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SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE



National Variety Trials
A GRDC INITIATIVE

Plant Breeder's Rights information and variety update for 2012

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Key Points

- Most new varieties are protected by PBR and growers need to be aware of the implications.
- Seed of varieties with PBR protection can only be bought from the owner, commercial partner/licensee or an agent (seed merchant) authorised by the owner.
- Once purchased, growers can maintain seed of a variety with PBR protection to satisfy their seed requirements for the following season.
- Farmers can sell the products of a protected variety for commercial use as feed or food (e.g. deliver to Viterra, AWB, flourmill or sell as animal feed) unless bound by a 'closed loop' contract.
- Farmers cannot sell, trade or give away the variety for seed without authorization of the owner.
- Farmer to farmer trading of seed without authorisation of the owner will make them liable to prosecution.
- Commercial marketing arrangements between the owners and the licensee can vary between crops and varieties, and farmers must be aware of the conditions of the marketing arrangements.
- Before you take delivery of certified seed of a new variety, you are encouraged to request a copy of the paddock inspection report and the certificate of analysis report. It is important that you read the information contained in the

inspection report and the seed analysis certificate to make sure you are buying the best available seed.

- When purchasing seed of a PBR Cultivar you should purchase it in the name or names of the entity or entities in which you intend to deliver. You should retain invoices to prove that you have entitlement to that seed and the crop produced.
- If farmers are unsure, they should seek information from the owner, commercial partner/licensee or the selling agent (seed merchant).

This leaflet explains some of the origins, benefits and restrictions associated with PBR.



Rob Wheeler

Plant Breeder's Rights

PBR was introduced to stimulate private investment in plant breeding by conferring ownership rights to varieties and thereby the potential to market those rights as part of a commercialisation process.

The Plant Breeder's Rights Act 1994 as amended act no:148 2002 gives an owner of PBR the exclusive right to sell, produce or reproduce, import, export, stock or condition the seed of a variety protected by PBR (or license another person or organisation to undertake these activities).

The rights are similar to patents or copyright, (these record ownership of the genetic material) and are administered under the Act. PBR protection can last up to 20 years for broadacre crops.

PBR guarantee ownership of a variety but do not specify how the variety should be commercialised or whether or where royalties should be charged.

In the absence of a contract stating otherwise, farmers can sell the harvest of a protected variety for direct consumption as food or feed (for example, deliver it for animal feed or to a flour mill) but they are not permitted to sell, trade or give away the variety for seed without the authorisation of the owners or licensee.

Royalties

- The concept generally referred to as 'end point royalty' collection gives the licensee the right to collect royalties on harvested grain.
- Increasingly more varieties being grown by farmers use the 'end point royalty' method of royalty collection.
- Farmers should carefully read any documentation provided to be fully aware of the conditions when purchasing seed of a variety. While the restrictions in the use of seed under the PBR Act are clearly defined, other contractual arrangements may have been imposed by the licensee following agreement by the owners. For example, some contracts specify that the harvested grain must be delivered to certain collection agencies; these are commonly called 'closed loop' marketing arrangements or that PBR's are on total grain production of the variety excluding seed saved for the following years production, 'farmer saved seed'.
- In some instances growers are permitted to trade "farmer to farmer" subject to a three party agreement involving the farmers and the licensee. This currently applies to Axe, Correll, Espada, Estoc, Gladius, Mace and Scout wheats. ■



