasm, or breeding line being used by industry;

   iv. Discuss the potential invasiveness of the proposed release, including the invasiveness of the parents as set forth in Section VII.e.iii. If necessary, the CRAC may advise that the proposed release be evaluated by the UF/IFAS Invasive Plants Working Group;

   v. Review documentation submitted by the developer including the Cultivar Release Form (hereinafter “CRF”; see APPENDIX A) and the Royalty Distribution Agreement (hereinafter “RDA”; see APPENDIX B) for completeness and accuracy.

   vi. If a recommendation for release consideration is approved by sixty percent of the voting members of the CRAC, the Chair of the CRAC shall provide written notification to the Chair of the CRC and the Plant Pre-Release Coordinator (“PPRC”) concerning the release of the cultivar, germplasm, or breeding line no later than two (2) weeks prior to the next scheduled CRC meeting;

   vii. After the recommendation for release consideration is approved by the CRAC, the Chair of the CRAC shall sign the approved CRF and RDA and provide the signed CRF, RDA, Commodity Checklist (initialed by all CRAC voting members; see APPENDIX C), and approved release documentation to the chair of the CRC and the PPRC; and

   viii. After the above procedures are completed, the CRAC shall act as deemed necessary to assist members of the CRC in their deliberations.

b. Composition of the CRAC

The formation of the CRAC shall be recommended by the appropriate department chair to the CRC for approval. Voting members of the CRAC shall consist of a minimum of five individuals capable of evaluating the proposed release with regard to its intended purpose(s) and in accordance with the Guidelines for Releases Within Commodity Areas (See Section VII.). At least two members of the CRAC shall be affiliated with departments other than that of the department chair. A quorum consists of sixty percent of the voting members of the CRAC. Votes must be cast during a face-to-face or virtual meeting. Non-voting members of the CRAC shall consist of the Executive Director and/or a Licensing Associate of Florida Foundation Seed Producers, Inc., the PPRC, the center director when the developing program resides at a Research and Education Center, the developer(s), and the chair of the appropriate department, who will serve as Chair of the CRAC. The composition of the CRAC may be modified subject to the
IV. Role of Developer(s) in the Cultivar Release Process

For the purpose of this policy statement, a developer(s) shall be defined as the scientist and those working in cooperation with the scientist during periods when the germplasm was under development, and thus is not limited to only individuals involved in the final evaluation.

Prior to the CRAC meeting, the developer(s) shall:

i. Notify the appropriate department chair that a potential cultivar, germplasm, or breeding line be considered for release.

ii. Submit to the CRAC draft release documentation consisting of performance data, the Commodity Checklist, the CRF and RDA for the cultivar, germplasm, or breeding line, and other supporting documentation; The developer(s) and committees shall use only the experimental line number when referring to the new cultivar, germplasm, or breeding line. The developer has the option to submit at least two recommended cultivar names to the CRAC to be further evaluated and verified as usable cultivar names by FFSP and others, as appropriate. Caution should be taken to ensure that brand names under which varieties or products of varieties will be marketed are not used as varietal or cultivar names. Varietal or cultivar names are considered generic and not eligible for trademark registration.

Prior to the CRC meeting, the developer(s) shall:

i. Complete all necessary application documentation required to file for the desired form(s) of intellectual property protection (if intellectual property protection will be sought for the cultivar, germplasm, or breeding line) and submit this documentation to FFSP.

After release the developer(s) shall:

i. Act as deemed necessary to assist members of the CRAC and CRC in their respective deliberations.

V. Timeline for Cultivar Release

a. The developer(s) shall notify the appropriate department chair that a potential cultivar, germplasm, or breeding line be considered for release.

b. If a CRAC has not already been appointed for the potential crop type to be released, the department chair shall recommend the formation of a CRAC to the CRC for approval.

c. When a standing CRAC exists, the department chair shall schedule and hold the CRAC meeting at least two weeks prior to a scheduled CRC meeting. The CRC agenda is considered final two weeks before a scheduled CRC meeting.

d. If a recommendation for release consideration is approved by the voting members of the CRAC, appropriate documentation shall be submitted to the Chair of the CRC and the PPRC (See Sections III.a.vi. and III.a.vii.) and intellectual property documentation shall be submitted to FFSP.

e. The Chair of the CRC or the PPRC, as designated by the Chair, shall place the potential cultivar, germplasm, or breeding line on the agenda of the next scheduled CRC meeting and provide the members of the CRC with documentation provided by the CRAC.

f. The developer(s) and others, as needed, shall meet with the CRC to present the proposed release and to answer appropriate questions regarding the proposed cultivar, germplasm, or breeding line.
g. The CRC votes on the proposed release. Ultimately, the proposed cultivar, germplasm, or breeding line shall only be considered released after the CRF has been signed by the Chair of the CRC.

h. Following approval for release by the CRC and filing for intellectual property protection (if applicable), the developer(s) may publish a release manuscript in an UF/IFAS release document (e.g., EDIS publication), appropriate journal or with an appropriate National Variety Review Board.

VI. Joint Releases

It is the intent of this policy to encourage joint development and release of cultivars with other land-grant universities and agencies such as the USDA. When an industry, state, or federal organization is directly involved with UF/IFAS personnel in the development of new plant material, a joint release between UF/IFAS and the cooperating organization(s) shall be made, subject to approval of the parties involved. The release of information shall be through a joint agreement between UF/IFAS and the cooperating organization(s).

Cultivars, germplasm, or breeding lines to be released by another state institution or agency in accordance with their own policies can be released jointly with UF/IFAS, even though UF/IFAS did not play a major role in the development of such cultivars. The decision to release such cultivars jointly shall be made by the CRC upon receipt of a recommendation from a CRAC or after consultation with the developer(s), whichever is appropriate.

