

The Commercial Exploitation of New Plants

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IDEAL QUALITIES FOR NEW PLANTS WITH MAXIMUM COMMERCIAL POTENTIAL

Use this checklist to help decide whether a new plant deserves introduction: distinct from existing cultivars, attractive foliage, attractive fruits, evergreen, hardy, disease resistant, easy to grow in the garden, tolerates a wide range of soils, propagates easily, can be propagated all year round, easy to grow in nursery, flowers early in production cycle, looks well in spring, suitable for small and medium gardens, flowering over a long period, and retail price below £10. If you have a plant that meets all these criteria, you have a perfect plant and a sure winner.

OUTSTANDING PLANTS DESERVE OUTSTANDING NAMES

It can be argued that a good plant will sell despite its name. But why reduce the potential and slow up the popularity of a plant by giving it a non-selling name? I have great respect for the late Jack Matthews, of Matthews Fruit Trees who, in addition to being an excellent nurseryman, was a brilliant innovator. Back in the 1960s he started to promote hedging plants by giving them fancy names, such as ‘Crimson Dwarf’ for *Prunus × cistena*. This was a good example of making a plant “consumer friendly.”

The potential of many new plants has been rather restricted by an inappropriate name and when giving a name to a new plant I suggest the following should be considered: easily remembered, descriptive of the cultivar, warm sounding, not offensive, not restrictive, internationally acceptable, and linked names for plant ranges.

The biggest selling rose cultivars have usually had very good names—Peace™, Super Star™, Fragrant Cloud™, and Silver Jubilee™. The same can be said for shrubs—*Potentilla fruticosa* Red Ace™, *Choisya ternata* Sundance™, *Scabioas* Butterfly Blue™.

PLANT BREEDERS RIGHTS

Plant Breeders Rights are the only fair and realistic way of rewarding breeders and plant hunters. It is surely also reasonable to protect chance sports and variations of existing cultivars. I am not aware of any nursery company which has a long term breeding programme for shrubs and before such a breeding programme can be put into place there needs to be some guarantee that a long term income is available.

The larger rose breeding companies, such as Kordes, Meilland, and Poulsen, are dependent on plant breeders rights and the royalties they generate, although it should be noted that the majority of their income is derived from the cut flower or pot plant cultivars, not garden cultivars.

It is costly to apply for Plant Breeders Rights and only a proportion of cultivars are worthy of protection. Cultivars which take a long time to build up stocks and

have a small market potential are obviously the most uneconomic. Current rates for obtaining plant breeders rights in the UK are:

	Application Fee (£)	Annual Fee (£)
Shrubs:	130	165
Roses:	50	50

The advantageous rates for roses have been negotiated by the British Association Representing Breeders, in its former guise of the British Association of Rose Breeders. In other countries the cost of plant breeders rights is very variable. I have just been quoted £1,500 to protect a cultivar in Italy.

Trade Marks Versus Plant Breeders Rights. Growers should understand the difference between Plant Breeders Rights and trademarks.

Plant Breeders Rights grants the holder the exclusive right to benefit from the new breed registered and prevents others from infringing the right by developing the same cultivar (variety) or producing that cultivar without the holder's consent. It does not, however, grant exclusivity of the right of sale or production. The owner of the right is under an obligation to grant licences of the right to others for their use, for which the owner will require a financial gain from a licence fee or royalty.

Trademarks are quite different in that exclusive rights vests in the use of the name or goods for which a trademark is registered. It does not prevent the goods themselves from being produced by another party, but prevents those goods being sold under the same name. It therefore follows that a plant breeder who relies solely on trademark registration will not be able to prevent others from exploiting his new cultivar—only exploitation of that cultivar under his trade name.

ALTERNATIVE WAYS OF EXPLOITING NEW PLANTS

There is no simple formula for exploiting all plants as it is inevitable that different plants will have different potential. The decision is also influenced by the capacity and structure of the company responsible for maximising sales. There are three factors that need to be taken into account: production capacity, sales organisation, and distribution systems. Very few companies, if any, have the existing facilities and distribution systems to maximise the sales of an outstanding plant. There are, of course, a number of alternatives with advantages and disadvantages. They include:

1) Launch and distribute the cultivar in conjunction with three or four other partners. However, bear in mind that the more partners there are the more complicated and difficult the exercise.

