

Plant Watch®

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Nursery Branded Programs Move to Protect Patents

Proven Winners Color Choice®, Encore® Azaleas, Endless Summer Collection®, First Editions®, The Knock Out® Family of Roses, Drift® Roses, and Southern Living® Plant Collection are joining forces in a new enterprise aimed at protecting their plant patents and branded programs.

“Purchasing new varieties doesn’t give a grower the right to take cuttings. We’ve worked hard to establish our brands and spent tens of thousands of dollars on patents. Enforcing these Intellectual Property rights is necessary to support our customers and licensees,” said Jeremy Deppe from Spring Meadow Nursery, Inc., the developers of the Proven Winners Color Choice brand.

Starting this fall, nurseries across the country can expect a polite inspection by Plant Watch® representatives to see how they are meeting the requirements of these branded programs. It’s well known how expensive it is to establish a plant brand in the landscape and nursery business. Growers who comply with patent and branding requirements are at a disadvantage when infringers undercut prices. In order to support their network of compliant growers, Spring Meadow Nursery, Bailey Nurseries, Conard-Pyle, and Plant Development Services Inc. have hired Plant Watch® to inspect nurseries, report on their findings, and collect fines where warranted.

Plant Watch® started in 2005 and is 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. According to Plant Watch® Managing Director Peggy Walsh Craig, “Everyone agrees that prices need to be improved. We need to sell more plants to more and different kinds of people. Branding, patenting, and monitoring help accomplish these goals. Unfortunately, some growers are taking advantage illegally of the investment made by other growers in these programs.”

Nurseries found to be non-compliant will be assessed a significant fine based on the number of unauthorized plants discovered, and the destruction of those plants will be required. Growers are reminded that plant patents and Plant Breeders’ Rights are based on having permission to propagate. Ask before you cut!

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