

Editorial

Licensing of New Apple Varieties from Cornell

Cornell's apple breeding programs will continue to offer general release varieties for the industry, but increasingly there will also be implementation of exclusive licensing agreements of some form. These agreements may be similar to existing models, but it is likely that some will be very different and include new concepts and different partners. Our goal is to serve the entire industry by offering new cultivars under appropriate agreements.

We are at an exciting point in the Cornell apple breeding program, in which new and improved varieties will soon be commercialized. There will be a change in how we do business, but our new systems of commercializing varieties will be developed only after we have given the industry opportunities to be represented and for your opinions to be heard. Change is occurring throughout the produce industry and we have seen that it can revitalize and energize sectors of the industry. Our program has material that we feel will offer tremendous opportunities for the NY apple industry.

Many of the industry representatives at the April meeting were either familiar with, or part of, an apple "club" called NBT for "Next Big Thing" that provides its members with exclusive rights to produce and market a new apple variety. This organization was granted exclusive rights to grow and market Minnesota breeding selection 1914. As you might imagine, this decision by the University

of Minnesota was not without controversy. In a compromise, Minnesota growers with roadside markets were allowed to grow from 100 to 1,000 trees of MN 1914 as long as these fruits did not enter into the wholesale market. Minnesota growers had argued that farm stands were the first interface of a new variety with the public and that consumer reaction to 'Honeycrisp' was first noticed at such markets thereby generating wholesaler interest in this variety. Many of the growers at our meeting favored the idea that club varieties control production, enforce quality standards, and dedicate funding to aggressively market a new variety. However, we also encourage those who might have a different opinion of the club concept to contact Susan Brown (skb3@cornell.edu) with comments or concerns. Growers interested in attending future meetings to discuss licensing are welcome and should provide contact information.

Some of the issues discussed were:

- An agreement that growers should be notified in advance when new varieties are targeted for release and when exclusive rights might be available. These notices will be published in the New York Apple Association's Core Reports and the New York Fruit Quarterly. All apple growers that pay into the New York Apple Marketing Order receive these publications.
- Royalty structures (per tree, per acre, production based or some combination of these) were discussed. If the individual tree

royalty is high there should be a cap per acre so as to not penalize those growers planting at high densities.

- There should be a higher royalty amount charged to non-New York based growers to provide our growers with an economic advantage. Initially we discussed a time period during which no trees would be offered outside of New York, but it was pointed out this would put all the initial development costs on the New York industry.
 - How will the interests of smaller operations be protected when exclusive rights are granted? Small quantities of trees could be made available to those outside the club, albeit with certain restrictions as to their marketing.
 - Some growers questioned whether it is legal for a public institution to offer exclusive licensing. Numerous examples exist within public universities and USDA to grant exclusives. Some early examples include Rutgers University offering exclusives to eleven tree fruit selections to Stark Bro's Nursery in the late 1970s and Cornell's 'Ruby' ('Watson' cultivar) raspberry and its exclusive license to Nourse Farms in 1988. Recent examples include the University of Minnesota's licensing of apple selection 1914 to Pepin Heights Orchard, Inc. and the University of Arkansas' fruit breeding program and
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(Editorial, cont.)

their arrangement with International Fruit Genetics. Factors in support of exclusives usually cite enhanced return in support of the breeding program, and benefits to the industry from having an organization willing to put a major emphasis on market development and advertising.

- We recognize that any licensing of apple varieties will be viewed differently by individuals and that this process is a change from "business as usual." We have maintained our commitment to a world-class breeding program, however this requires significant funding to meet expenses. We are looking at innovative ways to finance research and give the industry a competitive edge. Grower input and suggestions will aid our objectives of enhanced communications and increased transparency.

Now is the time to voice your opinion on the topics raised in this editorial. We need all types of businesses to be represented and have the opportunity to contribute. We value your input and want to establish a process that is good for the entire industry and for the apple breeding program. We look forward to hearing from you.

Susan Brown
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