

# A Step-by-Step Guide to the Disclosure and Dissemination of Plant Materials

## Disclosure Steps

### Step 1 for Plant Breeder

The breeder completes a Plant Disclosure Form located at  
<http://www.ctl.cornell.edu/inventors/inventor-forms.php>

This form begins the process of management by CTL of the Plant Material for the university.

The basic information required for this form includes:

- Name of the Plant Material for identification purposes
- Description of the Plant Material for identification purposes
- Funding source(s) of the work
- Plant Breeders names with their contact information.

### Step 2 for Plant Breeder

Complete and sign the original form and mail to CTL:

Center for Technology Licensing at Cornell University  
395 Pine Tree Road, Suite 310  
Ithaca, NY, 14850

OR via Campus Mail:

CTL  
395 Pine Tree Road, Suite 310

Copies may be sent to: [ctl@cornell.edu](mailto:ctl@cornell.edu) or Fax: (607) 254-5454

### Step 3 for Plant Breeder

Upon receipt of the Plant Disclosure a Docket will be created at CTL.

Plant Breeder(s) will be contacted by the Plant Licensing Professional for an initial review of the Plant Disclosure to create docket notes to document the proper management strategy for the Plant Material.

The Plant Licensing Professional may perform additional market and landscape research including the assessment of marketability, and the commercial potential of the Plant Material.

## Protection

The Plant Licensing Professional will discuss with the breeder about the newly disclosed Plant Material and results of market research; and from this collaboration, determine and recommend to the Vice Provost for Technology Transfer & Economic Development a management strategy that may include the proper protection and release of the Plant Material.

Depending on the specific circumstance, a new Plant Material may be eligible for protection in any or all of these 5 basic mechanisms:

- Plant Patent (US Patent expires 20 years after effective filing date)
- Utility Patent (US Patent expires 20 years after effective filing date)
- Plant Variety Protection (USPVP Certificate term is 20 years)
- Trademark (Indefinite expiration date as long as used in the trade)
- Foreign Plant Breeder's Rights (PBR expiration is dependent on foreign filing rules)

*Plant protections may be sought when a commercialization strategy is determined.*

## Commercialization

If a Plant Material is to be released for commercial production or sale, CTL is responsible for negotiating the appropriate agreement(s) and license(s).

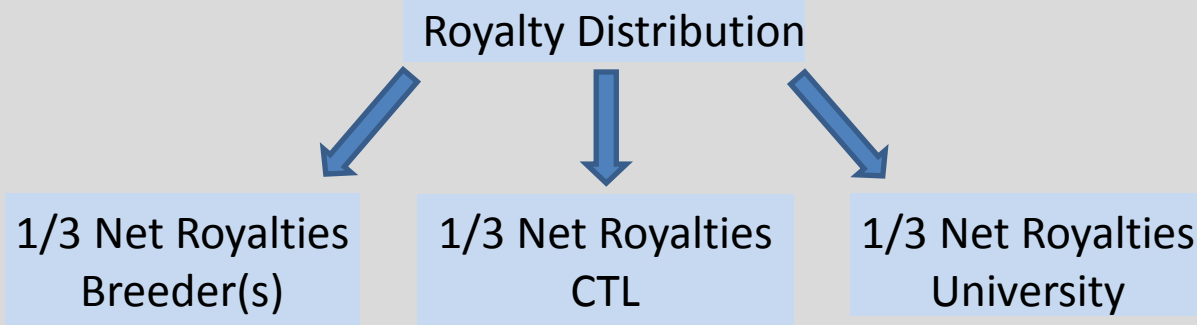
The negotiation and licensing processes is a two-way interaction and at times can be quite time consuming. CTL relies on market research, as well as valuable input of the breeders to expedite the process.

Income can be generated through the successful introduction of a new Plant Material into the market place.

The distribution of the Net Income (i.e. Gross income minus all out-of-pocket licensing expenses for the Plant Material) from successful commercialization to the breeder(s) under the Cornell University Policy 1.5 is described at,

[http://www.dfa.cornell.edu/dfa/cms/treasurer/policyoffice/policies/volumes/academic/upload/vol1\\_5.pdf](http://www.dfa.cornell.edu/dfa/cms/treasurer/policyoffice/policies/volumes/academic/upload/vol1_5.pdf)

In general, the breeders (individually or as a group) is entitled to 1/3 of the Net Income.



Alternatively, a plant breeder may petition for a waiver from Policy 1.5 such that Net Income may be distributed under the Plant Breeders' Limited Exception to Policy, [80%. (Program)/ 20% (CTL)].