

# Plants For The Future

conception to  
commerce



A guide to  
bringing new  
plants to market



Sharing the best in Gardening

[rhs.org.uk/plantsforthefuture](https://rhs.org.uk/plantsforthefuture)

Registered Charity No: 222879/SC038262

RHS Garden Wisley, Woking, Surrey, GU23 6QB



# Stage 1: Your motives

It is essential to have a clear idea of what you want to achieve as this is key to choosing the correct path



## Satisfaction

To gain a reputation and respect from other horticulturists; the pleasure of knowing others are enjoying your plant



## Making money

This is going to be your main occupation, or you want to generate income or receive a one-off payment



## ‘Vanity’ or sentiment

The plant is named after you or someone close to you



## Your motives may be a combination of the above

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RHS Chelsea Plant of the Year 2016 – *Clematis chiisanensis* AMBER (‘Wit141205’)





# Stage 2: Your new plant

Once you have selected your sport, seedling or new plant



It is vital to carefully record plant information (visual and written) in a clear, understandable format. Failure to do this may be a barrier to taking a plant forward to commercial cultivation

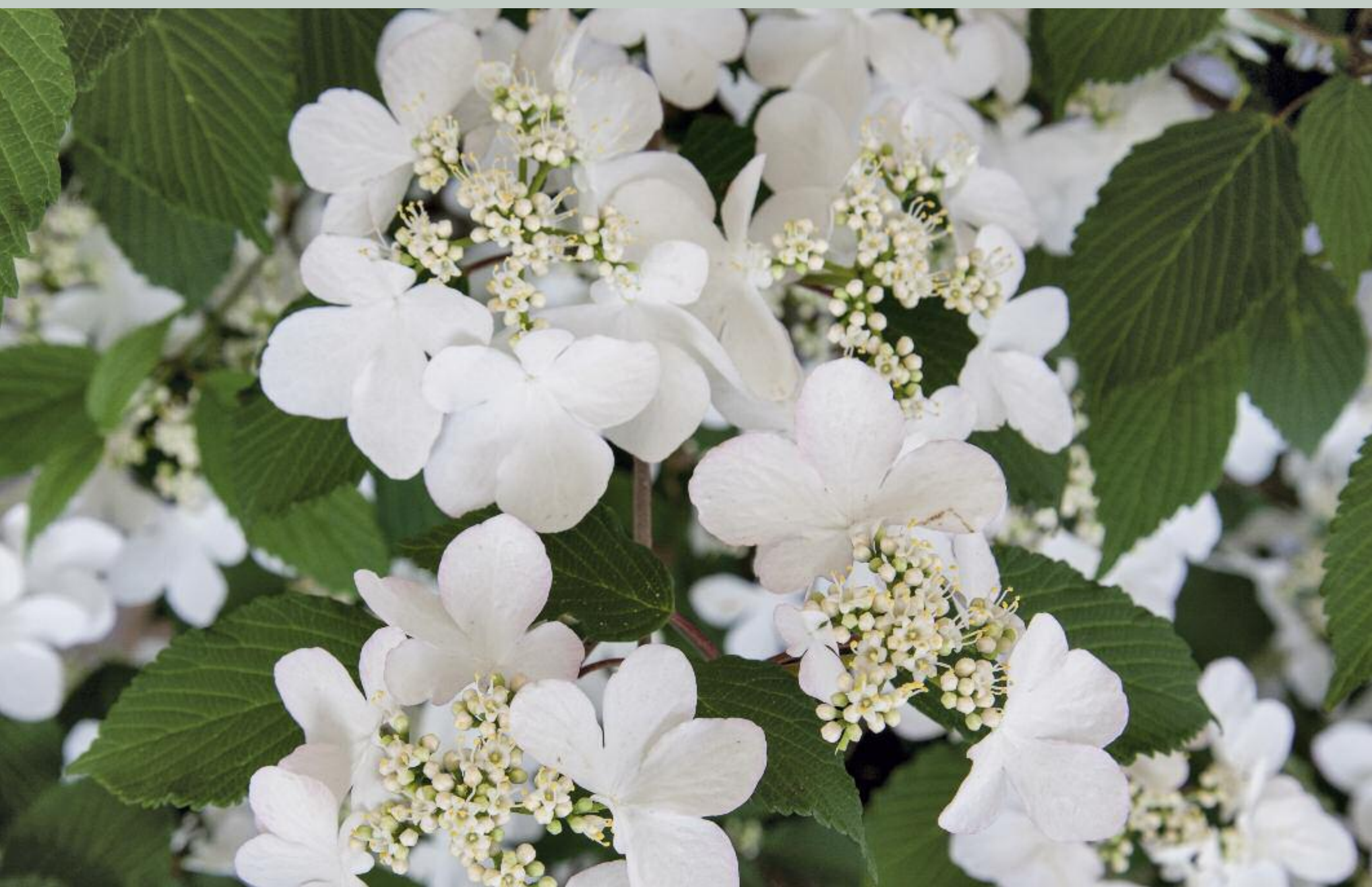


Document why your plant is new or different, and the significance of these qualities in the marketplace