VII. Guidelines for Releases Within Commodity Areas

a. A new cultivar, germplasm, or breeding line shall have a potential for making a significant contribution to Florida agriculture and/or the general public. This may be accomplished, for example by increasing the yield potential, reducing production hazards, increasing management efficiency, and/or improving quality. New food or feed cultivars shall meet requirements as "generally recognized as safe" substances as stated in the Code of Federal Regulations 21 CFR § 170.30. Affirmative answers to three questions relative to the proposed cultivar, germplasm, or breeding line are important: (1) Do advantages over existing cultivars significantly out-weigh disadvantages? (2) Are growers or general public likely to use the new cultivar, germplasm, or breeding line? (3) Can assurances be given that the new cultivar, germplasm, or breeding line will not become a noxious weed?

b. Developers releasing materials to be grown in Florida should consider preparing an EDIS Fact Sheet that describes the new cultivar, germplasm, or breeding line. Information provided should contain the basics of production and/or management practices, if known. (Note: intellectual property protection applications must be filed prior to public disclosure of the invention)

c. When experimental evaluation by third parties is desirable, a Materials Transfer Agreement (MTA) (contact: PPRC) shall be executed between the third party and UF/IFAS as deemed appropriate for the situation.

d. The UF/IFAS department and developer are responsible for maintaining a small source of Breeder planting stock. FFSP maintains the Foundation stock or coordinates the maintenance of such stock with other applicable entities.

e. Guidelines for evaluating crops may be revised periodically by the CRC. Exceptions to stated policy will only be acknowledged upon review and action by the CRAC. Guidelines for evaluation include the following:
i. The developer(s) must provide CRAC members documents justifying the release prior to the CRAC meeting to provide adequate time for review. The first section of the release document should explain the reasons for release.

ii. The developer(s) must complete and present a draft of the relevant Commodity Checklist to the CRAC. The checklist should be used to guide the CRAC meeting. If needed, the developer(s) should provide explanation to the CRAC why criteria on the checklist are not applicable to the proposed release.

iii. Invasiveness: For any release in which the parents are known to be invasive or the proposed release itself is suspected to be invasive, the proposed release must be sent through the IFAS assessment for invasiveness.

A. Fruit crops - clonally propagated woody perennials:
   1. The potential candidate for release should have been tested with enough observation (replications) and environments (years or locations) to confirm the advantage for which it is being released. The need for complete data to confirm a cultivar's superiority must be weighed against the growers' need for the new cultivar, which may in some situations, be critical. The CRAC, with input from the developer(s) and with other appropriate information, will make a recommendation to the CRC on the advisability of release of the material. Extenuating circumstances may be considered that would modify usual release procedures or chronology.
   2. If cross-pollination is necessary for good performance of a cultivar being considered for release, suitable cultivars for cross-pollination must be available.
   3. The release documents should describe unique cultural practices required to maximize the performance of the potential candidate for release, if known.
   4. Citrus Fast Track Release Option is a new policy that is a significant but temporary change in the normal release of citrus cultivars. The Citrus Fast Track Release Option is temporary, having a limited term, effective from July 23, 2007 until September 30, 2021. The provisional policy is intended to rapidly provide new cultivars to the commercial citrus industry for evaluation and commercialization in a highly experimental condition. The developer(s) will be advised by their CRAC on recommending a Citrus Fast Track release, with input from other sources as appropriate, and will make a formal recommendation to the CRC to release the cultivar. Special considerations under the Citrus Fast Track Release Option include:
      a. The CRAC and CRC are expected to consider limited and incomplete trial evaluation information. This unusual lack of scientific information is acceptable for consideration of release under the Citrus Fast Track Release Option.
      b. UF/IFAS, the Florida Agricultural Experiment Station (FAES), a DSO, and developer(s) will not represent, extend or imply any warranties of merchantability or fitness for a particular purpose.
      c. UF/IFAS, FAES a DSO, and developer(s) will not indemnify any cooperator or licensee against any consequential damages or liability concerning the cultivar.
      d. UF/IFAS/FAES retains and has sole claim and ownership title to all cultivar intellectual property. Future users/cooperators taking possession of the
cultivar released under this policy shall be subject to the terms and conditions of a License Agreement issued by a UF DSO (e.g. FFSP).

e. Any cultivar released under the Citrus Fast Track Release Option will be identified as such in all communications and literature associated with the cultivar.

f. Once a cultivar is released on a Citrus Fast Track Release Option, it cannot in any way be re-released under the normal process of cultivar release.

B. Vegetable crops – seed and clonally propagated:

1. For clonally propagated cultivars, evaluation is necessary to determine that performance and characteristics are consistent across time and space. Typically this will require evaluation in replicated trials with standard cultivars for a minimum of two cropping cycles, along with grower observations of the selection in ¼ to ½ acre plots for one or more seasons under a MTA. A grower-cooperator’s assessment of plant performance and handling and shipping qualities of fruit from large plots is important information to obtain before the selection is considered for release. For seeded crop cultivars, the potential candidate for release should have been tested with enough replications and environments to confirm that advantage for which it is being released and that all other necessary traits are acceptable. The evaluation should include replicated trials with standard cultivars for a minimum of three cropping cycles. If possible, these tests should be in all growing districts where the cultivar is to be grown including outside of Florida if widely adapted.

2. Developer(s) provide or recommend comparison cultivars for testing (when possible).

3. Data sheets shall show characteristics to be observed and data to be collected including timing of data collection.

4. Developer shall assist those responsible for cultivar evaluation and statistical analyses of data collected at test locations as needed.

C. Ornamental Crops – seed and clonally propagated:

1. Major categories of ornamental plants include foliage, floriculture, landscape plants, cut flowers, and cut foliage.

2. General guidelines for evaluating Ornamental crops:
   a. Cultivar evaluation should be conducted to determine that performance and characteristics are consistent across time and space. Typically this will require a minimum of two environments (growing season and/or location).
   b. Studies on post-harvest behavior of new cut flower or cut foliage cultivars should follow at least one cropping cycle.
   c. Developer(s) provide data showing all characteristics observed and data collected. Data must be provided to document all characteristics that make the new cultivar improved compared to existing cultivars or to confirm statements regarding fertilizer use, water requirements, shade tolerance, genetic diversity, etc.
   d. Developer(s) provide available cultural data to ensure maximum performance of the cultivar.
e. Developer(s) provide performance comparison between proposed cultivar and commonly grown cultivar(s).

f. New cultivars must be uniform and stable.

