

FOR IMMEDIATE RELEASE

AGSouth Genetics and University of Georgia Research Foundation win lawsuit to enforce plant variety protection

Albany, Ga. – A jury recently awarded a victory to AGSouth Genetics, LLC and the University of Georgia Research Foundation, Inc. (UGARF) in a case against Georgia Farm Services, LLC, a supplier of bulk fertilizer, chemicals and seed, for violating a federal law protecting plant varieties.

A jury sitting in the U.S. District Court in Albany found that Georgia Farm Services willfully violated the federal Plant Variety Protection Act (PVPA), which provides patent-like rights to developers of novel, seeded plant cultivars.

Georgia Farm Services was ordered to pay more than \$310,000 in damages and attorneys' fees for selling 15 bags of AGSouth's AGS 2000 wheat seed without the required markings and without appropriate permission from AGSouth.

"Prohibiting unauthorized sales of federally protected seed does not simply protect seed companies," said Duff Nolan, lead counsel for AGSouth and UGARF. "Without encouragement for universities to invest in the development of new varieties, the whole farming community will be put at a disadvantage, because fewer plant varieties with improved characteristics will be developed, leaving farmers to plant outdated varieties that have lower yields and succumb more easily to pests and diseases."

Under the PVPA, farmers who legally purchase protected varieties may replant the progeny of that seed on their own farms for an unlimited period of time, but they cannot resell excess seed to fellow farmers.

The law recognizes the substantial investments required to research and develop new seed, which is recouped when institutions like UGARF license the product to certified seed dealers who sell directly to farmers.

"AGSouth has paid over \$2,000,000 in royalties to land grant universities to support their breeding programs and to help keep southern-bred varieties available to southern farmers," said Jimmy Clements, who spoke on behalf of AGSouth. "Illegal sales pay no royalties."

This recent verdict follows closely on settlements reached in seven additional cases regarding the illegal sale of AGS 2000 and other protected plant varieties, resulting in significant additional recoveries to AGSouth and associated PVP certificate holders.

"Our goal is to put a stop to illegal seed sales by catching those who knowingly break the law and by educating the small percentage of farmers who are unaware of the PVPA and patent laws," Clements said.

Nolan advises farmers who are unsure about seed to look carefully at the bag before they make a purchase. If it is a so-called "designer bag," featuring the developer's logo and the PVPA patent notice, the seed is legal.

On the other hand, if the seed is “brown-bagged” in a bulk brown or white bag with no patent notice, certification tag or variety identification, the seed is likely illegal.

“Simply stated, ignorance of the law is not a defense, and we are prepared to take violators to federal court,” Nolan said.

Contacts: **Duff Nolan, Attorney**, 870-673-3200, dn@nolanlawgrouppllc.com; **AGSouth, Jimmy Clements**, 229-881-7455, jclements@agsouthgenetics.com; **University of Georgia Research Foundation**, Brent W. Marable, Plant Licensing Manager, 706-542-5942, marable@uga.edu

To find out more about the Plant Variety Protection Act or patent protection, see www.ams.usda.gov/AMSV1.0/PVPO and www.uspto.gov.

Farmers in Georgia may also contact the Georgia Crop Improvement Association at 706-542-2351 or the Georgia Department of Agriculture at 404-656-3635.

##