Montana State University (MSU) seeks partners to license and commercialize MTD18148, a spring durum wheat developed as an offspring of a cross between the cultivars Joppa and Alzada. MTD18148 exhibits good yield potential, good test weight and protein, semi-dwarf plant height and early heading, as well as excellent end-use qualities including high yellow semolina, high semolina protein and strong gluten. MTD18148 possesses grain protein content significantly higher than Alzada, Divide, Joppa, and equal to ND Riveland and Carpio.

* A summary of MTD18148 is available online at:
<https://tto.montana.edu/links/techops/GMJ-2023-MTD18148.html>
* Detailed agronomic information on MTD18148 is available in the [MTD18148 Variety Release Package](https://plantsciences.montana.edu/foundationseed/varietyrelease/Giroux%20MTD18148%20public%20protected%20release%20proposal.pdf).

### Opportunity

US plant variety protection (PVP) rights available for license and commercialization in all states. International plant breeder’s rights available for commercialization outside the United States. MSU will submit PVP and AOSCA (variety registration) applications in 2023.

### Licensing Proposal Process

In order to be considered for a license to the MTD18148 variety, please submit the following information in a Term Sheet (template attached in Appendix A) to nida.shaikh@montana.edu or daniel.juliano@montana.edu by 11:59pm on Sunday, April 30, 2023:

* A brief description of your company, including its seed production and distribution capabilities, and previous experience with cereal crops.
* The territory or territories in which you plan to commercialize MTD18148. For the purposes of this application, a territory consists of contiguous geographies in a single country, and may constitute states in whole or in part. Example: Montana + North Dakota would be considered one territory, while Canada would be considered a second territory.

For each requested territory, please include:

* + A description of your distribution capabilities in each geography, such as number of retail/wholesale locations controlled by your company and/or your distribution partnerships.
	+ Previous experience selling small grain crops in the requested territory OR your plan to develop small grain seed sales in the territory.
	+ Your plan to develop the market for MTD18148 in the requested territory.
	+ Minimum estimated seed sale volumes in pounds for each territory for crop years 2024-2028.
* The level of exclusivity (non-exclusive, partially-exclusive, or exclusive) requested in each territory. Exclusive licensing terms typically include reimbursement of PVP and AOSCA fees incurred by MSU (approximately $5500 total). Exclusive licensing terms would also allow the exclusive licensee to choose the variety name, subject to MSU’s approval.
* Any intent to sublicense rights in requested territories. If sublicensing rights are requested, please substantiate the request in the description of distribution capabilities and market development plan request above.
* An offer of terms for a license should include an upfront license execution payment, a sales royalty rate ($/bu of seed sold, based on 60 lbs/bushel), and other terms appropriate to your plan to commercialize MTD18148.

### Proposal Submission Deadline

11:59 pm on Sunday, April 30, 2023

### Proposal Evaluation

Qualified proposals may be subject to further negotiation. MSU anticipates granting one or more licenses in May 2023, with the licensee(s) buying Foundation Seed “in dirt” from MSU in fall 2023 at a rate of $40/bu.

### For questions or additional information:

Contact Nida Shaikh, Ph.D, CLP-A, Licensing Associate at nida.shaikh@montana.edu or (406) 994-7724 or Daniel Juliano, Ph.D., Director at daniel.juliano@montana.edu or (406) 994-7483

### Term Sheet template starts on next page.

# Appendix A – Term Sheet

|  |  |
| --- | --- |
| **Term** | **Offer** |
| **Licensed Territory or Territories** |  |
| **Level of exclusivity (Exclusive, Partially-exclusive, Non-exclusive)** |  |
| **MSU Retained Right** | Education and research use |
| **Plant Variety Protection, Variety Registration** | * MSU to apply for United States Plant Variety Protection certificate, with Title V (i.e. seed may only be sold as a class of Certified Seed)
* MSU to submit variety registration application to AOSCA
 |
| **Performance Milestones** | e.g. What is the anticipated date of first commercial sale? If there are multiple territories, would they have staggered dates of first sale? If going into Canada, when would Plant Breeder’s Rights be secured? Timeline for bringing on additional distribution partners and/or sublicensees? |
| **License Issue Fee** | $\_\_.\_\_ due within 10 days of effective date of agreement |
|  | **Year Amount** |
|  | 2024 |
| **License Maintenance Fee** | 2025 |
|  | 2026 |
|  | 2027 |
|  | 2028 and annually Thereafter until termination |
| **Royalties** | $\_\_.\_\_/bu of net sales |
| **Sublicense Royalties (for exclusive or partially exclusive licenses)** | * $\_\_.\_\_/bu of net sales (sublicense royalty rate is typically same royalty rate as licensed sales)
* \_\_\_% of non-seed sale sublicensing considerations (e.g. 25%)
 |
| **Foundation Seed** | * MSU to provide LICENSEE with \_\_\_\_ bushels of Foundation Seed “in dirt” @ $40/bu
* MSU will keep a small stock of Breeder Seed, which may be increased (under contract) if it is requested by licensee by December 31 of the previous year. That is, the requested Breeder Seed will be available for licensee approximately 9 months later.
* In future years (beyond 2023), MSU prefers to have the first right of refusal to grow Foundation Seed, to ensure optimum genetic integrity in the variety.
 |