D. Agronomic crops – seed and clonally propagated:

Guidelines for evaluating row crop, forage, and turfgrass cultivar release shall include:

a. Evidence that one or more pertinent characteristics (yield, quality, disease resistance, etc.) of the new release are superior to current cultivars. Evidence should be obtained from experiments grown in a minimum of four environments, which usually will include replicated trials for at least two years at two locations. Interstate testing is encouraged when the potential cultivar may be grown outside of Florida.

b. Evidence of acceptable chemical characteristics or other quality data as appropriate for the species. New varieties to be used for food or feed must be tested for components of nutritive composition, toxic constituents or processing stability when they might reasonably be expected to vary significantly from varieties in commercial production.

c. Evidence to support limits of adaptation for production of the proposed cultivar. Such information is usually derived from experiments conducted within major production regions outside of Florida, although in some cases, these limits can be inferred from data on existing cultivars with acceptable accuracy.

1. Guidelines for evaluating forage crops shall include:

a. The following data are desirable, especially when the forage being considered for release does not have substantial published data on forage yield and/or persistence under grazing. For those forages that are well characterized, animal response data may only be necessary when the claimed superior attribute(s) of the new cultivar is (are) improved nutritive value and/or persistence under grazing.
   i. Data on forage response to grazing (yield) persistence and data on animal responses such as intake, palatability, toxicity, and overall performance.
   ii. Plant insects and disease pressures.

2. Guidelines for evaluating turfgrass shall include:

a. Multi-year data to confirm consistent turfgrass quality through time in variable environments (i.e. persistence).

b. Information related to production and installation characteristics. This information may not be statistical, but gathered by working with sod producers under MTA(s) to determine the production merits of grasses nearing release.

3. Guidelines for evaluating perennial grass/bioenergy crops shall include:

a. Evidence that one or more pertinent characteristics (yield, quality, disease resistance, etc.) of the new release are superior to commercial cultivar(s) used as check(s).
b. The new release(s) has been evaluated in multiple environments preferably for three cropping cycles (plant cane, first ratoon, and second ratoon) in at least two environments and two cropping cycles (plant cane and first ratoon) at remaining sites.

c. Data should include biomass yield with comparisons to commercial cultivars as checks.

d. Data should be presented describing the levels of disease in comparison to check cultivars or other commercial bioenergy cultivars or closely related crops. Data should also be presented for responses to artificial inoculation of important diseases.

e. For cultivars to be used for cellulosic ethanol production, data on stalk composition (e.g., cellulose, hemicellulose, lignin etc.) should be provided.

E. Forestry crops – seed and clonally propagated:

1. Guidelines for evaluating forestry crops shall include:

   a. Data necessary to determine that performance and characteristics are consistent across time and space. Typically this will involve a minimum of three representative field trials. For growth assessments, at least two sites shall be included; pest resistance evaluations shall be based on trials established over at least two different years.

   b. Inclusion of one or more commonly grown seed lots in each field trial. A commonly grown seed lot shall characterize typical planting stock used in the planting region.

   c. Sufficient length of the evaluation period. Genetic material shall be monitored for a sufficient time to adequately predict field performance at harvest.

2. Guidelines for production of planting stock shall include:

   a. Maintenance of adequate genetic composition in bulk seed from multigenotype seed orchards. Placement and management of clonal and seedling seed orchards shall minimize pollen contamination from unwanted sources.

   b. Assurance of purity of single or limited number of, genotypes from specialty orchards. Such orchards shall be isolated from contaminant pollens, and compatibility of flowering of orchard trees shall be documented.

   c. Genetic uniformity of vegetative propagules. Sources of vegetatively derived stock shall be observed to maintain desirable characteristics for the period of utilization.

3. Genetic material developed as part of the Cooperative Forest Genetics Research Program (CFGRP) is excluded from the UF/IFAS cultivar release process. This material is developed by industrial organizations and government agencies in cooperation with IFAS. It is intended primarily for use by CFGRP members on their own timberlands and is not for general sale. However, some genetically-improved material resulting from CFGRP activities is made available to the non-
industrial landowners indirectly through the Florida Division of Forestry (FDOF), as a member of the CFGRP.

4. FDOF sells nursery stock produced by improved seed from their multigenotype seed orchards. All material developed in CFGRP benefits the State of Florida by providing improved genetic material used in the production of forest products within the state and region.

F. Release of inbred breeding lines and germplasm: In this situation an inbred breeding line or germplasm would be used as a parent in a finished hybrid and/or be a source of a novel trait for general breeding use by other breeders. Impetus for release could come from the developer(s) or a cooperator that has tested the germplasm or parent line in hybrid combinations via the MTA process. Performance data provided to the CRAC need not be as stringent as it would be for a cultivar since the inbred line or germplasm performance per se would not be a primary indicator of parental value. In most cases, presentation of performance data from at least one replicated trial compared to standard cultivar(s) would be useful. If not provided, the developer(s) should present information to justify its absence. If the release provides a novel trait, proof of that trait’s presence should be presented. Commodity Checklists may not be applicable to this type of release and certain sections should be identified as such.

VIII. Relations with Florida Foundation Seed Producers, Inc.

Florida Foundation Seed Producers, Inc. (FFSP), a Florida non-profit corporation and direct support organization (DSO) of the University of Florida, serves as the conduit or mechanism whereby cultivars released by the FAES are made available to industry. See www.ffsp.net for more information on mission, scope, and governance.

The CRC shall assist FFSP (when applicable) in determining propagation methods, availability of the cultivar, germplasm, or breeding line, and preparation of publicity materials.