WHEAT						
Variety	Owner	Year of registration	Commercial partner/ licensee	Royalty Type (\$/tonne ex.GST)	Maximum quality in SA	Comments
AGT Katana	AGT	2009	AGT	EPR \$3.00	AH	Tested as RAC1423
AGT Scythe	AGT	2004	AGT	EPR \$1.50	APW	Tested as RAC1055
Axe	AGT	2007	AGT #	EPR \$2.50	AH	Tested as RAC1192
Barham	AVS	2007	Viterra	EPR \$2.00	Soft	Tested as VQ2697R
Bolac	AVS	2006	Viterra	EPR \$2.10	AH	Tested as VQ2621
Caparoi	NSW DPI	2008	SeedNet	EPR \$2.60	Durum	Tested as TD60F
Chara	AVS	1999	SeedNet	EPR \$1.00	AH	Tested as V1341
Clearfield JNZ	Intergrain		Free to trade	EPR \$1.12	AH	
Correll	AGT	2006	AGT #	EPR \$2.00	AH	Tested as WI23322
Derrimut	Nugrain/AGT	2006	Seedcell.	EPR \$2.95	AH	Tested as NGSP005
EGA Wentworth	EGA	2004	Pacific Seeds	EPR \$2.10	APW	Tested as QT10580
Espada	AGT	2008	AGT #	EPR \$2.50	APW	Tested as RAC1263
Estoc	AGT	2010	AGT#	EPR \$3.00	APW	Tested as RAC1412
GBA Ruby	GBA	2003	Seedmark	EPR \$3.00	ASW	Tested as GB 99-099
Gladius	AGT	2006	AGT #	EPR \$2.50	AH	Tested as RAC1262
Hyperno	AGT	2009	AGT/DGA	EPR \$3.00	Durum	Tested as WID22209
Justica CL Plus	AGT	2011	AGT	EPR \$3.55	APW	Tested as RAC1683
Kalka	Uni of Adelaide	2003	Durum Growers Assoc	EPR \$1.50	Durum	
Kord CL Plus	AGT	2011	AGT	EPR \$3.55	APW	Tested as RAC 1669R
Kukri	Uni of Adelaide	1999	SeedNet	EPR \$1.00	AH	Tested as RAC820
Longreach Catalina	Longreach PB	2006	SeedNet	EPR \$2.50	AH	Tested as LRPB0268
Longreach Guardian	Longreach PB	2006	SeedNet	EPR \$2.50	APW	Tested as LRPB0617
Longreach Impala	Longreach PB	2011	Pacific Seeds	EPR \$3.50	ASFT	Tested as C51021
Longreach Lincoln	Longreach PB	2006	Pacific Seeds	EPR \$2.50	AH	Tested as LRPB0545
Longreach Scout	Longreach PB	2007	Pacific Seeds#	EPR \$2.80	APW	Tested as LPB05-1164
Mace	AGT	2007	AGT	EPR \$3.00	AH	Tested as RAC 1372
Magenta	Intergrain	2007	Nuseed	EPR \$3.00	ASW	Tested as WAWHT2726
Peake	Nugrain	2007	Seedcell	EPR \$2.95	AH	Tested as NGSP006
Preston	HRZ Wheats	2009	SeedNet	EPR \$2.20	unclassified	LMA risk
Pugsley	AGT	2002	PlantTech/Viterra/AGT	EPR \$1.50	APW	Tested as WI 99069
Saintly	AGT	2009	AGT/DGA	EPR \$3.00	Durum	Tested as WID22279
Tamaroi	NSW Ag	1997	Durum Growers Assoc	Seed	Durum	'Over the fence' trading permitted
Tjilkuri	Uni of Adelaide	2010	Durum Growers Assoc	Seed	Durum	Tested as WID801
Mackellar	CSIRO	2001	SeedNet	Seed	AWW/FEED	
Wyalkatchem	Intergrain	2001	Seedmark	EPR \$2.00	APW	Tested as WAWHT2212
Yitpi	Uni of Adelaide	1999	SeedNet	EPR \$1.00	AH	Tested as WI96080

All the varieties (with the exception of Tamaroi) listed above are PBR varieties and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee.

Growers purchasing seed of any of these varieties should seek information from the agent (seed merchant), or licensee regarding the type of royalty payment to be made.

Farmer to Farmer trading of Axe, Espada, Estoc, Gladius, Correll, Mace and Scout is allowed subject to an agreement with the licensee where the original seed was purchased through a recognized retailer.

