

# TRADEMARK USAGE & GUIDELINES

Patents and trademarks help provide breeders with a return on their investment. Patenting a plant is just like patenting any other invention or product. Once a plant variety is patented (or has a patent pending) a royalty is paid to the patent owner on the basis of each plant sold. Plant patents & trademarks are important to Bailey Nurseries because we are protecting our consumer brands and intellectual property from our breeding program.

## WHAT IS A PLANT PATENT?

A plant patent is legal protection for the breeder, preventing others from reproducing the protected plant variety by cuttings, tissue culture, or any other method of asexual propagation without the written authorization or licensing of the patent holder. Possession of improperly propagated plants of patented varieties constitutes infringement. In Canada, these are called Plant Breeder Rights.

## WHAT IS A TRADEMARK?

A trademark is a legal form of intellectual property protection and distinguishes the goods or services of one enterprise from those of other enterprises. Intellectual property (IP) includes creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names, and images used in commerce.

## WHAT IS A UTILITY PATENT?

A utility patent covers new and useful processes, machines, manufactures, formulas, compositions of matter, or new and useful improvements in any of these categories of inventions. Breeding, propagation, reproduction from or development of a variety is strictly prohibited with a utility patent.

## HOW DO YOU USE PATENT NUMBERS?

When a patent has been issued by the United States Patent and Trademark Office (USPTO), a patent number is assigned. Once a plant is patented, anyone other than the patent holder is prohibited from asexually reproducing or selling or using the patented plant. A plant patent is regarded as limited to one plant, or genome. A Patent Number includes an eight-character identification that is assigned by the USPTO.

Plant Patent numbers are formatted as follows:

- Plant Patents start with PP and have at least six characters.
- Canadian Plant Breeder Rights start with CPBR and have at least four characters.
- Utility Patents consist of six or seven digits

## **HOW DO YOU USE TRADEMARKS?**

Trademarks should always be used with the ® or ™ symbol, displayed as superscript:

- The ® symbol indicates federal registration of a trademark (which has significant legal connotation)
- The ™ symbol indicates a common law mark; the ™ symbol is also used for a federally registered trademark between the filing and registration period.

## **EXAMPLES OF PROPER USES OF PLANT PATENTS AND TRADEMARKS:**

Misuse of patents and trademarks can result in confusion for growers as well as customers who want to make sure that they are buying the specific product they want. Misuse might also lead to costly litigation.

### **PROPER USAGE:**

First Editions® Eclipse® Bigleaf Hydrangea PP34,544 - CPBRAAF - US Patent Pending  
*Hydrangea macrophylla* 'Bailmacsix'

First Editions® and Eclipse® are the registered trademark for a specific brand.

PP34,544 is the Plant Patent number assigned by the USPTO.

CPBRAAF shows that the Canadian Plant Breeder Right has been Applied For.

US Patent Pending show that the Utility Patent has been applied and is pending.

*Hydrangea macrophylla* 'Bailmacsix' is the scientific name of this specific hydrangea cultivar.

The easiest and most accurate reference for our plants is [www.baileynurseries.com](http://www.baileynurseries.com) and the three brand websites. They are updated as soon as changes occur. If you have any questions, you are welcome to contact Layci Gagnani at [Layci.Gagnani@baileynurseries.com](mailto:Layci.Gagnani@baileynurseries.com) or Josh Lynn at [Josh.Lynn@baileynurseries.com](mailto:Josh.Lynn@baileynurseries.com).

We thank you for all that you do to generate enthusiasm about our plants and for being a reliable resource for landscapers and garden centers. Your continued support in preserving the integrity and value of our trademarks and patented plants is a critical part of everyone's success!

