

Winter 2018

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A Quarterly Update from the Montana Seed Growers Association

# *The Sprout*

Photo by: Rebecca Papke

## **Board of Directors**

Jack Lake (District 1)  
Bob Hofman (District 2)  
Cavin Steiger (District 3)  
Steve Grove (District 4)  
Terry Peters (District 5)  
Bill Edwards (District 6)  
Mike Geroux-Interm Ex. Officio

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*Wishing all our growers, contractors, handling facilities and associates a prosperous New Year. Thank you for making 2018 great.*

## **Board of Director Election Results**

The final votes have been tallied for districts 1 & 5. We want to thank everyone who voted for our great candidates. Congratulations to Jack Lake (District 1) from Ronan, and to Terry Peters (District 5) from Ledger.

## **Board of Directors Meeting 2019**

The MSGA Board of Directors will hold its annual meeting Tuesday and Wednesday, February 5<sup>th</sup> and 6<sup>th</sup> 2019, at the MSGA office in Bozeman, MT. If you have comments or concerns that you wish to have discussed, feel free to call your district's elected board member or the MSGA office. Board member's contact information can be found on the MSGA website at [www.mtseedgrowers.org](http://www.mtseedgrowers.org).

*From the Executive Director >>>*

*Heather Unverzagt >>>*

## *Executive Director's Report*

We here at MSGA would like to take this opportunity to say thank you to all of customers and associates for your cooperation in the seed certification process this year. The seed certification program has enjoyed the spirit of trust and cooperation among association producers and contractors, as we seek to follow and preserve the seed standards for certifying seed, and granting the value-added status that should be expected with certified seed.

As we understand the value of your investment in certified seed, we aim to help educate farmers and users across the state of Montana. Earlier this year we sent an insert with information on PVP varieties that are grown in the State. The PVP was signed into law in 1970, with amendments made in 1994. The law provides the developer of a new and distinct seed variety property protection rights for 20 years. While most individuals are familiar with protected seed and have an understanding of PVP, it is not the only type of intellectual property protection available. The owner of the variety can protect their seed through PVP (or PVP Title V), utility patents, and license agreements. So how do you know what is protected? There are multiple options to include speaking with your seed dealer, checking your tag and labeling, referencing your user agreement, or contacting the MSGA office. Not adhering to the rules of intellectual property ends up hurting the entire industry. As an additional resource MSGA is pleased to announce their membership to the Seed Innovation and Protection Alliance (SIPA). In this edition of the newsletter you will find an insert from SIPA to help educate you further on the SIPA mission. Part of SIPA is a tip line, which can be found below. If you feel that someone you know is violating seed law and you don't feel comfortable reporting to the Montana Department of Agriculture or the MSGA office, contact the SIPA Seed Tip line to make an anonymous report. If you have any questions reach out to us here at the office.

Wishing you and your families a very Merry Christmas and a Happy New Year.



## *Montana State Seed Testing Lab*

*>>Bridget Westfall*

Please take note that your seed tags must contain the same wording as the Montana Department of Agriculture sample tags, which can be found: <https://agr.mt.gov/Topics/Seed>. Tags cannot be abbreviated should say Pure Seed NOT Purity or just Pure. Another commonly seen mistake is having an abbreviated Crop or Weed listing rather than Other Crop and Weed Seed as it needs to be. So check your tags and make sure they have the exact same wording as the Department of Agriculture's example on their website.

Best Wishes for this Holiday Season and a Happy New Year.

Get those samples in early!

Bridget, Rachael, Faye and Richelle

# INNOVATION BRINGS VALUE TO THE FARM



How does a United States wheat grower compete in an increasingly competitive market while maximizing profitability?



**Buying  
Professionally  
Produced Seed**



**Using Best  
Management  
Practices**



**Focusing on Quality Seed to  
Produce High Quality Wheat  
for Milling and Baking**



**Using  
New  
Innovations**



Call the number below to anonymously report suspected seed IP violations.

**SIPA™ 1-844-SEED-TIP**  
**Respect Seed Innovation**

For more on the various innovations that are benefiting the seed industry and how to protect your innovations, please visit the SIPA website at [seedipalliance.com](http://seedipalliance.com) or contact James Weatherly at [jamesw@seedipalliance.com](mailto:jamesw@seedipalliance.com).

# Intellectual Property Protection

Intellectual property (IP) protection allows developers of new wheat varieties and improved seeds to recoup their investment, while also allowing for the development of new varieties and improvements for the benefit of growers and consumers.



## FEEL GOOD ABOUT BUYING SEED

By buying seed, you are investing in the future of wheat by putting money back into wheat research, which leads to:

- + Increased performance
- + Improved purity
- + Higher farm profitability



### Limited Use License

The genetics of many wheat varieties may be protected by contract.

- Many limited use agreements between farmer and breeder require that seed from the variety can only be used to produce one (1) commercial crop for grain or forage and can not be used or provided to any party for crop breeding, research or seed production.

