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Nunhems BV, Nunhem, The Netherlands

To whom this may concern

Nunhem, 16 June 2023

Maximilian Becker,
Senior Vice President BASF Vegetable
Seeds

Non-Assert undertaking ToBRFV patent rights for DUS testing and Phytosanitary inspections

Dear Sir, Dear Madam,

Nunhems B.V. ("Nunhems") is the proprietor of various intellectual property rights directed to the Tomato Brown Rugose Fruit Virus ("ToBRFV") and various methods using said virus, virus nucleic acids, virus proteins, and the like, in various countries and territories, including, but not limited to, the granted European patent with the publication number EP 3 325 502 B1 and the pending European patent application with the publication number EP 3 808 761 A1 ("Nunhems Patent Rights").

Nunhems is committed to developing high quality, innovative vegetable varieties that meet the demands of our growers and consumers in order to make healthy eating enjoyable and sustainable. The Nunhems Patent Rights referred to above resulted from our investments in Research & Development to characterize and identify various unknown pathogens and to develop varieties with resistances to such pathogens.

Nunhems supports collaborative research efforts to harmonize and define uniform terminology to identify the level of resistance for any pathogen. Nunhems further acknowledges that the level of resistance to ToBRFV should be considered a qualitative trait of any solanaceous crop.

Therefore, Nunhems hereby undertakes not to assert the Nunhems Patent Rights against any non-commercial collaborative research projects (most notably including the CPVO Imoddis Project) to harmonize and define uniform terminology to identify the level of resistance of any plant material against ToBRFV.

Moreover, Nunhems hereby also undertakes not to assert the Nunhems Patent Rights against any subsequent DUS testing of (vegetable) varieties by any competent national governmental authority aimed at the evaluation and grant of a Plant Variety Protection right or national variety registration.

Finally, because safe and clean seed is of the utmost importance to society, Nunhems also undertakes not to assert the Nunhems Patent Rights against any national governmental authority entrusted with any non-commercial phytosanitary seed health checks which may be mandatory.

Nunhems hereby also undertakes to grant any party a license under the Nunhems Patent Rights at fair terms and conditions for any commercial ToBRFV testing services or breeding activities.

Sincerely,

Maximilian Becker (Jun 16, 2023 08:28 EDT)

Maximilian Becker
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