

Grower's Declaration of Understanding

TO OUR CUSTOMER: The advent of patented plant genes and changes in the Plant Variety Protection Act increase the potential liability to seed conditioners who knowingly or unknowingly condition protected seed without the permission of the legal holders of the intellectual property. To decrease liability, and to treat our customers fairly, we require all our customers to completely and accurately fill out this form before conditioning all seed lots.

Please note that:

Plant Patents

Seed produced from seed that is protected by a utility patent, or containing a gene that is protected by a patent, cannot be replanted or sold as seed without the express permission of the owner of the patent (e.g., Clearfield* wheat). Further restrictions may apply based on the agreement you signed when purchasing the seed.

Plant Variety Protection (PVP)

Seed produced from seed protected by the Plant Variety Protection Act (PVPA) (e.g., AgriPro varieties, and Colorado Wheat Research Foundation varieties) may be used to replant the grower's holdings but cannot be sold as seed without the variety owner's express permission. For varieties receiving PVP protection prior to April, 1995, the grower may use seed produced from seed covered by the 1970 PVPA to plant back his or her own holdings. Varieties that also carry Title V protection may only be sold as a class of Certified Seed.

Description of Conditioned Product:

Producer _____ Conditioner _____

Variety _____ Crop _____ Year Grown _____

Lot Identification _____ Representative Sample Taken? Yes No Sample No. _____

Amount Conditioned _____ bu. or lbs. Cleanout _____ bu. or lbs. Date _____

GROWER'S DECLARATION:

I hereby declare that the seed described on this form was produced by my farm operation; **or, that the seed described on this form was produced by _____, a Certified Seed Grower in good standing with Colorado Seed Growers Association;** and that this seed will be used solely for planting purposes for crop production on my own farm or that I am a commercial seed producer with legal authorization or license to produce this seed for resale.

I understand that when done without the permission of the owner, it is an infringement of the rights of the owner of a protected variety under the PVPA among other things to:

- sell or market the protected variety, or offer or expose it for sale, deliver it, ship it, consign it, exchange it, or solicit an offer to buy it, or otherwise transfer title or possession of it;
- condition the variety for the purpose of propagation on other than the producer's farm;
- stock the variety for the above purposes or others set out more fully in the PVPA (7 USC 2321 et seq.)

I, the undersigned, grower or bonafide agent of the grower entitled to act on the growers behalf, promise to hold harmless and defend, reimburse and indemnify the seed conditioner for any liability and damages that the conditioner may incur for any violation of a patent or a certificate issued under the Plant Variety Protection Act resulting from cleaning or conditioning the undersigned's seed, including all damages, liability payments, costs, and attorney's fees arising in connection with the violation. I understand that a two pound sample of raw and cleaned seed of the lot conditioned shall be kept and available for use by the CSGA for one year after the sale of the last of the seed lot.

Signature of **Producer** or **Producer's** Representative

Date

Printed Name