### Patents

Specific varieties, characteristics and improvements in wheat varieties may be protected by one or more U.S. patents.

- A U.S. patent holder can prevent others from making, using, offering for sale, and selling, or importing the claimed invention in the United States.
- Examples of characteristics or improvements may include: specific varieties, resistance to disease, resistance to plant pests, breeding techniques, improved nutritional aspects and flavor enhancement.
- Those who save patented seed risk:
  - Seizure/destruction of crops
  - Loss of grower license for future purchase of patented seed products
  - Liability for damages to the patent holder

### Plant Variety Protection

The genetics of many wheat varieties may be protected by U.S. Plant Variety Protection (PVP).

- The protected variety may be used for certain plant breeding activities.
- Unauthorized reproduction of the protected variety is strictly prohibited.
- Infringing activities include, but are not limited to, selling, marketing, offering for sale, importing, exporting, producing and reproducing the protected variety.
- Those who infringe the rights of a PVP protected variety may be liable for damages up to three times the amount of the reasonable royalty of the PVP holder as well as additional state statutory damages.

## How do you know if your seed may be protected?

- Talk to your seed dealer
- Check the bag and tag labeling
- Refer to your limited use/technology use agreement
- Consult seed company website
- Patent protection information may not always be provided

**VVP Labeling**

<b>PVP Plant Variety Protection</b>	
UNAUTHORIZED REPRODUCTION PROHIBITED	
UNAUTHORIZED EXPORT PROHIBITED	
PVPK 1594 - Unauthorized Sale of Seed for Planting Purposes Prohibited	
PVP STATUS	
1 - Not Protected	
2 - U.S. Variety Protection Applied For	
3 - U.S. Variety Protection Granted	

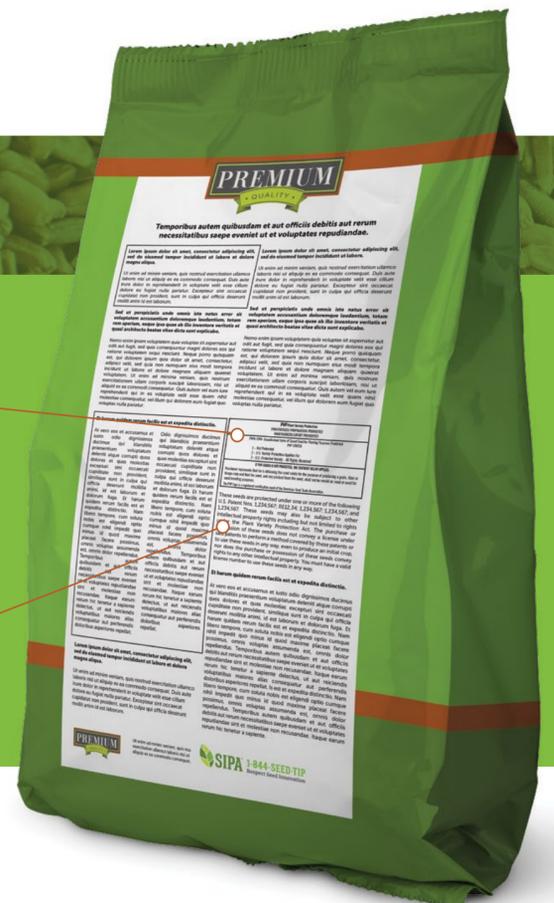
**PVP STATUS IS NOT PROTECTED. THE CONSUMER HAS RIGHTS.**

Purchaser represents that he is obtaining the seed solely for the purpose of producing a grain, fiber or forage crop and that the seed, and any product from the seed, shall not be resold as seed or used for seed breeding purposes.

The PVP logo is a registered certification mark of the American Seed Trade Association.

**Patent Labeling**

These seeds are protected under one or more of the following U.S. Patent Nos. 1,234,567; 812,345; 1,234,567; 1,234,567; and 1,234,567. These seeds may also be subject to other intellectual property rights including but not limited to rights under the Plant Variety Protection Act. The purchase or possession of these seeds does not convey a license under said patents to perform a method covered by these patents or to use these seeds in any way, even to produce an initial crop, nor does the purchase or possession of these seeds convey rights to any other intellectual property. You must have a valid license number to use these seeds in any way.



Call the number below to anonymously report suspected seed IP violations.



**SIPA™** **1-844-SEED-TIP**  
Respect Seed Innovation

**Seed Innovation & Protection Alliance**  
1860 Blake Street, Suite 620 • Denver, CO 80202  
303-341-7700 • [seedipalliance.com](http://seedipalliance.com)

# Planning for Spring Seeding

Even though it is only December, it is a good time to start thinking about your cropping rotations and possible options for spring seeded crops. Make sure to check and double check MSGA's specific land history requirements for all fields before planting for the 2019 growing season.

**Field Peas** cannot be planted on land that has grown the same crop in: 2 cropping years for Certified, 3 years for Registered, and 3 years for Foundation.

