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 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
2008 NEW YORK STATE HORTICULTURAL SOCIETY

President
Walt Blackler, Apple Acres
4633 Cherry Valley Pike, Lafayette, NY 13084
PH: 315-677-5144 (W); 315-677-5143 (H)
wblackler@gmail.com

Vice President
Peter Barton
55 Apple Tree Lane, Parqburgh, NY 12570
PH: 845-227-2306 (W); 845-227-7149 (H)
FX: 845-227-1466; CELL: 845-456-5217
pbaton@emirswt.net

Treasurer/Secretary
Bruce Kirby, Little Lake Farm
3120 Dennismore Rd, Albion, NY 14411
PH: 585-589-9282; FAX: 585-589-7872
bruce.kirby@Hughes.net

Executive Director
Paul Baker
665 Sassafras Court, Lewiston, NY 14092
PH: 716-754-4414 (W); 716-754-4424
CELL: 716-807-6827; paker.hort@madrunner.com

Admin Assistant
Karen Wilson
630 W. North St., Geneva, NY 14456
PH: 315-589-9698; CELL: 315-589-9695
wilsonk36@hotmail.com

Cornell Director
Dr. Terence Robinson, NYSAES
640 North Street
Hedrick Hall, Room 125, Geneva, NY 14456
PH: 315-787-2227; CELL: 315-787-2216
CELL: 315-521-0435; tlr1@cornell.edu

Director
Jim Bittner, Singer Farms
6620 East Lake Rd., Appleton, NY 14008
PH: 716-778-3330 (W); 716-778-7389 (CELL);
716-778-4173; WINEFY: 716-778-7001
bittner58@aol.com

Director
Roderick Dressel Jr., Dressel Farms
271 Rt. 208, New Paltz, NY 12561
PH: 845-255-0693 (W); 845-255-7777 (H)
FX: 845-255-1596; CELL: 845-399-6767
rdressel@iang.com

Director
Robert DeBadts, Lake Breeze Fruit Farm
6272 Lake Road, Sodus, NY 14551
PH: 315-787-2227; CELL: 315-787-2216
FX: 585-483-8865; CELL: 585-739-1590
bobdebadts@aol.com; (Summer – use FAX only)

Director
Tom DeMarree, DeMarree Fruit Farm
7654 Townline Rd.
Williamson, NY 14589
PH: 315-589-9698; CELL: 315-589-4965
CELL: 315-576-1244; demarreeff@aol.com

Director
Doug Fox, D&L Ventures LLC
4959 Fish Farm Rd., Sodus, NY 14551
PH: 315-483-4555; FX: 315-483-6025
dfoxbiz@iang.com

Director
William R. Gunnison
P.O. Box 276, Crown Point, NY 12928
PH: 518-597-3363 (W); 518-597-3871 (H)
FX: 518-597-9617; CELL: 518-769-9905
crowmack@yahoo.com

Director
John Ivonic, Helena Chemical Co.
165 S. Platt St, Suite 100
Albion, NY 14411; PH: 585-589-4195 (W)
FX: 585-589-0257; CELL: 585-589-2262
songivonic@helena.com

Director
Chuck Mead, Mead Orchards LLC
15 Scorn Rd., Tavoli, NY 12583
PH: 845-756-5641 (W); CELL: 845-389-0731
FX: 845-756-4008
meadorchards@yahoo.com

NYS BERRY GROWERS BOARD MEMBERS

Chair
Dale Riggs, Stonehill Hill Farm
15370 NY Rd 22, Shelton, NY 14280
PH: 518-733-6727; stonehillhill@fluid.net

Treasurer
Tony Emmi, Emmi Farms
1772 S. Ivy Blvd, Baldwinsville, NY 13027
PH: 315-658-7676; emmifarms@aol.com

Executive Secretary
Paul Baker
665 Sassafras Court, Lewiston, NY 14092
PH: 716-754-4414 (W); FAX: 716-754-4424
CELL: 716-807-6827; paker.hort@madrunner.com

