

Research Access to Germplasm Developed with Federal Funds

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As a major public-sector sponsor of agricultural research, USDA is committed to supporting efforts that encourage the sharing of germplasm and the dissemination of important plant research. Such sharing is essential for expedited translation of research results into knowledge, products, and procedures to improve agricultural research, education, and extension. It also is an important means of enhancing the value of USDA-sponsored research. At the same time, USDA recognizes the rights of grantees to elect and retain title to subject inventions pursuant to the Bayh-Dole Act. The Bayh-Dole Act aims to use the patent system to promote the use of inventions from federally funded research, including ensuring that inventions and discoveries, when commercialized, are used in a manner to promote free competition and enterprise without unduly encumbering future research and discovery.¹

The USDA is interested in continuing to ensure that germplasm developed with USDA funding is made available to the research community to accelerate the development of new plant varieties and thus new, more, and better choices available to farmers. USDA's National Institute of Food and Agriculture (NIFA) administers Federal funding to address agricultural issues that impact people's daily lives and the nation's future. NIFA is USDA's primary extramural research agency, funding institutions and public, private, and non-profit organizations. NIFA encourages the results and accomplishments of the research, education, and extension activities it funds to be made available to the public consistent with federal law.² Access to germplasm is a prerequisite for catalyzing scientific advancements in plant breeding. USDA urges funding recipients to plan their intellectual property protection, licensing, and material transfer strategies with this goal in mind.

For general concerns relating to fair and competitive markets in seeds, the public may also contact the USDA Agricultural Marketing Service's Farmer Seed Liaison at <https://www.ams.usda.gov/rules-regulations/seed-liaison>. The AMS Seed Liaison does not provide legal advice but does collect market intelligence to support an Interagency Working Group on Competition in Seeds and otherwise identify policy opportunities for improving the competitive landscape in seeds.

¹ 35 U.S.C. Chapter 18 §200.

² USDA-NIFA Federal Assistance Policy Guide, <https://www.nifa.usda.gov/nifa-federal-assistance-policy-guide>.