First Editions® Vanilla Brandy™ Abelia, *Abelia x grandiflora* 'Bailbeliaone' PP33,071

First Editions® Matador™ Maple, *Acer x freemanii* 'Bailston'

First Editions® Standing Ovation™ Serviceberry, *Amelanchier alnifolia* 'Obelisk'

First Editions® Cabernet® Barberry, *Berberis thunbergii atropurpurea* 'Moretti Select'

First Editions® Limoncello™ Barberry, *Berberis thunbergii* 'BailErin'

First Editions® Toscana™ Barberry, *Berberis thunbergii* 'BailJulia'

First Editions® Parkland Pillar® Birch, *Betula platyphylla* 'Jefpark' PP25,468 CPBR4513

First Editions® Groovy Grape™ Butterfly Bush, *Buddleia davidii* 'PIIBD-I' PP26,305

First Editions® Funky Fuchsia™ Butterfly Bush, *Buddleia davidii* 'PIIBD-II' PP26,278

First Editions® Trippy Pink® Butterfly Bush, *Buddleia davidii* 'Bailbudone' PP36,709

First Editions® Psychedelic Sky™ Butterfly Bush, *Buddleia davidii* 'PIIBD-III' PP26,306

First Editions® Sapphire Surf™ Bluebeard, *Caryopteris x clandonensis* 'Blauer Splat'

First Editions® Autumn Revolution™ Bittersweet, *Celastrus scandens* 'Bailumn' PP19,811

First Editions® Fiber Optics® Buttonbush, *Cephalanthus occidentalis* 'Bailoptics' PP29,475 CPBR6180

First Editions® Neon Burst™ Dogwood, *Cornus alba* 'ByBoughen' PP27,956

First Editions® Cayenne Dogwood, *Cornus amomum* 'Cayenne'

First Editions® Firedance™ Dogwood, *Cornus sericea* 'Bailadeline'

First Editions® Autumn Inferno® Cotoneaster, *Cotoneaster* 'Bronfire' PP30,493

First Editions® Chapel View™ Japanese Cedar, *Cryptomeria japonica* 'PIICJ-I'

First Editions® Cool Splash® Diervilla, *Diervilla sessilifolia* 'LPDC Podaras' PP19,391

First Editions® Dark Mode™ Diervilla, *Diervilla x splendens* 'Baldertwo' PPAF

First Editions® High-Viz™ Diervilla, *Diervilla x splendens* 'Bailderone' PPAF

First Editions® Linebacker™ Distylium, *Distylium* 'PIIDIST-IV' PP25,984

First Editions® Cinnamon Girl® Distylium, *Distylium* 'PIIDIST-V' PP27,631 CPBR6041

First Editions® Swing Low® Distylium, *Distylium* 'PIIDIST-VI' PP29,779

First Editions® Vintage Jade Distylium, *Distylium* 'Vintage Jade' PP23,128

First Editions® Coppertone™ Distylium, *Distylium* 'PIIDIST-III' PP25,304

First Editions® Lotus Moon™ Pearlbush, *Exochorda x macrantha* 'Bailmoon'

First Editions® Spring Fling® Forsythia, *Forsythia* 'UMNFOR01' PP35,518

First Editions® Big Beauty® Gardenia, *Gardenia jasminoides* 'Baieldeniaone' PP36,284

First Editions® Double Mint Gardenia, *Gardenia jasminoides* 'Double Mint' PP23,507

First Editions® Sweet Tea™ Gardenia, *Gardenia jasminoides* 'PIIGA-II' PP27,258

First Editions® Sweet Star® Gardenia, *Gardenia jasminoides* 'PIIGA-III' PP29,448

First Editions® Tianshan® Seven-Son Flower, *Heptacodium miconioides* 'Minhep'

First Editions® French Cabaret™ Blush Hibiscus, *Hibiscus syriacus* 'Mindoub1' PP27,840

First Editions® French Cabaret™ Red Hibiscus, *Hibiscus syriacus* 'Mindour 1' PP30,101

First Editions® French Cabaret™ Purple Hibiscus, *Hibiscus syriacus* 'MindouV 5' PP30,070