2) Make use of a royalty collecting agency such as the British Association Representing Breeders (BARB). It is a nonprofit organisation set up 19 years ago by three rose breeders. The BARB scheme has enabled rose growers to produce a wide range of new cultivars from breeders around the world and has been acknowledged as the most successful of its kind in the world. It has now been extended to include other ornamental plants, shrubs, and perennials. This will give even the smallest grower the opportunity in the future of growing a wide range of new plants with a minimum of hassle. At the same time it will enable small and

large growers who own rights to new cultivars to make these available to a much wider audience. The administration, collection of dues and policing will be taken over by the central agency.

How BARB Works. Each year a comprehensive list of cultivars “on offer” is distributed to registered growers. They are able to choose which cultivars, and the number of each cultivar, they wish to propagate. Regular reports on propagation are sent to central office which then invoices all the royalties due at agreed periods throughout the year.

The BARB system is regulated by two field officers who routinely visit all the licencees to discuss new cultivars, answer queries, and check that the grower is making the return on the correct basis. This ensures a proper return to the breeder and prevents unfair competition between licensed producers.

Royalty levels are set by the individual breeders, who pay BARB a levy on each plant grown by the licencees, and are administered by the Association.

BARB issues and administers licences, collects the royalty, and does all the relevant paper work, credit control, and field work. The royalties collected are disbursed back to the breeder monthly; bad debts are dealt with by BARB, as is all legal work. BARB also monitors changes in legislation.

The system has a number of advantages for the breeder or agent. For example, BARB is able to present the breeder’s cultivars to a wider audience, and it plugs the breeder into a recognised, accepted, and proven system of royalty collection and control. It also provides breeders with vital financial and product reports on the performance of their cultivars.

Growers who become licencees are able to grow a wide range of new cultivars of both shrubs, perennials, and roses. They can make returns to one agency rather than to a lot of breeders all operating different schemes, and then receive one invoice document. They can keep up to date with all the information on new cultivars. BARB members can capitalise on national promotions for new plants.

PROMOTION

Point-of-Sale Promotional Material. Ideally, point-of-sale material should consist of coloured bedhead cards, coloured posters and individual coloured labels. Thankfully there is a British standard size of 8 in. by 6 in. for bedhead cards. This is the most important item of any point-of-sale material. Posters are effective but expensive. They must be bold and clear and can either be on paper, plastic or Correx, which has recently found favour as it is easily erected in the garden centre. However, I wish the industry could agree on a standard size for posters as this would enable garden centres to have permanent, or at least standard poster boards in and around the plant sales area.

The need for individual coloured labels varies with the type of plant. A variegated evergreen hardly needs a coloured label, while a deciduous short-season flowering plant definitely does. My own policy has been that if we produce a label it should be bold and create a very natural effect. I think most I.P.P.S. GB&I Region members will know the “True to Life” clematis labels.

Trade Promotions. “Rose of the Year” (ROTY) is another successful promotion by the rose trade but it could achieve even greater potential. To enter ROTY, rose growers submit promising new cultivars to a number of testing stations located

throughout the country, three years in advance of the ultimate year of introduction. Both professional and amateur growers judge the performance of the cultivars and select one winner at the end of 12 months.

Propagating material is then distributed to any rose grower who is BARB registered so that they are able to offer plants in the appropriate launch year. The ROTY committee organises point-of-sale material and a public launch at the Chelsea Flower Show.

Around 50,000 plants of the ROTY are sold in the first year and successful hybrids such as Sweet Dream™ now sell 140,000 annually. I believe the potential is probably at least double the current achievements.

NO STOCK NO SALES

Finally, the propagators role must be to ensure that enough stock of a new plant is available. There is nothing more frustrating for plant salesmen and garden centre operators than having demand for which there are no plants. The key, of course, is to pitch production at about 99% of the potential demand—it is of course much worse to have too many.