Jim Bauman, Bauman Farms
1340 Five Mile Line Rd., Webster, NY 14580
PH: 585-671-3587

Bob Brown III, Brown’s Berry Patch
14648 Roseweldt Highway, Waterport, NY 14571
PH: 585-682-5569

Bruce Carson, Carson’s Bloomin’ Berries
2228 Red Rd.
Bergers, NY 14416
PH: 585-494-1187; bcaraon1@frontiernet.net

Jim Coulter, Coulter Farms
3871 N. Ridge Road, Lockport, NY 14094
PH: 716-433-5335; coulterfarms@aol.com

John Hand, Hand Melon Farm
533 Wilber Ave., Greenwich, NY 12834
PH: 518-692-2376; handfarm@yahoo.com

Craig Michaloski, Green Acres Farm
3480 Latta Road, Rochester, NY 14612
PH: 585-225-6147; ckmich83@rochester.rr.com

Terry Mosher, Mosher Farms
RD 4 Box 69, Bouckville, NY 13310
PH: 315-893-7773; tmoshers@genevacycway.com

Greg Spoth, Greys U-Pick
9270 Lippo Rd, Clarendon Center, NY 14032
PH: 716-742-4239; gregspitcsfarm@aol.com

Alan Tomion, Tomion Farms
3024 Forbes Corners Rd., Penn Yan, NY 14527
PH: 585-526-3852; atomion@frontiernet.com

Tony Weiss, Weiss Farms
7828 East Eden Road, Eden, NY 14057
PH: 716-992-9610; tonyweiss@sun.com

APPLE RESEARCH & DEVELOPMENT PROGRAM ADVISORY BOARD 2008

Chairman
Walt Blackler, Apple Acres
4633 Cherry Valley Pike, Lafayette, NY 13084
PH: 315-677-5144 (W); 315-677-5143 (H)
wblackler@gmail.com

Alan Burr
7577 Stayton Settlement Road, Gasport, NY 14067
PH: 585-772-2469; greenapple47@juno.com

Steve Clarke
40 Clarks Lane, Milton, NY 12547
PH: 845-795-2383; apelsteve@hvi.net

Rod Farrow
3011 Dennismore Rd, Albion, NY 14411
PH: 585-589-7022

Mason Forence
2740 Route 22, Peru, NY 12972
PH: 518-643-9527; forrencej@westelcom.com

Ted Furber, Cherry Lawn Farms
8099 Glover Rd., Sodus, NY 14551
PH: 315-483-8529

Dan McCarthy
NY State Dept. of Agriculture & Markets
3031 Densmore Road, Albion, NY 14411
PH: 585-589-7022

Steve Zelek
342 Altamont Road
Altamont, NY 12009
PH: 518-765-2956; pgteII@aol.com

Matt Wells
4363 Route 104, Williamson, NY 14589
PH: 315-589-9695, Ext 314; Matt.Wells@mu相通.at

NEW YORK STATE HORTICULTURAL SOCIETY

Fruit Quarterly
SUMMER 2008 • VOLUME 16 • NUMBER 2

This publication is a joint effort of the New York State Horticultural Society, Cornell University’s New York State Agricultural Experiment Station at Geneva, the New York State Apple Research and Development Program, and the NYSAGA.

Editors
Terence Robinson and Steve Hoving
Dept. of Horticultural Sciences
New York State Agricultural Experiment Station
Geneva, New York 14456-0462

PH: 315-787-2227; CELL: 315-787-2216

ntl@cornell.edu
salh@cornell.edu

Subscriptions & Advertising
Karen Wilson
NYSHS, 630 W. North St., Geneva, NY 14456
PH: 315-787-2404; wilsonk36@hotmail.com

Design & Production
Communications Services, NYSAES, Geneva, NY
PH: 315-787-2246; gzo2@cornell.edu

(Continued, below)