First Editions® Tahiti™ Hibiscus, *Hibiscus syriacus* 'Mineru'

First Editions® Bali™ Hibiscus, *Hibiscus syriacus* 'Minfren'

First Editions® Fiji™ Hibiscus, *Hibiscus syriacus* 'Minspot'

First Editions® Hawaii™ Hibiscus, *Hibiscus syriacus* 'Minsygrbl1'

First Editions® FlowerFull® Smooth Hydrangea, *Hydrangea arborescens* 'BAIful' PP35,613 CPBRAFF

First Editions® DreamScape™ Smooth Hydrangea, *Hydrangea arborescens* 'BAICZ10' PPAF CPBRAFF

First Editions® Eclipse® Bigleaf Hydrangea, *Hydrangea macrophylla* 'Bailmacseven' PP34,544, US Pat. No. 12,302,814 B2, CPBRAFF

First Editions® Light-O-Day® Hydrangea, *Hydrangea macrophylla* 'Bailday'

First Editions® White Diamonds® Panicle Hydrangea, *Hydrangea paniculata* 'HYPMAD I' PP19,082

First Editions® Berry White® Panicle Hydrangea, *Hydrangea paniculata* 'Renba' PP28,509 CPBR6040

First Editions® Diamond Rouge® Panicle Hydrangea, *Hydrangea paniculata* 'Rendia' PP24,667 CPBR5614

First Editions® Little Hottie® Panicle Hydrangea, *Hydrangea paniculata* 'Bailpanone' PP32,549 CPBR6998

First Editions® Spring Sizzle® Panicle Hydrangea, *Hydrangea paniculata* 'Bailpanthree' PP36,526

First Editions® Vanilla Strawberry™ Hydrangea, *Hydrangea paniculata* 'Renhy' PP20,670 CPBR3963

First Editions® Strawberry Sundae® Panicle Hydrangea, *Hydrangea paniculata* 'Rensun' PP25,438 CPBR4609

First Editions® Jetstream™ Hydrangea, *Hydrangea quercifolia* 'PIIHQ-I' PP25,319

First Editions® Pumpkin Hypericum, *Hypericum inodorum* 'Kolmapuki' PP24,576

First Editions® Red Fame Hypericum, *Hypericum inodorum* 'Kolmaref'

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First Editions® Cobalt-n-Gold™ Hypericum, *Hypericum kalmianum* 'PIIHYP-I' PP25,318

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First Editions® Straight & Narrow® Japanese Holly, *Ilex crenata* 'PIIIC-I' PP29,578

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First Editions® Chubby Hubby™ Japanese Holly, *Ilex crenata* 'MAD-IC-I' PP32,035

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First Editions® Wildfire™ Winterberry, *Ilex verticillata* 'Bailfire'

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First Editions® Pink Frost Florida Anise Tree, *Illicium floridanum* 'Pink Frost' PP21,287

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First Editions® BananAppeal® Small Anise Tree, *Illicium parviflorum* 'PIIIP-I' PP28,887

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First Editions® Love Child® Sweetspire, *Itea virginica* 'Bailteaone' PP31,318

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First Editions® Lunar Magic® Crapemyrtle, *Lagerstroemia* 'Baillagone' PP30,360

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First Editions® Shadow Magic™ Crapemyrtle, *Lagerstroemia* 'Baillagtwo' PP34,639

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First Editions® Coral Magic Crapemyrtle, *Lagerstroemia* 'Coral Magic' PP23,922

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First Editions® Moonlight Magic™ Crapemyrtle, *Lagerstroemia* 'PIILAG-IV' PP25,478

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First Editions® Ruffled Red Magic™ Crapemyrtle, *Lagerstroemia* 'PIILAG-VII' PP27,303

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First Editions® Twilight Magic™ Crapemyrtle, *Lagerstroemia* 'PIILAG-VIII' PP27,194

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First Editions® Sunset Magic™ Crapemyrtle, *Lagerstroemia* 'PIILAG-IX' PP29,325