**Chickpeas** cannot be planted on land that has grown the same crop in: 2 years for Certified, 3 years for Registered, and 3 years for Foundation.

**Small Grains** A crop of small grain or flax will not be eligible for certification of Certified or Registered class if planted on land where the same kind of crop was grown the previous year, unless that crop was of the same variety and class and passed field inspection. **Foundation class:** The previous crop must have been a different crop kind, followed by 2 successive years of summer fallow, or produced a Foundation class of the same variety the previous crop year. One year of summer fallow will not be accepted as a crop year between different varieties of the same crop species (kind).

**Please call the MSGA office with questions on land history requirements.**



## MSGA Harvest Photo Contest Winner

Michael Konen of Fairfield, MT won our harvest photo contest. His photo can be seen pictured above and on the cover of our All Crop Directories for 2018. Thank you to all who entered, and participated in the contest.

## Chickpea and Field Pea Standards

MSGA now has specific crop standards for both field peas and chickpeas. Please update your standards by printing off the newest version from the MSGA website: [www.mtseedgrower.org](http://www.mtseedgrower.org). Also note that on Peas and Chickpeas the Other Crop tolerances and Weed seed tolerances were changed in order to become compliant with the National Standards. MSGA will grade on the new seed standards so please update your books.

## MSGA Website

[www.mtseedgrowers.org](http://www.mtseedgrowers.org)

The 2018 All Crop Directory is now available online and the office has hard copies. If you would like one please call or email us.

## A SPECIAL THANKS TO:

***Patrick Lake for serving from 1997 to  
2018 (21 years)***

***And to***

***Kirby Lohr for serving from 2012-2018  
(6 years)***

***On the MSGA Board of Directors***

Montana State University >>>

Foundation Seed

>>Doug Holen



Happy and Safe Holidays from MSU's Foundation Seed Program!

Like most, we have transitioned from the 2018 crop season to the anticipation of 2019. Our cleaning plant has been active processing last season's seed for spring distribution and making preparations to upgrade the facilities in small steps.

I enjoyed attending the Montana Grain Grower and Montana Seed Trade gatherings recently and appreciate the conversations with the state's agricultural community. Your input on needs, history, and direction for the future of our industry is essential to building a sustainable seed program that addresses common goals. Our Foundation Seed Advisory Committee meeting will again be in January to help shape the directions needed that will ensure grower access to the best MSU genetics. This meeting is followed the same day with the Variety Release Committee. From this, future MT variety releases are discussed and acted upon. The MSU winter wheat program will have a couple varieties up for discussion including MT1564 (early and shorter Yellowstone type) and MTS1588 (Bearpaw, Judee, Warhorse replacement). While the decision to proceed with these is still to be determined, Breeders seed of both were planted this fall making Foundation seed available fall 2019 if released. Dr. Jamie Sherman has a 2 row malting barley variety scheduled for release discussion that same day. MT124-112 is positioned to replace Hockett with Breeder seed planted for Foundation production this spring if approved.

I appreciate the time many of you have given me to discuss topics directly related to the seed industry. I have plans to continue visiting your farms and plants to stay current with Montana's seed production. I also plan to stay visible at Field Days across the state in addition to workshops and conferences. I look forward to seeing you soon.

As always, please feel free to call on me anytime at (office) 406-994-5687, (cell) 406-404-5726 or [douglas.holen@montana.edu](mailto:douglas.holen@montana.edu). You can also visit our website at: <http://plantsciences.montana.edu/FoundationSeed/>

Best Wishes for a safe, healthy and prosperous 2019.

## ***Production Fees for 2018***

Please remember that production fees must be paid on all seed that was field inspected. MSGA has sent out a second round of statements for those of you who have not paid for production yet. Production can be calculated without cleaning seed. Simply deduct 10% for cleanout amount and pay on that quantity. For prices please refer to the Handbook of Seed Certification, the Directory, or look online at [www.mtseedgrowers.org](http://www.mtseedgrowers.org). Production fees must be paid no later than April 15<sup>th</sup>.

## ***Upcoming Meeting and Events***

- 2019 Malt Barley and Sugar beet Symposium January 8<sup>th</sup>-9<sup>th</sup> in Billings, MT
- Crop Pest Management School January 14<sup>th</sup>-16<sup>th</sup> 2019 in Bozeman, MT
- Montana Agricultural Industrial Exhibit January (MAGIE) 17<sup>th</sup>-19<sup>th</sup> Great Falls, MT
- MABA/MGEA January 23-25<sup>th</sup> 2019 in Great Falls, MT
- MSGA BOD Meeting February 5<sup>th</sup>-6<sup>th</sup> 2019
- MonDak Pulse Day February 7<sup>th</sup> in Williston, ND
- Montana Alfalfa Seed Growers Association Annual Meeting January 13<sup>th</sup> in Billings, MT
- MATE Show February 14<sup>th</sup>-15<sup>th</sup> in Billings, MT