

NDSU Research Foundation Warns of Illegal Grain Sales

Elgin-ND, a North Dakota State University-developed hard red spring wheat, is becoming a popular variety in the U.S. because of its high yield and quality potential. However, some U.S. seedsmen and others may be approaching farmers/entities in Canada to try to sell certified seed of Elgin-ND in Canada or have been approached by farmers or entities in Canada in an effort to buy Elgin-ND seed to plant in Canada.

Elgin-ND is owned by the NDSU Research Foundation (NDSURF) and is protected by PVP (Plant Variety Protection) in the U.S. Because of the ownership and protection, Elgin-ND only can be sold as a class of certified seed and by variety name. Also, seeds cannot be exported or imported (directly or indirectly) without the approval of NDSURF.

FP Genetics Inc. is the sole and exclusive licensee and distributor of Elgin-ND in Canada, so seed exports into Canada must be completed through FP Genetics, Inc.

“U.S. seedsmen or other parties are in violation of NDSURF’s PVP rights if they sell or transfer seeds to any Canadian entity other than through FP Genetics Inc.,” says Dale Zetocha, NDSURF executive director. “This includes seed or grain of any nature or classification that is exported into Canada and converted to seed after it crosses the border or seed that is mislabeled as another variety until after it crosses the border.”

It is an infringement of NDSURF’s PVP rights to export or import (directly or indirectly) seeds without NDSURF’s written permission to any country outside of the U.S. Under the law, the exporter or importer very likely would be subject to penalties.

“NDSURF will prosecute

any known infringement of its PVP rights,” Zetocha says. “Anyone violating the export, import or unauthorized sale of Elgin-ND hard red spring wheat could face triple damages. Also, violators are subject to the collection of attorney fees, other costs and harvested material. The court could, upon request,

order the infringer to immediately cease the growing and/or sale of all NDSURF-protected varieties.”

Producers who are approached to sell Elgin-ND seed in Canada by anyone other than a FP Genetics Inc. representative should contact Ron Weik at (306) 791-1045.



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