IX. Additional Guidelines for the Protection, Licensing, and Introduction of UF/IFAS Cultivars

a. Inventorship of UF/IFAS Cultivars, Germplasm, or Breeding Lines
   
i. As used in this document, a cultivar is, analogous to the term variety. It may be defined as a named group of cultivated plants, that are distinguished from other members of the same species or hybrid by any combination of genetic traits that are significant in relation to the purposes for which the plant is cultivated. A cultivar must be capable of being reproduced by means that maintain a high degree of genetic uniformity, especially for those characteristics which impart novel utility or appearance.

   ii. Any person who makes a direct contribution to conception of a patentable invention, as defined in the claims of the patent application, shall be named as an inventor; regardless of affiliation, title, rank, or faculty status. All inventors on a patent or PVP certificate are awarded equal rights and Cooperators, as defined in the UF Policy for Program Support and Royalty Distribution from Released Cultivars (See APPENDIX D), are eligible to receive an equal share of royalty distributions, unless they agree among themselves to a different split prior to the date of the first income distribution.

   1. To be an inventor, one must have originated the idea that is embodied in the claimed invention. When an invention is conceived by two or more persons, they
must apply for the patent jointly. A person who carries out an inventor’s instruction, suggests a result, explains a result, or contributes to minor features is not an inventor.

iii. Inventorship is a matter of law, and, is generally determined with assistance of the attorney.

iv. An invention that is made in either the field or discipline in which the developer(s) is employed to by the University or that is made with public funds, facilities, materials, equipment, personnel, proprietary technological information, or other University support is the property of the University unless assigned by University to the developer. For more information, please see the University of Florida Intellectual Property Policy.

b. Intellectual Property Protection Alternatives

i. Cultivars, germplasm, or breeding lines developed and released by UF/IFAS may be legally protected by:
   1. U.S. Plant Variety Protection Certificates
   2. U.S. Plant Patents
   3. Plant Breeder’s Rights
   5. Trademarks
   6. Trade Secrets

c. FFSP Licensing and the Invitation to Negotiate (ITN) Policy

i. At the time a new cultivar, germplasm, or breeding line is released, the new cultivar, germplasm, or breeding line will be assigned to FFSP or OTL (if Utility Patent Protection is desired).

ii. In order to begin the process of intellectual property protection and licensing, the cultivar, germplasm, or breeding line must first be released by the CRC. If the cultivar, germplasm, or breeding line has not been released by the CRC, then FFSP will not begin the process of licensing.

iii. A license agreement is defined as an agreement that explicitly specifies that royalties will be collected in exchange for the right to use the cultivars, germplasm, or breeding lines developed by FAES. All license agreements for released cultivars, germplasm, and breeding lines developed by FAES will be handled by FFSP. All fees and royalties on this material will be collected by FFSP.

iv. It is sometimes necessary to consider the exclusive licensing of a cultivar. The ITN process encourages an open engagement of all interested stakeholders. The ITN is a process enabling FFSP to fairly and objectively evaluate all proposals and comments to effectively identify superior companies that can deliver new cultivars to the public. An ITN may be triggered when the developer and/or other interested parties believe that there may be an opportunity or need for an exclusive licensing agreement. FFSP will publicly announce the ITN. Stakeholders submitting proposals and/or comments to the ITN will be evaluated consistently and fairly by a review committee made up of staff members of FFSP and expert faculty advisors from FAES, including the developer of the cultivar.

v. There are four (4) principles that are used to guide the entire ITN process. In order of importance, these principles are:
1. For the good of the State of Florida and its people;
2. For the good of the University of Florida and IFAS;
3. For the good of the breeding program and the breeders; and
4. In the case of food crops, good for world food security.

ITN proposals and comments are evaluated using a consistent methodology, allowing the review committee to weigh core elements and objectively evaluate multiple proposals and/or comments. The ITN specifications objectively guide critical responses in a proposal and are designed to explore the commercial scope for a sustainable business, consistent with the necessity to deliver FAES plant breeding products and technology to the public.

The Licensing Associate of FFSP will report the review committee’s findings and provide a recommendation to the Director of FAES. The Director of FAES evaluates the findings and either approves or rejects the committee’s recommendation.

vi. Research agreements that provide Sponsors with an option to exclusively license released cultivars, germplasm, or breeding lines are to be awarded through the ITN process. Research Agreements that only provide Sponsors with an option to non-exclusively license released cultvivars, germplasm, or breeding lines are not awarded through the ITN process. Research agreements are managed by UF’s Division of Sponsored Programs (DSP), and as such, are to be in accordance with UF’s DSP rules and regulations.

vii. Non-exclusive licenses for released cultivars, germplasm, or breeding lines are also commonly awarded to multiple qualified stakeholders. The ITN process is not used for the award of non-exclusive licenses. FFSP may enter into non-exclusive license agreements with desirable business entities deemed capable of meeting all the terms of the license agreement.

viii. Cultivars, germplasm, or breeding lines shall be licensed in countries that are members of the International Union for the Protection of New Varieties of Plants (UPOV). Cultivars, germplasm, or breeding lines may be licensed in countries which are not members of UPOV, so long as the licensor can effectively manage the plant material.

ix. For cultivars, germplasm, or breeding lines for which no protection will be sought (either intellectual property protection or licensing), the developer(s) shall be responsible for submitting the cultivar, germplasm, or breeding line to an appropriate national germplasm repository and ensuring that the cultivar release manuscript notifies interested parties of the availability of the cultivar, germplasm, or breeding line.

d. Distribution of Royalties to UF/IFAS Breeding Programs

FFSP, in cooperation with the Director of FAES, will distribute royalties in accordance with the UF IP policy:

The Full UF IP policy can be found on the General Counsel website:
http://generalcounsel.ufl.edu/media/generalcounselufl.edu/documents/ipp.pdf
CULTIVAR/GERMPLASM
RELEASE FORM

APPENDIX A
CONFIDENTIAL

Experimental
Designation(s):

Crop:

Inventor(s):

Note: The foregoing list should include names of all persons who may qualify as legal inventors. Inventorship is a matter of law and is determined with assistance of the attorney of record. You may attach additional pages as necessary.