**Until you have clear plans on how to market/release your plant and have protected your rights, do not release any plant material or publish pictures to any source (either by selling or giving away) or put your plant on public display**

RHS Chelsea Plant of the Year 2015 – *Viburnum plicatum* f. *tomentosum* KILIMANJARO SUNRISE ('JWW5')





# Stage 3: Your skills

Taking a new plant to market can be time-consuming, expensive, fun and rewarding! Having identified your motives in Stage 1, you need to decide whether you have the necessary skills and resources to achieve this process alone, or whether you will need help



Considering the questions below may help you choose the right route. These options are not exhaustive and the pros and cons of each should be considered very carefully:

***Do you want to generate future income or are happy with a one-off payment?***

**Future income:** The Partner or Go-it-alone route may be right for you

**One-off payment:** the Sell route may be right for you

***Are you happy just to know your plant is ‘out there’ but don’t want to be greatly involved in the process?***

**Yes:** The Sell route may be right for you

**No:** I want some involvement, then the Partner or Go-it-alone route may be right for you

***Do you want to retain rights to your plant?***

**No:** The Sell route may be right for you

**Yes:** The Partner or Go-it-alone may be right for you

***Do you have the time and enthusiasm for complex administrative work as well as, the knowledge, time and space for cultivation of your plant?***

**Yes to all:** The Go-it-alone route may be right for you

**No to some:** The Partner route may be right for you

***Do you want to be involved in decision making about marketing and selling your plant?***

**No:** The Sell route may be right for you

**Yes:** But I don’t want to take on the admin work, then the Partner route may be right for you

***Are you new to the process, but would like to be involved and learn more?***

**Yes:** The Partner route may be right for you





# Stage 4: Routes to market

Here are the three main routes to market



**Sell:** For a fixed fee to a Partner organisation (see glossary for types of partner. They do all the work, but you no longer have rights to the plant or any future income



**Partner:** Enter into a partnership with a reputable partner (see glossary for types of partner). Agree terms and work together for mutual benefit



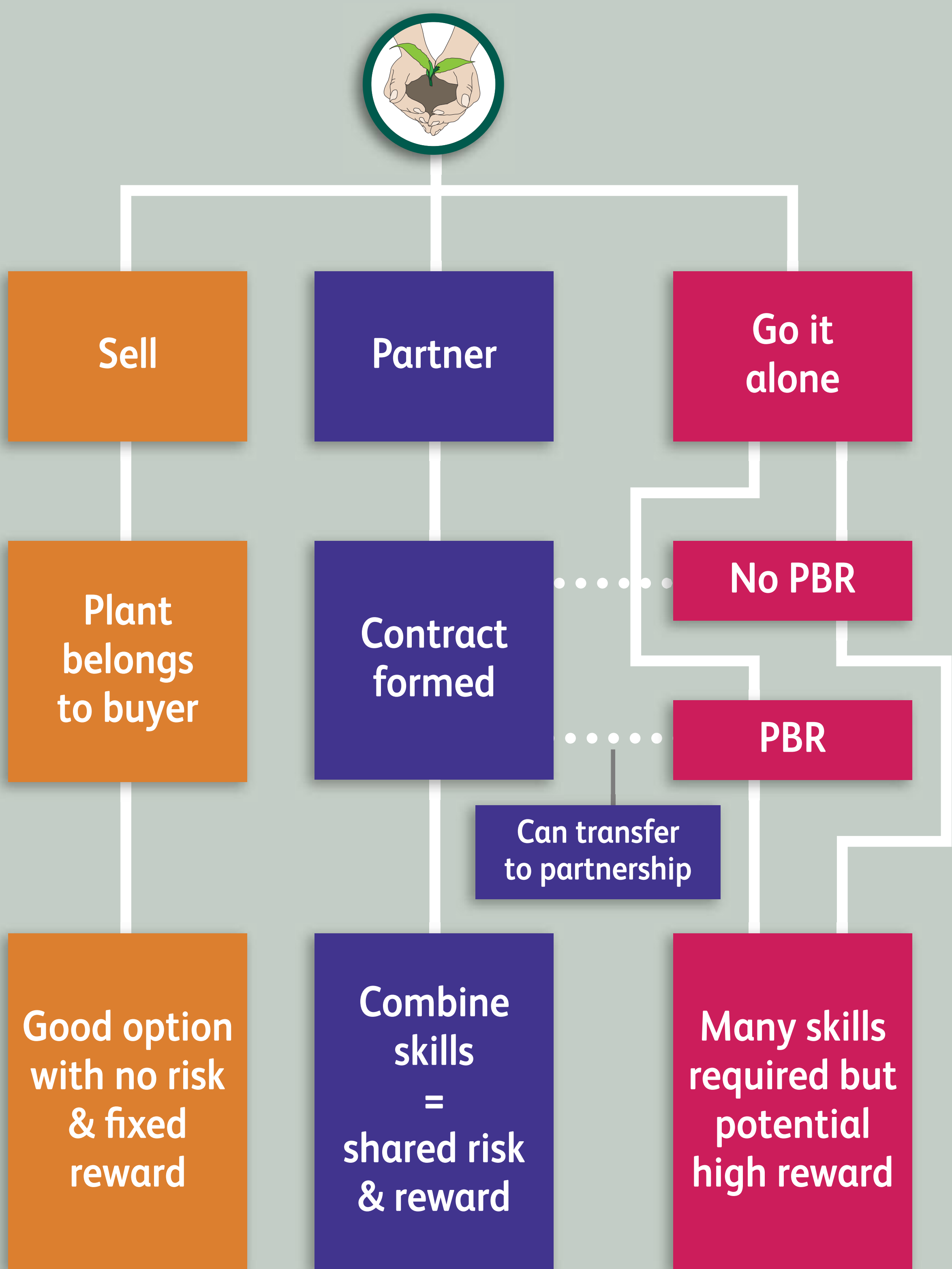
**Go-it-alone:** Make all your own decisions, do all the admin, cultivation, marketing & selling and reap all the rewards