LUPINS					
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty (ex. GST)	Comments
Coromup	WA	2006	Viterra	Not currently released in eastern Australia	Tested as WALAN2173M
Jenabillup	WA	2007	Viterra	EPR \$2.40	Tested as WALAN2224
Jindalee	NSW	2000	SeedNet	EPR \$1.25	Tested as WL318
Mandelup	WA	2005	Viterra	EPR \$2.30	
Moonah	Vic	1998	SeedNet	Seed	
PBA Gunyidi	WA	2011	SeedNet	TBA	Tested as WALAN2289
Quilinoock	WA	1999	Seedmark	EPR \$0.70	
Wonga	NSW	1995	Seedmark	Seed	

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BARLEY						
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty Type (\$/tonne ex.GST)	Maximum quality in SA	Comments
Baudin	DAFWA	2002	SeedNet	EPR \$3.50	Malting	Tested as wabar2080
Buloke	AVS	2005	SeedNet	EPR \$2.00	Malting	Tested as VB0105
Commander	UofA	2008	Viterra	EPR \$3.80	Malting	Tested as WI3416
Dhow	UofA	2002	Viterra/Seedmark	EPR \$1.70	Malting	Tested as WI3102
Flagship	UofA	2005	Viterra/Seedmark	EPR \$1.80	Malting	Tested as WI3408
Fleet	UofA	2006	Viterra	EPR \$1.50	Feed	Tested as WI3804
Henley	Nickersons	2010	Seedmark		Pending classif.	
Hindmarsh	AVS	2006	SeedNet	EPR \$1.50	Feed	Tested as VB0324
Lockyer	DAFWA	2007	COGGO Seeds	EPR \$1.50	Feed	Tested as WABAR2288
Oxford	Nickersons	2009	Seedmark	EPR \$2.50	Feed	
Roe	DAFWA	2007	COGGO Seeds	EPR \$1.50	Feed	Tested as WABAR2310
Scope	AVS	2009	SeedNet	EPR \$2.70	Feed	Tested as VB0805
Sloop SA	UofA	2002	Viterra/Seedmark	EPR \$1.70	Malting	Tested as WI3167
Sloop Vic	AVS	2002	Viterra/Seedmark	EPR \$1.70	Malting	Tested as VB9953
Torrens	UofA	2001	Viterra	No royalty	Feed	Tested as WI3107
Capstan	UofA	2002	Viterra	EPR \$1.50	Feed	Tested as WI3385
Maritime	UofA	2002	Viterra	EPR \$1.50	Feed	Tested as WI3297
Vlamingh	WA	2005	Viterra	EPR \$3.00	Malting	Tested as WABAR2175
Westminster	Nickersons	2010	Grainsearch	EPR \$3.00	Pending classif.	
Yarra	AVS	2004	Viterra	EPR \$1.50	Feed	Tested as VB0021

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Some malting quality varieties attract a lower EPR when grain is sold as feed quality. These included Baudin (EPR \$1.50 - feed), Flagship (EPR \$1.50 – feed), Scope (EPR \$3.50 if upgraded to malting), Vlamingh (EPR \$1.50 – feed)

A number of new varieties released in 2011 have not been listed pending, details and appointment of licensee, EPR and classification. These include, Bass, Fathom, Navigator, Skipper, Wimmera.

TRITICALE					
Variety	State of origin	Year of registration	Commercial partner/licensee	Royalty (ex. GST)	Comments
Berkshire	NSW	2009	Waratah Seeds Co.	EPR \$2.50	
Bogong	UNE/NSW	2009	Viterra	EPR \$2.20	
Canobolas	UNE/NSW	2008	Viterra	EPR \$2.20	
Chopper	SA	2010	AGT	EPR \$3.00	Tested as TSA0219
Endeavour	NSW	2008	Waratah Seeds Co.	Area based Royalty \$9/ha	Tested as AT528
Hawkeye	SA	2007	AGT	EPR \$2.50	
Jaywick	SA	2007	AGT	EPR \$2.50	
Kosciuszko	NSW / UofA	2003	Wilson Bros.	Seed	
Tobruk	NSW	2008	Waratah Seeds Co.	Area based Royalty \$9/ha	Tested as AT574
Tuckerbox	SA	2009	Seed Distributors	Seed	
Speedee	SA	2003	Seed Distributors	No PBR or royalty	
Yowie	SA	2010	Cooper/Elleway	Seed	