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First Editions® Plum Magic Crapemyrtle, *Lagerstroemia* 'Plum Magic' PP23,518

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First Editions® Purple Magic Crapemyrtle, *Lagerstroemia* 'Purple Magic' PP23,906

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First Editions® Lucky Leu® Leucothoe, *Leucothoe axillaris* 'Bailcothoe'

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First Editions® Crimson Fire™ Fringe Flower, *Loropetalum chinense var. rubrum* 'PIILC-I' PP25,534

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First Editions® Sparkling Sangria™ Fringe Flower, *Loropetalum chinense var. rubrum* 'PIILC-II' PP25,470

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First Editions® Centennial Blush Star Magnolia, *Magnolia stellata* 'Centennial Blush' PP22,248

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First Editions® Courageous™ Crabapple, *Malus x* 'Durlawrence'

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First Editions® Green Wall Spire™ Crabapple, *Malus x adstringens* 'Jefwall' PP35,109

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First Editions® Ruby Tears™ Crabapple, *Malus* 'Bailears' PP22,001

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First Editions® Gladiator™ Crabapple, *Malus x adstringens* 'Durleo' PP20,167

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First Editions® Cool Glow® Pomegranate Nandina, *Nandina domestica* 'ZhNan53' PP32,422

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First Editions® Cool Glow® Lime Nandina, *Nandina domestica* 'ZhNan102' PP32,470

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First Editions® Cool Glow® Peach Nandina, *Nandina domestica* 'ZhNan28' PP32,397

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First Editions® Snow White™ Mockorange, *Philadelphus* 'Snowwhite Fantasy'

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First Editions® Coral Crème Drop™ Phlox, *Phlox paniculata* 'Ditomdre' PP20,907

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First Editions® Cotton Candy™ Phlox, *Phlox paniculata* 'Ditomfav' PP21,369

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First Editions® Bubblegum Pink™ Phlox, *Phlox paniculata* 'Ditomfra' PP21,171

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First Editions® Grape Lollipop™ Phlox, *Phlox paniculata* 'Ditomsur' PP21,109

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First Editions® Little Devil™ Ninebark, *Physocarpus opulifolius* 'Donna May' PP22,634

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First Editions® Amber Jubilee™ Ninebark, *Physocarpus opulifolius* 'Jefam' PP23,177 CPBR4765

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First Editions® Fireside® Ninebark, *Physocarpus opulifolius* 'UMNHarpell' PP30,792 CPBR4765

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First Editions® Honeycomb® Ninebark, *Physocarpus opulifolius* 'ZLENora' PP34,624

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First Editions® Spicy Devil® Ninebark, *Physocarpus opulifolius* 'ZLENatalie' PP34,244

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First Editions® Lucky Devil® Ninebark, *Physocarpus opulifolius* 'ZLEMichael' PP34,243

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First Editions® Crème Brûlée™ Potentilla, *Potentilla fruticosa* 'Bailbrule'

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First Editions® Lemon Meringue™ Potentilla, *Potentilla fruticosa* 'Bailmeringue'

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First Editions® Pineapple Tart® Potentilla, *Potentilla fruticosa* 'Jefman' PP29,830

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First Editions® Mandarin Tango® Potentilla, *Potentilla fruticosa* 'Jefman' PP29,830

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First Editions® Marmalade® Potentilla, *Potentilla fruticosa* 'Jefmarm' PP31,663 CPBRA3

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First Editions® Sweet Cherry Pie™ Cherry, *Prunus* 'Eubank'

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First Editions® Jade Parade® Sand Cherry, *Prunus pumila* 'UCONNPP002' PP33,014

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First Editions® Tawara Asian Pear, *Pyrus* 'Tawara Oriental'

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First Editions® Majestic Skies™ Northern Pin Oak, *Quercus ellipsoidalis* 'Bailskies'

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First Editions® Electric Lights™ Double Pink Azalea, *Rhododendron* 'UMNAZ 493' PP26,600