# Stage 5: Which route?

Match the route to market to your motives and skillset



RHS Chelsea Plant of the Year 2012 – *Digitalis* ILLUMINATION PINK ('Tmdgfp001')





# Glossary of terms

**Fixing:** This can take many years and is the process by which you ensure a plant can be reproduced whilst keeping all the characteristics of the original plant. Sometimes this may only be possible through plant material cutting, not seed.

**Nagoya Protocol:** for the latest update from the RHS please follow the links from the Plants for the Future website.

**New plant:** a plant created by making a deliberate cross, or a chance sport or seedling.

**Partner/Partnership:**

A partner can be a plant breeders' agent, wholesaler, nursery, seed company, marketing company or consultant who will work with you for an agreed fee or a share of royalty income to help bring your new plant to market.

**Plant Breeders' Agent (PBA):**

A PBA will work on your behalf to make an expert assessment of the market, promote the plant and negotiate for you. They may also, depending on the terms of your contract, apply for

intellectual property rights and carry out administrative work on your behalf. It will depend on the agreed terms, but in most cases you will retain ownership of the plant variety.

Intellectual property rights' covers UK Plant Variety Rights, EU Plant Variety Rights, US Plant Patents, rights in other countries and even trademarks and utility patents.

**Plant Variety Rights**

**(sometimes called Plant**

**Breeder's Rights):** A form of intellectual property right that will give the variety owner exclusivity over the marketing, sale and propagation of a new variety (including harvested material such as fruit or cut flowers) for a number of years. Intellectual property rights must be obtained for your new plant if you intend to protect potential income. Generally, all applications for rights must be made within 365 days of the first offer for sale or other commercial exploitation – although this may differ outside the UK & EU. Of particular note are the rules in the US, which

RHS Chelsea Plant of the Year 2011 – *Anemone* WILD SWAN ('Macane001')





state that the ‘clock’ for Plant Patent applications starts ticking when the variety first becomes public knowledge, even if it is not available to buy.

These include: UK Plant Breeders Rights (PBR) administered by PVRO; European Community Plant Variety Rights (CPVRs) administered by CPVO; United States Plant Patents administered by USPTO. Details of these bodies can be found on the PFTF Website.

The term ‘plant variety rights’ is often the preferred term because the right is in the variety and does not necessarily belong to the breeder (for example, it may belong to the breeder’s employer if they did the breeding as part of their contracted work at a nursery; the right may have been sold to a third party who had nothing to do with the original breeding; or the right may have passed to another person under the terms of a will).

*If you select the ‘Sell’ or ‘Go It Alone’ route you may have to manage this aspect yourself, a*

*partner, especially a Plant Breeders’ Agent will usually manage this for you.*

**Plant Registration:** The process by which you name and record ownership of your new plants. See the website for more information on International Cultivar Registration Authorities (ICRAs).

*Note that registering a plant with an ICRA confers no intellectual property right and does not permit you to collect a royalty. It may also ‘start the clock’ for application for intellectual property rights.*

**Sport:** A sport is a naturally occurring genetic mutation of an existing plant. It will need to be ‘fixed’ before it becomes viable to market.

*Please be aware that any rights to a ‘sport’ occurring from an already protected plant may well belong to the original breeder or owner of the rights to the parent plant – the exact terms will depend on the parties involved.*

**RHS Chelsea Plant of the Year 2010 – *Streptocarpus* ‘Harlequin Blue’**





# What's next?



If you have bred a new plant, follow the roadmap to choose your best route to market



Have a look at the main points in Stage 3 to help you decide your best route



Talk to other amateur plant breeders to see what they are doing and how they do it



Join a plant society and share in the wealth of knowledge you will find there – many hold regular exhibitions and most amateur breeders belong to one or many plant societies



Find out more about the Plants for the Future initiative at [rhs.org.uk/plantsforthefuture](https://rhs.org.uk/plantsforthefuture) where there are details of future events, guidance and links to helpful information

*All information contained in this document, as well as at [rhs.org.uk/plantsforthefuture](https://rhs.org.uk/plantsforthefuture) is intended for guidance only. You are responsible for ensuring the intellectual property rights of your plant are protected, and that you choose the route to market which best suits your circumstances*

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