1. Name:学术系部: 电话: 电子邮箱:

   家庭地址: 城市: 状态: 邮编: 

2. Name:学术系部: 电话: 电子邮箱:

   家庭地址: 城市: 状态: 邮编: 

3. Name:学术系部: 电话: 电子邮箱:

   家庭地址: 城市: 状态: 邮编: 

Specify Research Support – (e.g. REEport/USDA, NSF, Non-Federal Sponsor, etc)

C. Grant Number(s):

D. Brief Description of the Experimental Line (print or type in the space below, or attach an additional page):

E. List any companies that currently are in possession of this material, and corresponding agreement numbers (e.g. MTA 14-143):

F. List companies that have expressed interest in the cultivar (list in the space below):

G. Proposed cultivar names (you may list two in the space below):

UF/IFAS Cultivar Release Committee Meeting Date: _________________

Primary Breeder/Developer

(Print Name) (Signature) Date

Executive Director of FFSP - By signing, the Director of FFSP affirms that he/she has communicated with the Primary Breeder/Developer in regards to the intellectual property protection for this release and that the respective IP application(s) is/are ready to be filed.

Check all that apply:

☐ Plant Patent ☐ PVP ☐ Utility Patent ☐ Trademark ☐ None ☐ Other: ___________________________________

(Print Name) (Signature) Date

Research and Education Center Director (if Appropriate) - By signing, the Center Director affirms supporting the cultivar/germplasm official release.

(Print Name) (Signature) Date

Chair of Cultivar Release Advisory Committee - By signing, the Chair of the Cultivar Release Advisory Committee affirms that ample science is supportive of the release and at least sixty percent of the Advisory Committee recommends the experimental line be considered by the IFAS Cultivar Release Committee.

(Print Name) (Signature) Date

Chair of Cultivar Release Committee and Director of the Florida Agricultural Experiment Station - By signing, the Chair of the Cultivar Release Committee and Director of the Florida Agricultural Experiment Station affirms that the experimental line is officially released by UF/IFAS on the date indicated below and may be further protected and licensed by direct support organization of UF/IFAS:

☐ Florida Foundation Seed Producers, Inc. ☐ Office of Technology and Licensing (OTL) ☐ Other: ___________________________________

(Print Name) (Signature) Date
This document must be completed and submitted with other supporting documentation to the Cultivar Release Advisory Committee (CRAC) for consideration and recommendation to the UF/IFAS Cultivar Release Committee. The CRAC shall verify that all potential cooperators who will share in royalties are listed on this agreement. The document should be completed by the primary breeder/developer whose responsibility it is to consult with all cooperators. Use supplemental page if necessary.

1. | Experimental Designation | Crop |
<table>
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<tr>
<td>Print name of each breeder/developer and cooperator on the first line.</td>
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<td>Print home address on lines 2 and 3.</td>
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I certify that the CRAC has consulted with the breeder/developer and to the best of our knowledge the above represents all parties entitled to royalty shares.

Chair of CRAC (Print Name) | Chair of CRAC (Signature) | Date

Concurrence and Recommendation by Unit Leader:

Unit Leader (Print Name) | Unit Leader (Signature) | Date

UF/IFAS Cultivar Release Advisory Committee Meeting Date: 

Approval by Dean for Research/Chair of UF/IFAS Cultivar Release Committee:

Signature (Dean For Research): ___________________________ Date: ___________________________
**Checklist for Review of Ornamental Cultivars**

**CRAC Chair:**

<table>
<thead>
<tr>
<th>CRAC**</th>
<th>CRC</th>
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<tbody>
<tr>
<td>Advisory Committee</td>
<td>Has met and recommends release as a cultivar</td>
</tr>
</tbody>
</table>

**CRC Review**

- Developer(s) presented a clear breeding history and chain of custody of subject cultivar including all third party evaluations (under MTA)

- Developer(s) considered invasiveness and if species is listed in the current IFAS Invasive Plant List an evaluation of the proposed cultivar(s) was completed by the IFAS Invasive Species Working Group.

- _______________ data with statistical analysis were presented in support of claims in comparison to commercial standards.**

- _______________ data with statistical analysis were presented in support of claims in comparison to commercial standards.

- Morphological data (i.e. color) was presented in support of claims in comparison to commercial standards.

- Supporting data were collected from multiple locations within Florida, or for at least two production cycles.

- Studies on post-harvest behavior were provided for at least one cropping cycle, where applicable

- Developer(s) presented an appropriate intellectual property protection plan (PVP, Plant Patent, Utility Patent, Trademark)

- Developer(s) presented a clear expectation of the market potential of the subject cultivar including particular geographies.

- Developer(s) presented a trade name(s) for consideration.

- Developer(s) presented a plan for breeders stock maintenance and cultivar identity.

**Forms**

- Developer(s) have completed the Cultivar Release Form

- Developer(s) have completed a draft Royalty Distribution Form

---

*This list is meant to provide a mechanism to facilitate thorough documentation of a potential cultivar release. It is not meant to replace the IMM governing Cultivar Release. Further details on the requirements can be found in the IMM (http://imm.ifas.ufl.edu/6_120/6120-6.htm).

**To be completed by the Cultivar Release Advisory Committee.

*** List the type of data, or the trait that was presented.
# Checklist for Review of Agronomic Crop Cultivars*

<table>
<thead>
<tr>
<th>Advisory Committee</th>
<th>CRAC**</th>
<th>CRC</th>
<th>Has met and recommends release as a cultivar</th>
<th>Explanation or notes of clarification</th>
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<tr>
<td>CRAC Review</td>
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<td></td>
<td>Developer(s) presented a clear breeding history and chain of custody of subject cultivar including all third party evaluations (under MTA)</td>
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<td></td>
<td>Developer(s) considered invasiveness and if species is listed in the current IFAS Invasive Plant List an evaluation of the proposed cultivar(s) was completed by the IFAS Invasive Species Working Group.</td>
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<td>Data with statistical analysis were presented in support of production claims in comparison to commercial standards.</td>
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<td></td>
<td>Data with statistical analysis were presented in support of chemical properties in comparison to commercial standards.</td>
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<td></td>
<td>Data with statistical analysis were presented to illustrate nutritive value in comparison to commercial standards.</td>
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<td></td>
<td>Data with statistical analysis were presented to support the existence or lack of toxic compounds in comparison to commercial standards.</td>
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<td>Other data presented with statistical analysis in comparison to commercial standards.</td>
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<td>Supporting data were collected from replicated trials conducted for at least two years at two locations.</td>
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<td>Was interstate testing conducted for a cultivar with potential for use outside of Florida?</td>
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<td>Were limits of adaption for the proposed cultivar provided?</td>
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<td>Developer(s) presented an appropriate intellectual property protection plan (PVP, Plant Patent, Utility Patent, Trademark)</td>
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<td>Developer(s) presented a clear expectation of the market potential of the subject cultivar including particular geographies.</td>
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<td>Developer(s) presented a trade name(s) for consideration</td>
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<td></td>
<td>Developer(s) presented a plan for breeders stock maintenance and seed stock production that will insure genetic purity and meet Plant Variety Protection standards.</td>
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| Forms | Developer(s) have completed the Cultivar Release Form |                                     |
|       | Developer(s) have completed a draft Royalty Distribution Form |                                     |

