

USDA Framework for Promoting Research Access to Germplasm for Enhanced Seed System Diversity, Competition, and Resilience

President Biden's Executive Order 14036 on *Promoting Competition in the American Economy* calls for a comprehensive, government-wide approach to boost competition and tackle key economic challenges through initiatives across federal agencies. In line with this vision, the USDA is launching a series of action steps to promote transparency and enhance research access to seed germplasm, ultimately giving farmers more choices and fairer prices.

Recommendation to USPTO on Research Exemption and Disclosure & Enablement

USDA's 2023 report, *More and Better Choices for Farmers: Promoting Competition and Innovation in Seed and Other Agricultural Inputs*, emphasizes the need for improved research access to germplasm to enhance innovation and options for farmers regarding seeds. In developing and implementing that report, the USDA collaborated with the U.S. Patent and Trademark Office (USPTO) to examine options that would enhance the robustness and reliability of patents while also making seed markets fairer and more competitive. As a next step in these collaborative efforts, the USDA encourages USPTO to review and update guidance on (i) patent disclosure of breeding history and (ii) access to enabling deposits for functional observation.

USDA Guidance on Observational Research

The USDA's 2023 report revealed that researchers and breeders encounter major challenges in identifying the scope of patents related to seeds. This makes it difficult for them to navigate what activities are allowed with patented seeds. Therefore, this guidance outlines the USDA's expectation that procedures are in place which allow its researchers the ability to identify the application of patents to specific seeds and to share information about them. USDA emphasizes the strong public interest in ensuring that USDA researchers can engage in observing seed germplasm in a manner that does not infringe on intellectual property rights..

USDA Public Research Sharing Strategy

As a leading public-sector supporter of agricultural research, the USDA is dedicated to promoting the sharing of germplasm and the dissemination of valuable plant research. At the same time, the USDA acknowledges the rights of grantees to choose and maintain ownership of subject inventions. USDA's National Institute of Food and Agriculture (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.

USDA is interested in promoting research access to germplasm to accelerate the development of new plant varieties and thus new, more, and better choices available to farmers.

Learn more on the [AMS Fair and Competitive Markets](#) webpage.