

Plant Watch®

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FOR IMMEDIATE RELEASE

Breaching Brand Rules & Pirating Patented Plants

Dearborn, MI –Continuing its mission to detect possible violations of plant patents and trademark program rules, Plant Watch®, representing Bailey Nurseries, The Conard-Pyle Company/Star® Roses, Plant Development Services Inc. and Spring Meadow Nursery has released a list of actions growers and retailers should avoid.

“Plant patents and Plant Breeders’ Rights are based on having permission to propagate: most branded plants are protected by strong trademark, patent, and commerce laws.” says Peggy Walsh Craig, Plant Watch® Managing Director.



1. Buddleia ‘Blue Chip’ Lo & Behold® in generic pot, using non-approved label



2. Hibiscus ‘Mathilde’ Blush Satin® in non-branded pot

Plant Watch® inspected nurseries in 2011 for patent infringement and brand compliance. A large percentage of the nearly 300 inspections revealed non-compliances. According to Plant Watch®, the following actions violate patents and trademark laws and branded program rules:

- Propagation of patented plants without permission from the patent owner or agent.
- Commercial production of branded plants without proper trademark tags, containers and/or patent information labels.
- Commercial production of non-branded plants in branded containers.

In addition to these infringements related to the commercial production and sales operations, the nursery’s sales materials and web sites are required to properly reflect proper patent numbers and trademark names.

Nurseries found to be non-compliant are assessed a fine based on the number of unauthorized plants discovered, and the destruction of those plants is required.

Jonathan Pedersen, Brand & Business Development Manager at Bailey Nurseries comments, “Ask before you take cuttings or re-use trademarked pots and labels. Creating Endless Summer® wannabes puts you in the same league as those who sell pirated movies online. Eventually you will be caught and fined. Why take that chance?”

Growers frequently are the first to know when other growers are not in compliance. Plant Watch® invites growers to provide tips to assist in protecting their markets from fake varieties. Go to www.plantwatch.org and click on [TIPS](#) to find out how.

Plant Watch® started in 2005, modeled after COPF in Canada, a well-known monitoring program established in 1964. COPF has been inspecting for Spring Meadow Nursery since 2008, resulting in more than \$30,000 in fines collected during 2010 alone.

For more information on the rules for propagation and trademark use for Bailey Nurseries, Conard-Pyle, Plant Development Services Inc, and Spring Meadow Nursery please visit the following web sites:

- www.plantwatch.org
- www.BaileyNurseries.com
- www.conard-pyle.com
- www.endlesssummerblooms.com
- www.FirstEditionsPlants.com
- www.plantdevelopment.com
- www.springmeadownursery.com

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3. Limelight hydrangea lacking approved label and the pot does not comply with branding requirements.