

If you cross two plants and make a hybrid new plant—that new plant you can patent. Be prepared to spend money, evaluate, and test hundreds and hundreds of plants. Understand that you may need to work years.

Then you might take some homely wild *Alstroemeria* and end up with a major florist cut flower plant.

All of these types of new cultivars are eligible for patent protection.

We are in the business of bringing beautiful, useful, and successful plant material to the gardening public. We increase our sales of plant material by being enthusiastic participants in the quest for new and exciting plants. It's our responsibility as individuals and industry leaders to pay those patent royalties so that we will continue to see ever better plant material. Nature isn't going to do all the work by herself! The scourge of illegal propagation, copy-cat or stolen (re-baptized) plants, and bringing out plants without thorough growing trials all work directly against the goals that we as members of I.P.P.S. stand for.

### **The Problems!**

Along with all the good that has come from this proliferation of new plants has come intense pressures that have led to a number of problems. Our patent laws in both the United States and Europe have many loopholes that need to be addressed. Recent high tech developments have made many of the old rules obsolete. There is a good article addressing this issue by Paul Ecke Jr. in GPL Greenhouse Product News magazine's September and October issues. The "softening of breeder ethics" is a matter that affects us all. GPL Greenhouse Product News can be reached at [www.greenhouseproductnews.com](http://www.greenhouseproductnews.com) or email at [gpntim@aol.com](mailto:gpntim@aol.com) electronically.

The costs of developing and patenting new plants vary (Table 1). The fees vary according to how agreements are made. The royalties can be anywhere from \$0.03 to \$0.10, or even \$1.00 to \$1.50 on certain plants. Some royalties are based on a percentage of the wholesale finished plant price.

Patents are good for 20 years.

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## **Question and Answer Period: Thursday AM General**

### **Session II**

**Andrew Davis:** How is it determined when a "new" plant warrants patenting? What are the current costs for coming up for a genetic fingerprint of a plant?

**Evelyn Weidner:** A new plant whose protection is being applied for has to be grown alongside other plants. It has to show significant differences in at least one and up to seven to eight different ways. I don't know what the cost is for determining the genetic fingerprint of a plant.

**Eunice Messner:** What right does the United States have to patent the neem tree that is native to India?

**Evelyn Weidner:** I don't think they have the right to do that. This is one of the problems we face since we work under two systems of plant patent rules, the U.S. and European. There are many loopholes.