Some of the varieties listed above are PBR varieties and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee. Credit, Rufus, Speedee, Tickit, Tahara, Treat and Yukuri are no longer covered by PBR and can be traded 'over the fence'.

FIELD PEAS					
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty (ex. GST)	Comments
Bundi	Vic	2005	Premier Seeds	No EPR	No PBR –white seed
Kaspa	Vic	2001	SeedNet	EPR \$2.00	
Maki	PBA	2008	AGT	EPR \$4.00	Blue field pea
Morgan	VIC/NSW	1998	Hart Bros Seed		'Forage' use also
Parafield	SA	1999	PlantTech Pty Ltd	Seed	No PBR
PBA Gunyah	PBA	2010	SeedNet	EPR \$2.50	'Kaspa' seed type
PBA Percy	PBA	2011	SeedNet	EPR \$2.50	Non 'Kaspa' seed type
PBA Ora	PBA	2011	SeedNet	EPR \$2.50	Non 'Kaspa' seed type
PBA Twilight	PBA	2010	SeedNet	EPR \$2.50	'Kaspa' seed type
Sturt	Vic	2003	Premier Seeds	Seed	White seed
SW Celine	introduction	2006	Nuseed.	EPR \$3.00	White seed
Yarrum	NSW	2004	AGT	EPR \$4.00	Non 'Kaspa' seed type

All the varieties listed above are PBR varieties, except Parafield, and Bundi and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee. # contact DPI Victoria for seed.



CANOLA			
Variety	Year of registration	Commercial partner/licensee	Royalty
CB TM Argyle	2008	Canola Breeders	EPR \$5.00
CB TM Tanami	2007	Canola Breeders	EPR \$5.00
CB TM Telfer	2010	Canola Breeders	EPR \$5.00
CB TM Scadden	2010	Canola Breeders	EPR \$5.00
CB Jardee HT	2010	Canola Breeders	Seed (hybrid)
CB Mallee HT	2010	Canola Breeders	Seed (hybrid)
CB Tumbo HT	2010	Canola Breeders	Seed (hybrid)
CB Agamax	2011	Canola Breeders	Seed (hybrid)
CB Taurus	2011	Canola Breeders	Seed (hybrid)
CB Junee HT	2011	Canola Breeders	Seed (hybrid)
Victory V3001	2009	Cargill	Seed (hybrid)(closed loop with premium)
Victory V3002	2012	Cargill	Seed (hybrid)(closed loop with premium)
Victory V3003	2012	Cargill	Seed (hybrid)(closed loop with premium)
ATR Cobbler	2008	Nuseed	Seed
ATR Snapper	2011	Nuseed	Seed
ATR Stingray	2011	Nuseed	Seed
ATR Gem	2012	Nuseed	Seed
ATR Marlin	2008	Nuseed	Seed
AV Garnet	2007	Nuseed	Seed
Monola 76TT	2008	Nuseed Crop Network	Seed
Monola 77TT	2008	Nuseed Crop Network	Seed
Monola 506TT	2012	Nuseed Crop Network	Seed (closed loop with premium)
Monola 605TT	2012	Nuseed Crop Network	Seed)(closed loop with premium)
Monola 707TT	2012	Nuseed Crop Network	Seed)(closed loop with premium)
Hyola 433	2010	Pacific Seeds	Seed (hybrid)
Hyola 751TT	2010	Pacific Seeds	Seed (hybrid)
Hyola 50	2007	Pacific Seeds	Seed (hybrid)
CrusherTT	2011	Pacific Seeds	Seed
Thumper TT	2011	Pacific Seeds	Seed
Fighter TT	2011	Pacific Seeds	Seed
Jackpot TT	2012	Pacific Seeds	Seed
Bonanza TT	2012	Pacific Seeds	Seed
Hurricane TT	2007	Pacific Seeds	Seed
Hyola 444 TT	2011	Pacific Seeds	Seed (hybrid)
Hyola 555 TT	2011	Pacific Seeds	Seed (hybrid)
Hyola 575CL	2011	Pacific Seeds	Seed (hybrid)
Hyola 474CL	2012	Pacific Seeds	Seed (hybrid)
45Y82	2010	Pioneer Hi-Bred Australia	Seed (hybrid)
44C79	2008	Pioneer Hi-Bred Australia	Seed
43C80	2009	Pioneer Hi-Bred Australia	Seed
44Y84	2011	Pioneer Hi-Bred Australia	Seed (hybrid)
43Y85	2012	Pioneer Hi-Bred Australia	Seed (hybrid)
46Y83	2011	Pioneer Hi-Bred Australia	Seed (hybrid)
Oasis CL (Juncea)	2007	Viterra	EPR \$5.00

