PVP legislation

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form to it," said Salt. "As of
today, nobody has."
The major split in the seed in-
dustry is over Variety Not Stated
(VNS).

The industry "has spent a good
deal of time discussing VNS is-

sues," Cahill said. "We've had se-

rious, frank and candid discus-
sions. The industry is split 50-50."

The new UPOV treaty "clearly
states if you have a name and
protected variety, you are to use it
under all circumstances," she

said.

Yet, one of the common meth-
ods of marketing turfgrass in sur-

plus years is by VNS. If a company
walks away from its contract with
a grower, the grower sells the
seed as VNS. Or, if a contracted
field of proprietary grass gets
"contaminated" with another type
of grass and the buyer nixes the
deal, again that seed goes to the
marketplace as VNS.

There are three viewpoints:

• The seed companies': It's
their proprietary seed, yet the
company gets no royalty from its
sale.

• The seed grower's: He has
devoted a growing season to that
acreage of turf seed and he needs
to earn some money from it.

• The ultimate buyer: In the
case of VNS, he has no idea what
he is buying.

"We're split right down the
middle. The owners voted and the
good guys lost by one percent," said Tee-2-Pre President Bill
Rose, who supports the PVP leg-
islation.

"People are simply not informed
eough to make a logical deci-
sion," he said. "Varieties all have
names and the names should be
used. The consumer deserves to
know what he's buying. Volume
seed packets say 'Contains 30
percent ryegrass, 30 percent Ken-
tucky bluegrass and maybe fine
fescue.' In this day and age all
varieties have names. Some are
good for turf and some are not,
and the consumer has no way of
knowing it."

In a scenario spelled out by Seed
Research of Oregon Marketing
Director Skip Lynch, farmers are
actually blending named variet-
es, harvesting them and selling
them as VNS.

"They are essentially stealing
the research those companies have
put into it and selling it off as
VNS," Lynch said.

Lynch agreed that in some
cases companies have also abused
growers by not buying the seeds
and thus leaving them no option
other than to sell it on the open
market as VNS.

"A lot of this problem should be
taken up in contract law. Instead
they put into this revision of the
PVP law," he said.

Another reason for the United
States to pass VNS laws, Rose
said, is that "Europe and New
Zealand consider the U.S. a dump-
ning ground for their off-grade
seed. They can sell it as VNS and
it may be a forage variety. It goes
into discount or volume lawn
mixes."

Most of the bigger seed compa-
nies have supported the PVP leg-
islation, according to Lynch. "The
growers have to a certain extent
been against it. Some companies
that operate more borderline as
brokers have been against it."

So why worry about signing on
to the new UPOV?

"It offers you reciprocal rights,"
Cahill said. "We'll have the same
rights in France as they do here,
so no one is at a disadvantage."

The 21 member countries are
the most industrialized and "our
basic competitors," she said.

"If the U.S. wants to remain
competitive nationally, we want
to join," Salt agreed.

When the previous UPOV was
passed, the United States actually
was not in full compliance, but the
other countries "looked the other
way," said Leah Brillman, research
director of Seed Research of Or-

gon. "They let it [lack of VNS
coverage] go through because the
farm groups put up such a fuss.
But who knows if they'll let it go
this time if we don't meet all the
standards?"