



Can You Save It, Sell It, or Replant It? Seed Protection Laws for Cereals

If you've ever asked "Can I save this seed?", "Can I sell it to someone else?", or "Why can't I just clean and replant it?"—you're not alone.

Seed is one of the few farm inputs that can come with multiple layers of protection. Some rules come from federal seed/IP law (PVP), some come from patents, and some come from a contract printed on the bag tag or contained in a technology agreement.

This post breaks down the common protection categories cereal growers hear about: Public, PVP (PVPA), Title V, trait-protected, and limited use.

Important note: This is practical education, not legal advice. Always read the bag tag/technology agreement and confirm status with your seed supplier.

1) The "two-rule" reality: law + contract

Most confusion comes from mixing up two different rule sets:

- Rule A — Federal law sets baseline rights and restrictions (including PVP infringement rules and certain exemptions). [1][2][3]
- Rule B — The bag tag can add stricter limits through a limited label license or technology agreement. [5]

Practical takeaway: even when a variety is "just PVP," a contract can still tighten what you're allowed to do.

2) Public varieties: maximum flexibility (but you own the risk)

What it is: a variety with no active PVP or patent protection (or protection has expired), and no special license terms.

What it usually means: you generally have the most flexibility to save, clean, and replant seed, and often to sell seed—subject to seed-law requirements like labeling and quality.

Tradeoff: purity, weed seed contamination, disease carryover, germination, and varietal drift become your responsibility.

3) PVP / PVPA: variety protection with defined exemptions

What it is: Plant Variety Protection (PVP) is a federal system designed for sexually reproduced crops like wheat and barley. It gives the owner exclusive rights to market and propagate the protected variety and defines what counts as infringement. [1]

The two key exemptions growers care about

- Crop exemption (farm-saved seed on your own farm): federal law states it is not an infringement to save seed produced from authorized seed and use that saved seed in the production of a crop for use on your own farm (with important caveats). [2]
- Research/breeding exemption: use and reproduction of a protected variety for plant breeding or other bona fide research is not an infringement. [3]

Plain language: saving seed for your own farm use may be permitted under the crop exemption. Selling saved seed to another farmer for planting is where growers often get into trouble—don't assume it's allowed.

4) Title V: common seed-trade shorthand (treat it like PVP-plus)

“Title V” is commonly used in cereal seed conversations as shorthand for PVP-type variety protection that is tied to certified/authorized seed channels.

Practical approach: if someone says “Title V,” treat it as PVP-type protection and confirm the exact rules with the bag tag and supplier. The same PVP infringement framework still matters. [1][2]

5) Trait-protected: when patents and technology terms change the equation

Trait-protected seed is tied to patented technology and/or a technology license. A key Supreme Court principle is that patent exhaustion does not allow a farmer to reproduce patented seed by planting and harvesting it without permission. [4]

Using Clearfield® and CoAXium® wheat as the real-world lens

In cereals, technology systems like Clearfield® and CoAXium® are commonly managed through stewardship/technology terms intended to prevent unauthorized propagation and protect the technology system.

Safe, practical rule: if a wheat product is marketed as a technology system (Clearfield, CoAXium, etc.), assume there are specific stewardship/contract terms governing saving or selling seed—and treat it as restricted until you confirm otherwise. [4][5]

6) Limited Use: the bag tag is a contract

Limited-use language on the bag tag often includes terms like “licensed solely to produce grain and/or forage” and prohibits using seed for propagation or seed multiplication.

Courts have recognized these types of limited label licenses in practice. [5]

Practical takeaway: if the tag says no propagation/no seed multiplication, treat that as a hard stop unless you’ve confirmed otherwise.

7) The simplest “don’t-get-burned” decision flow

- 1) Look for a bag-tag/technology agreement first. If it prohibits propagation, don’t save seed. [5]
- 2) Determine whether it’s a technology system / trait-protected. If yes, assume restricted until confirmed. [4][5]
- 3) If it’s PVP (and not otherwise restricted), own-farm saved seed use may be allowed and research/breeding uses are explicitly addressed. [2][3]
- 4) If it’s public/unprotected, you generally have the most flexibility—but you own purity and performance risk.

8) Summary chart: saving and selling seed by category

Use this as your quick-reference.

Category	Save seed for your own farm?	Sell seed to someone else for planting?	Sell harvested grain/forage as a commodity?	Notes
Public	Usually yes	Usually yes (seed-law requirements still apply)	Yes	No active IP restrictions (or expired); quality risk shifts to grower
PVP / PVPA	Often yes (crop exemption for own-farm use) [2]	Generally no (don't assume allowed)	Yes	PVP infringement framework applies [1]
Title V	Often yes (similar practical handling to PVP)	Generally no (certified/authorized channels expected)	Yes	Treat as "PVP-plus"; confirm with supplier/tag
Trait-protected	Usually no (patent/tech terms) [4]	No	Yes	Patent "reproduction" is the key issue; technology terms often apply
Limited Use (bag-tag license)	Usually no (if propagation is prohibited) [5]	No	Usually yes	The tag is a contract—read it

Reach out to Western Seeds with questions

If you're unsure whether a cereal variety is public, PVP/Title V, trait-protected, or sold under limited use terms—don't guess.

Reach out to Western Seeds with questions. We'll help you identify the likely protection category, interpret bag tag/technology language in practical terms, and avoid expensive misunderstandings before seed is cleaned, saved, or sold.

Reference List

[1] 7 U.S.C. § 2541. Infringement of plant variety protection.

[2] 7 U.S.C. § 2543. Right to save seed; crop exemption.

[3] 7 U.S.C. § 2544. Research exemption.

[4] *Bowman v. Monsanto Co.*, 569 U.S. 278 (2013).

[5] *J.E.M. Ag Supply, Inc. v. Pioneer Hi-Bred Int'l, Inc.*, 534 U.S. 124 (2001).

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