

N.D. Seed Department Settles PVPA Infringement, Seed Law Violations

The North Dakota State Seed Department recently settled a case concerning state and federal seed law violations against a Dunn County man for an illegal sale of a protected variety.

The Manning, N.D., man agreed to pay the seed department \$11,500 in fines for illegally selling 396 bushels Glenn spring wheat. Glenn, a North Dakota State University release, is protected under the Plant Variety Protection Act (PVPA) and Title V of the Federal Seed Act.

The 1994 amendments to the PVPA prohibit the sale of any farmer-saved seed without permission from the variety owner. Title V requires that the seed is certified by an official seed certification agency. In addition to the federal violations, the sale violated several North Dakota seed laws, principally labeling requirements.

In a separate settlement, the man agreed to pay the NDSU Research Foundation, which owns Glenn, \$18,000 for infringement of NDSU's intellectual property rights.

“This was the second case involving seed law violations settled by the department in the last six months,” says Steve Sebesta, deputy seed commissioner. “In September, the seed department settled a similar case against a Golva couple for an illegal sale of 400 bushels of Alsen spring wheat, which also is owned by the NDSU Research Foundation.”

Alsen also is protected under the Plant Variety Protection Act and Title V of the Federal Seed Act. The couple paid \$11,500 in fines to the seed department. In a separate settlement, the couple agreed to pay the Research Foundation \$17,500 for infringement of NDSU's intellectual property rights.

Additionally, the U.S. Department of Agriculture's Seed Regulatory and Testing Branch (SRTB) was notified of the violations. The SRTB maintains a registry of violators for three years and will take further action if additional violations occur within that time.

“The North Dakota State Seed Department is responsible for the enforcement of seed laws in North Dakota and regards these violations as very serious,” Sebesta says. “State and federal seed laws were established to protect consumers and provide for the standardization of testing and labeling requirements. Illegal seed sales are detrimental to the state's seed industry and the hundreds of legitimate seed producers, conditioners and retailers.”

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