* This list is meant to provide a mechanism to facilitate thorough documentation of a potential cultivar release. It is not meant to replace the IMM governing Cultivar Release.

**To be completed by the Cultivar Release Advisory Committee.
### Checklist for Review of Vegetable Cultivars*

<table>
<thead>
<tr>
<th>Advisory Committee</th>
<th>CRAC**</th>
<th>CRC</th>
<th>CRAC Chair:</th>
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<tbody>
<tr>
<td>Has met and recommends release as a cultivar</td>
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<tr>
<td><strong>Explanation or notes of clarification</strong></td>
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</table>

**CRC Review**

- Developer(s) presented a clear breeding history and chain of custody of subject cultivar including all third party evaluations (under MTA)
- Developer(s) considered invasiveness and if species is listed in the current IFAS Invasive Plant List an evaluation of the proposed cultivar(s) was completed by the IFAS Invasive Species Working Group.

- **Clonal Cultivars**: Data with statistical analysis were provided for production claims using replicated trials over two years (included comparisons to standard cultivars)
- **Seeded Cultivars**: Data with statistical analysis were presented from replicated trials and appropriate environments using standard cultivars for comparison for a minimum of three cropping cycles.
- **Was interstate testing conducted for a cultivar with potential for use outside of Florida?**
- **Were limits of adaptation for the proposed cultivar provided?**
- **Developer(s) presented an appropriate intellectual property protection plan (PVP, Plant Patent, Utility Patent, Trademark)**
- **Developer(s) presented a clear expectation of the market potential of the subject cultivar including particular geographies.**
- **Developer(s) presented a trade name(s) for consideration**
- **Developer(s) presented a plan for breeders stock maintenance and seed stock production that will insure genetic purity and meet Plant Variety Protection standards.**

**Forms**

- Developer(s) have completed the Cultivar Release Form
- Developer(s) have completed a draft Royalty Distribution Form

---

*This list is meant to provide a mechanism to facilitate thorough documentation of a potential cultivar release. It is not meant to replace the IMM governing Cultivar Release. Further details on the requirements can be found in the IMM (http://imm.ifas.ufl.edu/6_120/6120-6.htm).

**To be completed by the Cultivar Release Advisory Committee.**
### Checklist for Review of Fruit Cultivars*

**CRAC Chair:**

<table>
<thead>
<tr>
<th>Advisory Committee</th>
<th>Has met and recommends release as a cultivar</th>
<th>Explanation or notes of clarification</th>
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<tbody>
<tr>
<td><strong>CRC Review</strong></td>
<td>Developer(s) presented a clear breeding history and chain of custody of subject cultivar including all third party evaluations (under MTA)</td>
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<tr>
<td></td>
<td>Developer(s) considered invasiveness and if species is listed in the current IFAS Invasive Plant List an evaluation of the proposed cultivar(s) was completed by the IFAS Invasive Species Working Group.</td>
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<tr>
<td></td>
<td>Release candidate should have been tested with enough observation (replications) and environments (years or locations) to confirm the advantage for which it is being released.</td>
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<td>If cross-pollination is necessary for good performance of a cultivar being considered for release, suitable cultivars for cross-pollination must be available.</td>
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<tr>
<td></td>
<td>Citrus Fast Track Option is intended to rapidly provide new cultivars to the commercial citrus industry for evaluation and commercialization in a highly experimental condition. The Advisory and Cultivar Release Committee’s are expected to consider limited and incomplete trial evaluation information. This unusual lack of scientific information is acceptable for consideration of release under the Citrus Fast Track Release Option. (Special conditions apply- see IMM 6120-6, Section VIII E 1 e).</td>
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<td>Was interstate testing conducted for a cultivar with potential for use outside of Florida?</td>
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<td>Developer(s) presented a trade name(s) for consideration</td>
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<td>Developer(s) presented a plan for maintaining a foundation block for distribution of vegetative propagules.</td>
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<tr>
<td><strong>Forms</strong></td>
<td>Developer(s) have completed the Cultivar Release Form</td>
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<tr>
<td></td>
<td>Developer(s) have completed a draft Royalty Distribution Form</td>
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</table>

* This list is meant to provide a mechanism to facilitate thorough documentation of a potential cultivar release. It is not meant to replace the IMM governing Cultivar Release. Further details on the requirements can be found in the IMM (http://imm.ifas.ufl.edu/6_120/6120-6.htm).

