

# **Why didn't an equivalent to the US Plant Patent Act of 1930 emerge in Britain?**

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[www.ipbio.org/berris.htm](http://www.ipbio.org/berris.htm)

# Copyright for the Breeders of Novelties

- “the point raised by Mr Paul is a most interesting one, but there are evidently two sides to it, as to most other things, and, unless there were a very decided majority in favour of it, I do not think it would be wise for us to move in the matter.”
  - Wilks 1907: 475.
- “the development of the right would not have occurred had it not been for the widespread commitment of the breeding community.”
  - Llewellyn and Adcock 2006: 143.

# George Harrison Shull's Diary

- “Many tons of apples and other fine fruits are sent to market every year and great quantities of nursery stock are sold.”
- “The breeding work has been necessarily simply a side issue and has been carried on largely for the sake of advertisement.”
  - George Shull, “Notes on European trip of Geo. H. Shull | Aug. 12, 1908 to Dec. 1908,” p. 27.

# The New Mendelian System



- Mr E Laxton said he thought the meeting did not recognize the great work that Mr Biffen had been doing for agriculture, but in a few years they would look upon him as one who had added to their incomes. He knew from his own experimental work how immense was the labour and expense of producing new varieties. Mr Biffen was devoting his life and brains to bringing out new wheats that would add to the well-being of the country and of the world. He thought they little knew they were entertaining an angel unawares (laughter).
  - “Bedfordshire Chamber of Agriculture,” in *Extracts from Newspapers on Wheat Research of Professor Sir Rowland Biffen MA FRS, Cambridge University*, p. 2.

# Plans for Post-war Reconstruction

- No seed merchant can do what this National Institute would undertake. It is unreasonable to expect the seed merchant to conduct experiments over eight or ten years, subject each step in his process to milling and baking tests, corresponding with men of science all over the world, even in Tibet, as Professor Biffen does, when at the end of it all there is nothing patentable. A seed once on the market is everybody's property. The seedsman has done good and patriotic work but we must not expect too much of him.
  - “H.B.: Professor Biffen: The Idea of a Rural Civilisation,” in *Extracts from Newspapers on Wheat Research of Professor Sir Rowland Biffen MA FRS, Cambridge University*, p. 1.

# Yeoman II the first publicly funded Wheat



FIG. 29.—A well-grown plant of Yeoman II.

# Yeoman II the first publicly funded Wheat



OK

**"YEOMAN KING"**

Carters New  
Ennobled-strain  
Wheat  
See description and price opposite.



*Carters*  
ESTD SEEDS  
NEW BREED  
YEOMAN WHEAT.  
'YEOMAN KING'



And the  
Comparison—  
Ear of  
Original Stock  
Yeoman Wheat.

# Relations with the commercial seed trade



# Relations with the commercial seed trade

- “The view of the President of the Board of Agriculture and Fisheries that he strongly deprecates any individual firm of English seed merchants obtaining a monopoly of the word ‘National’ in connection with the seeds sold by them has already been communicated to the patents office.”
  - “National Institute of Agricultural Botany. Registration of the Word National: Counter Statement,” Trade Mark Case. Archives of the National Institute of Agricultural Botany.

# Concluding reflections

- Geography
  - Expanding markets
- Science
  - Inventor status
- Social
  - Paul Stark
    - ABA / ASTA
- Europe, America, Britain
  - “The good of the nation.”