All the varieties listed above are PBR varieties and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee. This is NOT a complete list of PBR's Canola varieties but a selection of recently released varieties. Space prevents us from listing all varieties. If growers intend sowing seed of varieties other than those listed above they will need to check the PBR status of those varieties

OATS					
Variety	State of origin	Year of registration	Commercial partner/licensee	Royalty (ex. GST)	Quality
Brusher	SA	2002	AEXCO Pty Ltd	EPR \$1.00*	Hay
Forester	SA	2011	AEXCO Pty Ltd	Seed	Hay
Kangaroo	SA	2003	AEXCO Pty Ltd	EPR \$1.00*	Hay
Mitika	SA	2004	PlantTech Pty Ltd	EPR \$2.00	Milling/Feed
Mulgara	SA	2009	AEXCO Pty Ltd	EPR \$1.00*	Hay
Possum	SA	2002	SeedNet	EPR \$1.70	Milling/Feed
Tammar	SA	2010	AEXCO Pty Ltd	EPR \$1.00	Hay
Tungoo	SA	2008	AEXCO Pty Ltd	EPR \$1.00*	Hay
Wintaroo	SA	2001	AEXCO Pty Ltd	EPR \$1.00*	Hay
Wombat	SA	2011	Viterra	EPR \$2.00	Milling/Feed
Yallara	SA	2008	Viterra	EPR \$2.00	Milling/Feed

All the varieties listed above are covered by PBR and therefore the seed cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee.

***Notes on hay varieties**

Growers wanting to purchase seed of Mulgara, Tammar, Tungoo, Wintaroo, Brusher and Kangaroo need to contact one of the AEXCO Export Hay Processors or SAFCA seed growers. Growers will be asked to declare 'end use' (ie export hay or on farm feed) at the point of sale so as to determine the royalty type.

Hay sold through an AEXCO export hay processor will incur an 'end point' royalty while hay for 'domestic sale' or 'on farm use' will incur a seed royalty.



BEANS						
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty	Maximum quality	Comments
Cairo	NSW	2003	Viterra	EPR \$3.00		
Doza	NSW	2007	Viterra	EPR \$3.30		
Farah	SA	2003	Seedmark	EPR \$3.00	Fie grade 1	Tested as 483/3
Fiesta VF	SA	1998	Seedmark	No PBR or royalty	Fie grade 1	
Nura	SA	2005	SeedNet	EPR \$3.00	Fie grade 1	
PBA Kareema	SA	2009	PGG Wrightson	EPR \$4.00		Broad bean
PBA Rana	SA	2011	Viterra	TBA		

All the varieties listed above are PBR varieties or have 'commercial marketing arrangements' and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee.

