

# THE SAGA of *Dionaea muscipula* 'ROYAL RED'

by

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Horticulture is advancing along with other technology at an ever-increasing rate. Plant breeding has become big business with multi-national companies devoting considerable time and funds to research in order to find better food, fodder, flower, forest and ornamental plants. To protect their huge investments, "Plant Breeders Rights" or P.B.R. (formally known as "Plant Variety Rights" or P.V.R.) has been set up world wide. Simply put - it gives the plant breeder the exclusive rights to produce and sell - including the right to license other persons to produce and sell - plants and reproductive material of a registered variety. This legislation is accepted in the world of horticulture as something we must have to advance us into the 21st Century.

However, in Australia a series of mistakes has been made by the Administrator of the Act which will affect the world of carnivorous plants for years to come - and here's the story of how it came to be.

In 1978, Mr. Stephen Jackson imported some *Dionaea muscipula* seed from the U.S.A. From this arose color variations which included an all red form. In 1950, Mr. Ian English also imported seed from the U.S.A. Again an all red V.F.T. occurred. From these two sources "all red" V.F.T.'s were bought, sold and swapped in small numbers for many years. This brought to light the first mistake by the P.V.R. authority, that "all red Fly Traps" had already been sold before the application for a P.V.R. had been applied for. The next stage came when G & G Carnivores obtained some seed of an all red V.F.T. from Mr. Paul Kane who had pollinated his red V.F.T. which had originated from Stephen Jackson. This seed was raised invitro and multiplied in flasks under sterile conditions. Upon deflasking, Geoff Mansell now of Exotica Plants applied for a P.V.R. The law states that a qualified person must conduct or supervise trials to establish whether the plant being trialed is distinct from an already known type, before being granted a P.V.R. It was here that the major mistake was made. The chosen qualified person - Dr. Charles Clarke - was given a red petioled V.F.T. and an all green V.F.T. to compare it with. After the scientific growing trials (growing the all red V.F.T. alongside the green one), the conclusion was that the red V.F.T. was different from the green one - so the P.V.R. was granted.

Dr. Lloyd, the Registrar of P.V.R., points out in subsequent correspondence that. "The definition of a new variety (Section 3) in conjunction with Section 26 establishes that there is no absolute requirement under the old Act for the inclusion in the trial itself of all most similar varieties of common knowledge." This disaster to the carnivorous plant world has now happened and anyone world wide trading or selling or propagating a red petioled Venus Fly Trap is liable to prosecution and the penalties are severe for infringement of the Act.

## Conclusion:

The injustice of this is that to gain the P.V.R. all Exotica Plants had to do was grow an all red V.F.T. alongside a green V.F.T. So now if anyone - from the backyard hobbyist to the large commercial grower - wishes to sell any clone of an all red V.F.T. they must prove it is not the same as "Royal Red". The only test that would stand up in a Court of Law would be to have the DNA analysed and compared to "Royal Red". Clearly this is beyond all but the largest organization's ability to finance, so it precludes the carnivorous plant club member from trading in any all red V.F.T.'s for many years to come.

## Postscript:

Maybe the carnivorous plant world was lucky. What would have happened if they had applied for a P.V.R. on a green V.F.T.? Think about that!