Scotts/Pursell suit

Continued from page 47

"I will say, we think that both companies worked very hard and amicably to reach a settlement," added Pursell's Executive Vice President David Pursell. "There are some confidential provisions we can't discuss."

The legal tussle started in 1993 when Pursell published a series of comparative advertisements. One ad posed the question: "Polyon is superior to Scotts. The figures for which they had no proof of."

"We came out with our Polyon technology in 1991," Pursell explained, "and there was quite a bit of confusion among superintendents about what was which. Scotts chose a trade name that is awfully similar."

"Scotts would have you believe they forced us to withdraw the ad. So we're making a big deal about forcing Scotts to do these comparative tests. Basically, the lawyers made out pretty well."
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GOLF COURSE NEWS
PVP legislation
Continued from page 47

...tantly, the plant-breeding community and agriculture in general,” Cahill said. “This reaffirmed our bond with the American farmer and made certain people knew the rules of the game.

Turfgrass, clover and alfalfa are exempted from the controversial Variety Not Stated portion of the law, according to Tom Salt, plant variety protection examiner with the U.S. Department of Agriculture.

“If soybean, cotton or other products fail the grade, they can be used for other purposes, but that is not the case with turfgrass,” Salt said.

Thus, the law states a turfgrass must be sold by variety name — if it has a certificate of protection — unless someone walks away from a contract and doesn’t make payment within 30 days of the contract’s specified date. Seed companies have the option to buy the seed from the farmer and recondition it to bring it up to standard, or to allow the farmer to sell the seed as VNS, Salt said.

ASTA members, split over the issue of VNS, came out of their convention in June with “a strong and unified front,” Cahill said. “People were very pleased with the progress we were making, and felt that advancing the principles of the legislation was important — not only to our membership but the plant-breeding community in general.”

The big change in UPOV for ASTA? “It was a recognition of the importance of farmers to be able to save seed for use on their own holdings, which we’ve always supported,” said Cahill. “But to withhold sales of new protected varieties unless there is permission of the owner of that variety.”

Also, the new document advances the concept of and introduces the term “essential derivation” (ED), which is “very important to the plant-breeding community,” Cahill said. ED is “that minimum distance between varieties... It all rests upon the issue of dependence of one variety on another. And that will be determined by the breeders.”

The law did not specify any parameters or recipes for each crop. That will be ongoing because there is no agreement right now and it is a very new concept, Cahill said.

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PVP legislation
Continued from page 47

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