CHICKPEAS						
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty (ex GST)	Maximum quality	Comments
Almaz	CLIMA	2005	SeedNet	EPR \$6.50	Kabuli type	Med-large size
Genesis™508	Vic	2004	AACT	EPR \$5.00	Desi type	'splitting' enduse
Genesis™509	Vic	2005	AACT	EPR \$5.00	Desi type	'splitting' enduse
Genesis™079	Vic	2007	AACT	-	Kabuli type	Small size 6-7mm
Genesis™090	Vic	2004	AACT	EPR \$5.00	Kabuli type	Small size 7-8mm
Genesis™114	Vic	2007	AACT	-	Kabuli type	Med-large size
Genesis™115	Vic	2011	AACT	TBA	Kabuli type	Large size
Genesis™425	Vic	2007	AACT	EPR \$5.00	Kabuli type	Small size 7-8mm
Nafice	CLIMA	2005	SeedNet	EPR \$6.50	Kabuli type	Med-large size
PBA Boundary	PBA	2011	SeedNet	EPR \$4.00	Desi type	Splitting and direct consumption
PBA HatTrick	PBA	2009	SeedNet	EPR \$4.00	Desi type	Splitting and direct consumption
PBA Pistol	PBA	2011	SeedNet	EPR \$4.00	Desi type	Splitting and direct consumption
PBA Slasher	PBA	2009	SeedNet	EPR \$4.00	Desi type	Splitting and direct consumption

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LENTILS					
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty (ex. GST)	Market restrictions
Aldinga	SA	1994	AFCA	None	None
Boomer	CIPAL	2005	SeedNet	EPR \$5.00	Delivery to nominated receivers
Nipper	CIPAL	2005	SeedNet	EPR \$5.00	Open marketing to authorised traders
Northfield	SA	1996	AFCA	No royalty	Open marketing to authorised traders
Nugget	CIPAL	1999	Seedmark	EPR \$5.00	Open marketing to authorised traders
PBA Bounty	PBA	2009	PB Seeds Pty Ltd	EPR \$5.00	Open marketing to authorised traders
PBA Flash	PBA	2009	PB Seeds Pty Ltd	EPR \$5.00	Open marketing to authorised traders
PBA Herald XT	PBA	2011	PB Seeds Pty Ltd	TBA	Open marketing to authorised traders
PBA Jumbo	PBA	2010	PB Seeds Pty Ltd	EPR \$5.00	Open marketing to authorised traders
PBA Blitz	PBA	2010	PB Seeds Pty Ltd	EPR \$5.00	Open marketing to authorised traders
Tiara	CIPAL	2006	SeedNet	EPR \$8.00	Under contract, AWB Seeds

All the varieties listed above, except Aldinga, Northfield and Digger, are PBR varieties or have 'commercial marketing arrangements' and therefore seed of these varieties cannot be sold, traded or given away, nor can it be 'traded over the fence' without the authorisation of the owners or licensee.

VETCH					
Variety	State of origin	Year of registration	Commercial partner/ licensee	Royalty	Comments
Capello	SA	1999	Seedmark	Seed	Namoi alternative
Haymaker Plus	SA	1999	Seedmark	Seed	High level hard seed
Morava	SA	1999	Seedmark	Seed	Forage use
Rasina	SA	2006	Seedmark	Seed	Tested as SA34719

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Explanation of abbreviations

ABB = Australian Barley Board, AEXCO = Australian Exporters Company, AFCA = Australian Field Crop Association, AVS= AgVic Services, AWB = Australian Wheat Board, SAGIT = South Australian Grains Industry Trust, AGT = Australian Grain Technologies, AAC = Australian Agricultural Commodities, CBWA = Western Australian Canola Breeders, COGGO = Council of Grain Grower Organisations, DAFWA= Dept Agriculture and Food Western Australia, DGA = Durum Growers Association, EGA = Enterprise Grains Australia, GBA = Grain Biotech Australia, PBA = Pulse Breeding Australia, UofA = University of Adelaide