**To be completed by the Cultivar Release Advisory Committee.**
### Checklist for Review of Forestry Cultivars* • ***

CRAC Chair: ______________  
CRC Review: ______________  
IMM: 6C1-6.120-6 (Revised)

<table>
<thead>
<tr>
<th>Advisory Committee</th>
<th>Has met and recommends release as a cultivar</th>
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<tr>
<td>CRC Review</td>
<td>Developer(s) presented a clear breeding history and chain of custody of subject cultivar including all third party evaluations (under MTA)</td>
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<tr>
<td></td>
<td>Developer(s) considered invasiveness and if species is listed in the current IFAS Invasive Plant List an evaluation of the proposed cultivar(s) was completed by the IFAS Invasive Species Working Group.</td>
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<td>Performance data from a minimum of three representative field trials presented. For growth assessments, at least two sites shall be included; pest resistance evaluations shall be based on trials established over at least two different years.</td>
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<td>Candidate was compared to one or more commonly grown seed lots in each field trial. A commonly grown seed lot shall characterize typical planting stock used in the planting region.</td>
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<td>Candidate was subjected to sufficient length of the evaluation period. Genetic material shall be monitored for a sufficient time to adequately predict field performance at harvest.</td>
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<td>Was interstate testing conducted for a cultivar with potential for use outside of Florida?</td>
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<td></td>
<td>Were limits of adaptation for the proposed cultivar provided?</td>
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<td>Developer(s) presented an appropriate intellectual property protection plan (PVP, Plant Patent, Utility Patent, Trademark)</td>
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<td>Developer(s) presented a clear expectation of the market potential of the subject cultivar including particular geographies.</td>
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<td>Developer(s) presented a trade name(s) for consideration</td>
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<td></td>
<td>Developer(s) presented a plan for breeders stock maintenance and seed stock production that will insure genetic purity and meet industry standards and those presented in IMM 6120-6 VIII E 6 c &amp; d.</td>
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<tr>
<td>Forms</td>
<td>Developer(s) have completed the Cultivar Release Form</td>
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<tr>
<td></td>
<td>Developer(s) have completed a draft Royalty Distribution Form</td>
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</table>

* This list is meant to provide a mechanism to facilitate thorough documentation of a potential cultivar release. It is not meant to replace the IMM governing Cultivar  
** To be completed by the Cultivar Release Advisory Committee.  
*** Genetic material developed as part of the Cooperative Forest Genetics Research Program (CFGRP) is excluded from the release process. This material is developed by industrial organizations and government agencies in cooperation with IFAS. It is intended primarily for use by CFGRP members on their own timberlands and is not for general sale. However, some genetically-improved material resulting from CFGRP activities is made available to the non-industrial landowners indirectly through the Florida Division of Forestry (FDOF), as a member of the CFGRP.
Appendix IV

University of Florida Policy for Program Support and Royalty Distribution from Released Cultivars

I. GENERAL

This University of Florida policy is based on an initiative by the Plant Breeders Working Group and discussion with the Florida Agricultural Experiment Station (FAES) to provide for program support and payment to individuals. The basic philosophy which shaped this policy revolves around the following concepts:

A. Plant Breeding/Development Program Support:

A maximum return of royalty payments will accrue to the support of the overall plant breeding/development program of UF/IFAS/FAES emphasizing plant breeding/development projects. The long-term goal is to insure strong sustainable plant breeding/development programs in UF/IFAS/FAES.

B. Incentive Based Royalty Distribution:

The distribution of royalties to individuals is incentive based and is proportional to the commercial success of a given cultivar. This should encourage more desirable traits in released cultivars which should also result in better marketability, greater potential returns, and a greater benefit to Florida agriculture. Scientists involved in seed or vegetatively propagated plants are treated equally.

C. Reward for Team Effort and Cooperation:

The development of new plant germplasm is often a team effort composed of traditional breeders, developers, cooperating scientists for the evaluation of specific traits (such as pest or disease resistance, taste, nutritional characteristics, etc.), and more recently, molecular genetics. The distribution of royalties to individual scientists is designed to reward team efforts and remove disincentives to cooperation in the development of new cultivars.

D. Utility Patents:

Inventions developed by Experiment Station scientists for which a utility patent may be applied for, such as patentable genes with specific plant characteristics, will be processed through the University of Florida Office of Technology Licensing (OTL), and are not covered by this Cultivar Royalty Policy.

However, OTL will collaborate with FAES in the commercialization strategy and will, to the extent of sponsorship contracts and other funding mechanisms, give
good faith consideration to the distribution of the cultivar technology within the State of Florida.

II. DEFINITIONS

A. Unit:

An administrative and budgetary entity within UF/IFAS such as departments, research and education centers, program centers and offices.

B. Program:

An organized research plan under which action may be taken toward a goal. In this case, it refers to a program involving new or improved cultivar development and release for commercial or private cultivation. It is generally referred to as a research program or project. The program is articulated as a CRIS or Experiment Station project. Due to long-term goals, plant breeding and development programs are described in successive projects.

C. Breeders:

Experiment Station scientists who engage in plant breeding for the purpose of plant improvement by appropriate genetic techniques and subsequent testing and selection toward established objectives.

D. Developers:

Experiment Station scientists who are involved in the process of collecting, identifying, and/or testing, leading to the introduction of new plant germplasm or cultivars.

E. Cooperator:

An Experiment Station scientist who actively and significantly assists the breeder or developer in the creation, evaluation, and/or introduction of a new cultivar. A cooperator may include, but is not limited to entomologists, nematologists, plant pathologists, economists, soil scientists, agricultural engineers, and other breeders or developers.

The UF/IFAS Cultivar Release Policy, IMM 6C1-6.120-6 IFAS: Policy Governing Release, Protection and Introduction of Plant Material is incorporated in this document by reference.

III. ROYALTY DISTRIBUTION PLAN

The distribution of royalties to the individual scientists associated with cultivar/germplasm releases whether by plant patent, PVP, trademark and/or proprietary
licensing will be based upon the following principles:

A. General Distribution:

Cultivars, germplasm lines or other genetic material generally referenced as cultivars, developed by UF/IFAS/FAES plant breeders, whether vegetatively propagated or seed propagated, will be patented, protected by PVP certificates, trademarked and/or proprietary licensed through the Florida Foundation Seed Producers, Inc. (FFSP), a Direct Support Organization (DSO) of the University of Florida. Royalties and licensing fees will be assigned to the FFSP. Revenues from exclusive releases and similar agreements will be handled in a similar manner. The FFSP, in cooperation with the Director of the Florida Agricultural Experiment Station, will distribute royalties according to the following schedule:

1. Costs to the FFSP will be deducted before any royalty distribution begins. Receipts above these costs make up Gross Royalty.

2. Gross Royalty = 100%, which is allocated as follows:

   Retained by the FFSP: 10%

   Cultivar Development Research Support Program: 70%

   Cultivar Release Incentive royalty distribution: 20%

B. Cultivar Development Research Support Program:

The research support program funds will be distributed per cultivar per year as follows:

1. 100% of the first $50,000 will go to the breeding program that developed the cultivar.

