

POLICY FOR UTILIZATION OF OAT GERMPLASM IN THE QUAKER OAT NURSERY

In recent years, world-wide attention has focused on two issues of critical importance to plant breeders and geneticists: (1) germplasm collection and use, and (2) breeders' rights. Plant patents, plant variety protection, and breeders' rights now, more than ever before, (a) influence germplasm exchange among plant breeders, and (b) determine the legally-permitted use of one person's breeding stocks or selections by another worker. The unauthorized use of another person's germplasm is morally and, in many cases, legally improper. The challenge is to acknowledge and comply with the rights afforded the breeder while fostering germplasm exchange among workers. Exchange of materials proceeds much more openly if the participants know that their collaborators have agreed to an accepted code of ethical behavior.

In 2000, members attending the International Oat Conference in ratified an **INTERNATIONAL OAT WORKERS CODE OF ETHICS FOR OAT GERMPLASM EXCHANGE**. The incentive for developing a code of ethics for oat germplasm exchange arose from the concern that breeding selections entered in regional performance trials by many different breeders should be used in ethical and legally-proper ways. This same understanding and agreed-upon behavior will also foster exchange of germplasm directly between two workers for use as breeding stocks.

Cooperators must be aware that, each cooperator -- in order to receive a set of the Quaker Nursery seed -- are asked to sign the **INTERNATIONAL OAT WORKERS CODE OF ETHICS FOR OAT GERMPLASM EXCHANGE** thereby agreeing to follow all policies set forth in the code. Please immediately return a signed copy to:

Dr. Stephen A. Harrison
School of Plant, Soil, & Env'tl Sciences
104 MB Sturgis Hall
Baton Rouge, LA 70803 USA

If one of these has been returned in previous years, it will not be necessary to do it again.

This "Code" will encourage the continued exchange of oat germplasm by recognizing the property rights afforded developers/owners of germplasm materials and by codifying the obligations of persons receiving unreleased oat germplasm.

International Oat Worker's Code of Ethics For Oat Germplasm Exchange

As approved by the members of the 6th International Oat Conference, 13/11/2000 in New Zealand.

In past decades, oat workers worldwide have generously shared their oat germplasm with colleagues to enhance oat breeding and research. However, plant variety protection and patent mechanisms focus attention on property rights afforded developers/owners of germplasm materials. The purpose of this code is to encourage the continued exchange of oat germplasm by recognizing these rights and by codifying the obligations of persons receiving unreleased oat germplasm. I, therefore, agree to support the following principles:

- Owners, as well as originating breeders, stations, or companies have property rights to unreleased oat germplasm such as pure lines, early generation lines or populations, bulk populations, breeding stocks, or genetic stocks. These rights are not waived with the distribution of seeds or plants of any of these unreleased materials. In this context "released" materials include named cultivars or breeding or genetic stocks described in an official statement of release.
- The owner/breeder, in distributing seeds of plant materials of unreleased oat germplasm, grants permission for their use (1) in trials under the recipient's control, and (2) as parents for making crosses for use in basic research or for selection leading to the development of cultivars. **Use of unreleased germplasm for which written approval from the owner/breeder is required include:** selecting from the stock; induction of mutations; insertion of recombinant DNA; production of somaclones; use in backcrosses for addition of a gene(s) controlling a specific trait; testing at outlying locations; use as parents in commercial F1 hybrids or as components in synthetic or multiline cultivars; or seed increases and release as a cultivar.
- The recipient of unreleased seeds of plant material shall make no secondary distribution of the germplasm without the permission of the owner/breeder.
- The recipient of unreleased materials shall take precautions to prevent unauthorized transfer or theft of seed of these materials from field nurseries or seed inventories.
- The owner/breeder of unreleased oat germplasm stocks may waive, in writing, any of the above restrictions or may impose additional restrictions.
- Retention and use of the germplasm accompanying this statement indicates your agreement with the policies set forth in the statement.

I agree to follow the policies set forth in the INTERNATIONAL OAT WORKER'S CODE OF ETHICS FOR OAT GERMPLASM EXCHANGE:

Name (Printed)

Signature

Date

Title Institution/Station/Company

Address

Return to:

Stephen A Harrison
LSU School of Plant, Ecnl & Soil Sciences
104 M.B. Sturgis Hall Baton Rouge, LA 70803-2110
Phone: 225-578-1308
Cell: 225-281-9446 FAX: 225-578-1403
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PROCEDURE FOR RELEASE OF A QUAKER NURSERY PURE LINE AS A LOCAL CULTIVAR

The purpose of including pure lines in the Quaker Nursery is two-fold: 1) to evaluate the lines for potential use as parents in combination with local cultivars and advanced test selections, and 2) to evaluate line performance for potential release as a cultivar. In this latter case, where it has been determined that a particular line has had a superior performance and would make a worthy contribution as a cultivar; the following procedure should be followed:

1. Write to any member of the Quaker Team indicating your desire to release a specific line in your country or region. Provide performance data for the line and for currently grown cultivars for comparison.
2. The Quaker Team member will forward the release request and the performance data to the breeder or current program leader at the station where the pure line originated.
3. The developer (owner) of the line will then make the final release decision, including any restrictions on country to country distribution of the seed.
4. The developer (owner) of the line will inform the Quaker Team member of the release decision. Upon concurrence by all members of the Quaker Team, the Quaker Team member will inform the applicant of the release decision.
5. If a royalty/research fee/licensing fee is associated with the distribution, production, or sale of a cultivar that originated as a Quaker Nursery pure line, a fund-sharing agreement must be negotiated with the owner of the original pure line.
6. An individual entry in the Quaker Nursery pure-line series may contain one or more variants that differ from the base population in one or more traits, e.g., plant height, maturity, kernel color, reaction to disease, etc. In accordance with the OAT WORKERS CODE OF ETHICS FOR GERMPLASM EXCHANGE, written permission must be obtained from the owner before such a variant or any other plant is selected from a line or cultivar. If such a variant is selected, performance tested, and found worthy of release, permission to release must be obtained by following the same five steps outlined above.

PROCEDURE FOR RELEASE OF A CULTIVAR DERIVED FROM A SELECTION OUT OF A QUAKER NURSERY SEGREGATING POPULATION

1. The owner of a cultivar derived from a selection out of a Quaker Nursery F2, F3 or F4 segregating population is the recipient breeder, Experimental Station, or Government Agency, depending upon Station, State (Provincial), or National policies. The providers of the segregating populations have surrendered all claims of ownership.

DISSEMINATION OF PERFORMANCE DATA AND INTENT TO RELEASE

2. The Quaker Team requests that it be kept informed of the performance of promising test selections and of seed increase and cultivar release plans. In South America, this could be conveniently done during the annual visit of the Quaker Team.

ACKNOWLEDGMENT OF SOURCE OF GERMPLASM

3. If Quaker Nursery germplasm is a component of the pedigree of a cultivar to be released, acknowledgment of the Quaker Nursery as a source of germplasm in release documents and publicity would be appropriate and appreciated.