

# SDSU Seednews

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*Special points of interest:*

- DakotaFest August 21-23, 2018
- Ag Horizons Conference November 26-27, 2018
- SDCIA Board of Directors Meeting November 25, 2018
- SDCIA Annual Membership Meeting November 27, 2018

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## Your FYI Dollars at Work

By Neal R. Foster Ex. Dir SDCIA

A little over a year ago SDCIA became involved in a PVP infringement case involving SDSU's oat varieties. This case started in Iowa in conjunction with Iowa Department of Agriculture and Iowa Crop Improvement Association. The variety name on the sample and the actual sample pulled by the Iowa Department of Agriculture did not seem to mesh up. I was called and asked some questions about the variety and electrophoresis was performed on the sample. The results indicated that the sample was not the variety that it was submitted as.

At this point Farmers Yield Initiative (FYI) became involved. FYI is a consortium of universities, seed certification services and private companies who are concerned with enforcing their PVP rights, first through education and secondly through enforcement. This is an excellent group in that when infringements are found they very rarely go to court. FYI has all of its facts and evidence in order so that there is rarely a need to go before a judge.

After a tip or advertisement is received by SDCIA, it is sent to FYI with SDSU legal representation being notified at the same time. From this point on, SDCIA has very little involvement in the

investigation. If there is evidence found that warrants further action by SDSU and FYI, SDCIA is asked for input.

This case did go before a judge in the northern district of Iowa. The case was decided in favor of the South Dakota Board of Regents against James Fevold, Fevold Farms and Fevold Seed Farm for \$2,975,000.00 (South Dakota Board of Regents is the actual owner of varieties released by SDSU). It was determined that the parties involved had infringed upon the intellectual property in the form of PVP oat varieties. This is the largest PVP case that has been awarded to date. There have been larger cases but those were dealing with patented crops like RR soybeans.

The information uncovered during the investigation lead to at least five more cases which have not been settled. When SDCIA first started to be involved in these infringements I was a little apprehensive but I came to realize that for every illegal bushel of seed sold it is taking the same amount out of your sales and hurting everyone who is doing their production and seed sales correctly. Additionally, our breeding programs are hurt, in that the royalty lost from illegal sales is not reinvested back into the program.

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# PVP and VNS

By Neal R. Foster, Ex.Dir SDCIA

There seems to be some confusion within the seed industry and states that allow variety not stated (VNS) labeling. Once a variety has been given Plant Variety Protection (PVP) status either with title V (must sold by variety name as a class of certified seed) or PVP without title V (must be sold by variety name, with the owner's permission) but does not have to be a class of certified seed. A named variety with PVP cannot be sold as VNS under any circumstance. If you are selling seed into a state that allows VNS labeling you need to remember that once a variety has been named it must be labeled by name. It cannot magically turn into VNS seed. Seed from a named variety can be

used in mixture, i.e. for cover crops, but permission from the owner needs to be obtained. A letter stating the varieties that can be used in mixtures of SDSU varieties is available from the SDCIA office.

For the correct labeling of mixtures see the article in the November 2017 issue of SDSU Seednews. It can be viewed via the internet at [www.SDCrop.org](http://www.SDCrop.org) look for Newsletters under the resources tab.

With the developments that have been made in determining a variety's true identity either by electrophoresis or high performance liquid chromatography (HPLC) the actual variety is easily determined. Is labeling seed as VNS to be sold out of state really worth the risk (see previous story on FYI)?

## DakotaFest August 21<sup>st</sup>-23<sup>rd</sup>, 2018

DakotaFest will be August 21<sup>st</sup>-23<sup>rd</sup> in Mitchell. Please stop by the SDCIA booth located in the SDSU tent. The winter wheat CPT information from east and west river will be available along with the SDCIA Winter Wheat Directory.

## Watertown Winter Farm Show Crops Contest

The prize award greatly helped the number of samples in the Watertown Farm Show last February; there were over 120. The winner of the \$1000.00 cash prize in 2018 was Mark Buschenfeld from Toronto. He elected to split the prize between the Deubrook FFA and 4H. For the 2019 Crops contest SDCIA will again offer a \$1000.00 cash prize. Everyone who enters a sample is eligible to win. One name will be drawn from all entries and the winner can designate the agriculture youth entity that will receive the prize. Watch for notice of crop and forage classes and entry date as the Winter Farm Show approaches.

## Web Site Up and Running

The new web site for SDCIA is up and running at [www.SDCrop.org](http://www.SDCrop.org). There is much information that is valuable to seedsmen listed on the site. Please make use of the site. Let us know of any additional items that should be included. We tried to make the site as clean and user friendly as possible.

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# SDCIA Director Elections

Call for nominations: The North Region will be holding an election to fill the seat being vacated by Leo Warrington, who has completed his second term as regional director. Jess Sondgeroth's 1<sup>st</sup> term as a Regional Director will be completed in December of 2018. Sondgeroth is eligible for a second term as South Regional Director. If you are interested in running or know of someone who is, please send me the name.

The North Region is comprised of Beadle, Brookings, Brown, Clark, Codington, Day, Edmunds, Faulk, Grant, Hand, Hyde, Kingsbury, McPherson, Marshall, Lake, McCook, Miner, Moody, Roberts, Potter, Spink, and Sully.

The South Region is comprised of Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Davison, Douglas, Gregory, Hanson, Hutchinson, Jerauld, Jones, Lincoln, Lyman, Mellette, Minnehaha, Sanborn, Todd, Tripp, Turner, Union, and Yankton counties.

The counties that comprise the West Region are Bennett, Butte, Campbell, Corson, Custer, Dewey, Fall River, Harding, Haakon, Hughes, Jackson, Lawrence,

Meade, Pennington, Perkins, Shannon, Stanley, Walworth, and Ziebach.

If you or your business reside in any one of these counties and you are a member of SDCIA you are eligible to run. The term of office is 3 years with a maximum of 2 consecutive terms as a regional director. The SDCIA Board serves in an advisory capacity to the Executive Director, who also serves as secretary/treasurer and is appointed annually by the elected members of the board. The board provides a very important function in giving direction to the College of Agriculture, Food and Environmental Sciences, Department of Agronomy, Horticulture and Plant Science, South Dakota Crop Improvement Association and the South Dakota Seed Certification program in order to benefit South Dakota agriculture. The board of directors normally meets 3 times per year, 1) Ag Horizons, 2) February or March and 3) June or July. Formal letters will go out to all members of the North Region this fall.

## **Ag Horizons Conference Ramkota River Centre', Pierre, South Dakota November 26<sup>th</sup> and 27<sup>th</sup>, 2018**

The Ag Horizons Conference is hosted by seven organizations: South Dakota Crop Improvement Association, South Dakota Oilseeds Council, South Dakota Pulse Growers, South Dakota Seed Trade Association, South Dakota No-Till Association, South Dakota Soil Health Coalition and South Dakota Wheat Inc. Watch the SD Wheat Inc. web site for speaker list and details (<http://sdwheat.org/inc/>)

## **2018 Winter Wheat Directory**

The Winter Wheat Directory has been printed and is available either in printed form or on line at [www.SDCrop.org](http://www.SDCrop.org) under the Directory tab. Previous year directories are also posted. If you have not received a copy or need extra please let us know.

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## **Notice for 2018 Annual Meeting of the South Dakota Crop Improvement Association**

The annual meeting of the South Dakota Crop Improvement Association will be held on November 27<sup>th</sup> in conjunction with the Ag Horizons Conference, November 26<sup>th</sup> and 27<sup>th</sup>, 2018 at the RamKota Convention Center in Pierre SD. Please mark this date on your calendar to attend.