2. For the next $100,000 or $50,000 - $150,000

   50% to the program

   25% to the Unit(s) and

   25% to the FAES

3. For all revenues above $150,000

   33 1/3% to the program

   33 1/3% to the Unit(s) and

   33 1/3% to the FAES

4. Active continuing plant breeding and/or development programs will receive program support according to the above schedule. Resources will be provided from FFSP to the Director of the FAES for distribution. In consultation with the unit leader and the Chair of the UF/IFAS Plant
Breeders Working Group, the Director will distribute funds to the projects of the breeder/developer and in consultation with the scientists to breeder/developer designated cooperators.

5. It is FAES policy to maximize program support to the total UF/IFAS plant breeding/development effort to insure long-term support and sustainability and will use these funds for this purpose.

6. Further, in the event of personnel changes or reassignments, the FAES Director, in consultation with the unit leader, will redirect the resources to similar, successor, or new Florida Agricultural Experiment Station breeding/development programs.

A report of this disbursement will be provided to the Chair of the UF/IFAS Plant Breeders Working Group annually.

C. **The Cultivar Release Incentive Royalty Distribution:**

1. The payment will be calculated as 20 percent of the annual royalty receipts from a given cultivar for the period ending June 30 of each year. The royalty payment would be made in December of each eligible year by FFSP. These payments are not salary. Thus, it would not be used to calculate average salary for the purposes of retirement, nor would it affect normal annual adjustments appropriated by the Florida Legislature and recommended by appropriate University administration.

2. All Experiment Station scientists who made a substantial contribution to the development of the release (generally defined as those personnel who may be listed on the cultivar release document, patent, PVP, trademark and/or proprietary license, if applicable) would be eligible for an annual royalty payment. The amount of the payment would be in proportion to the percentage contribution as defined in Section IV, A-E or as agreed to by all parties prior to the release of the cultivar.

3. FFSP will establish a Cultivar Release Royalty Distribution Account for each cultivar released through the Florida Agricultural Experiment Station (FAES) in accordance with the UF/IFAS Cultivar Release Policy.

4. The royalty funds from the distribution account will be transferred from the FFSP to the scientist. If the individual does not desire to receive a personal royalty distribution payment, the FFSP will direct the accumulated funds due to the individual to the individual’s FAES research program in addition to the program support described above. However, this decision must be made in writing before any distribution is made to the Royalty Distribution Account.
5. The maximum amount of any annual payment to any single individual or primary breeder/developer would be 20% of the total gross royalty flow per release minus licensing/patenting costs. The scientist will be personally responsible for applicable Federal income tax liability. The 20% royalty pool will be divided based upon the number of shares to which the individuals are entitled. A single breeder/developer with no cooperators will be eligible for the entire annual royalty pool. In the event of more than one primary breeder/developer, each will be granted a full share of the annual royalty pool for the specific cultivar. Each cooperator will be granted a one-half share of the royalty pool. See Section IV for specific examples. If the scientist which participated in the development of a given cultivar is no longer eligible to receive the royalty flow, those funds will revert to the Director of the FAES for use in the support of other breeding or cultivar development programs.

6. The maximum annual individual distributions for a given cultivar will be based on the above formula (Section III, C, 5). However, if the cultivar development team wishes to develop a different distribution within these maximums among themselves prior to release of the cultivar, it may be requested and approved by the Director of the Florida Agricultural Experiment Station (FAES). In the event of disagreement among the development team, the above (Section III, C, 5) distribution will apply. The Director may appoint, at his/her discretion, a panel of three to five peers (consisting of breeders, developers, and/or cooperators), an appropriate Department Chair and a Research and Education Center Director to arbitrate disputes among peers. However, it is expected that distribution will be worked out by colleagues prior to the introduction of a cultivar.

7. This royalty distribution plan is developed as an incentive program for UF/IFAS/FAES scientist only. In the event of the departure of a scientist for other employment, the royalty distribution will cease to the departing scientist after payment of funds generated in the fiscal year of departure. In the event of death of the scientist, no further distributions will be made to the estate, except the annual distribution for the fiscal year in which the death occurred. In the case of retirement and being named Emeritus status, the payment will continue based on the criteria in this document. Further, if the Emeritus status remains active in the UF/IFAS plant breeding and cultivar release program, he or she may be designated cooperators or in some cases, as the breeder/developer. In case of dispute, the Director may appoint a panel of three to five peers to arbitrate as described earlier in this document.

The royalty distribution, upon adoption, is for both existing cultivars as well as future cultivars released by the Florida Agricultural Experiment Station and assigned to the Direct Support Organization, Florida Foundation Seed Producers, Inc. where a royalty flow exists.
IV. SPECIFIC ROYALTY DISTRIBUTION EXAMPLES

The following is provided as examples of the distribution plan for the maximum level of individual royalties to be awarded from the annual 20% royalty pool:

Annual royalty flow for a given year equals $100,000. Therefore, annual royalty pool equals $20,000 or 20%. Thus:

A: Single Breeder/Developer (B/D) with no Cooperators (1 share)  
1 share = $20,000  
Total = $20,000

B: Two Breeders/Developers as equal partners: 1 share each  
1 share = $10,000 each  
Total = $20,000

C. Single Breeder/Developer (1 share) with one Cooperator (1/2 share)  
= 1.5 shares total:  
1 share = $13,333 B/D  
½ share = $6,666 Coop  
Total = $20,000

D. Single Breeder/Developer (1 share) with three Cooperators (1/2 share each)  
= 2.5 shares total:  
1 share = $8,000 B/D  
½ share - $4,000 each Coop  
Total = $20,000

E. Two Breeders/Developers (1 share each) with two Cooperators (1/2 share each)  
= 3 shares total  
1 share = $6,666 each B/D  
½ share = $3,333 each Coop  
Total = $20,000

F. Two Breeders/Developers with three Cooperators who choose to share equally (1 share each) = 5 shares  
1 share = $4,000 each  
Total = $20,000