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First Editions® Electric Lights™ Red Azalea, *Rhododendron* 'UMNAZ 633' PP33,787

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First Editions® Tiger Eyes® Cutleaf Staghorn Sumac, *Rhus typhina* 'Bailtiger'

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First Editions® Love & Peace® Rose, *Rosa* 'BALpeace'

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First Editions® Campfire Rose, *Rosa* 'CA 29' PP24,435 CPBR4471

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First Editions® Above and Beyond™ Rose, *Rosa* 'ZLEEEltonStrack' PP24,463

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First Editions® Patriot Dream Rose, *Rosa* 'BALdre'

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First Editions® The Finest™ Rose, *Rosa* 'BALnest'

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First Editions® Lotty's Love® Rose, *Rosa rugosa* 'BOC rogosnif' PP22,570

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First Editions® Ramblin' Red® Rose, *Rosa* 'RADramblin'

First Editions® Iceberg Alley® Sageleaf Willow, *Salix candida* 'Jefberg'

First Editions® Matcha Ball® Ash Leaf Spirea, *Sorbaria sorbifolia* 'Levgreen' PP31,202 CPBR6562

First Editions® Sundrop™ Spirea, *Spiraea* 'Bailcarol'

First Editions® Pink Sparkler™ Birchleaf Spirea, *Spiraea betulifolia* 'COURISPI01' PP27,933 CPBR6042

First Editions® Little Spark® Spirea, *Spiraea japonica* 'Minspil04' PP30,819 CPBRAAF

First Editions® Superstar™ Spirea, *Spiraea x bumalda* 'Denistar' PP22,432

First Editions® Candy™ Coralberry, *Symphoricarpos x doorenbosii* 'Kolmcan' PP20,931

First Editions® Galaxy™ Snowberry, *Symphoricarpos x doorenbosii* 'Kolmgala' PP20,912

First Editions® Little Lady™ Lilac, *Syringa x* 'Jeflady' PP30,331

First Editions® Pinktini™ Lilac, *Syringa x prestoniae* 'Jeftini' PP32,724

First Editions® Virtual Violet® Lilac, *Syringa* 'Bailbridget' PP30,286 CPBR6766

First Editions® Snowdance™ Japanese Tree Lilac, *Syringa reticulata* 'Bailnce' PP20,458

First Editions® Lemon Burst® Arborvitae, *Thuja occidentalis* 'RutThu3' PP35,206

First Editions® Planet Earth® Arborvitae, *Thuja occidentalis* 'RutThu4' PP35,297

First Editions® Tall Guy® Arborvitae, *Thuja occidentalis* 'RutThu5' PP35,180

First Editions® Technito® Arborvitae, *Thuja occidentalis* 'BailJohn'

First Editions® St Croix™ American Elm, *Ulmus americana* 'St Croix' PP20,097

First Editions® Spring Lace Viburnum, *Viburnum* 'Spring Lace'

First Editions® Opening Day™ Doublefile Viburnum, *Viburnum plicatum* 'PIIVIB-II' PP28,958 CPBR6348

First Editions® POWFume™ Viburnum, *Viburnum* 'Bailvibone' PP36,866

First Editions® Delta Blues™ Chastetree, *Vitex agnus-castus* 'PIIVAC-I' PP25,914

First Editions® Flip Side® Chastetree, *Vitex x* 'Bailtexone' PP30,283

First Editions® Galactic Pink® Chastetree, *Vitex agnus-castus* 'Bailtextwo' PP30,852

First Editions® Queen Bee® Chastetree, *Vitex agnus-castus* 'Bailtextthree' PP35,259

First Editions® Violet Mist® Chastetree, *Vitex agnus-castus* 'Bailtextfour' PP36,066

First Editions® Shining Sensation™ Weigela, *Weigela florida* 'Bokrashine'

First Editions® Rainbow Sensation™ Weigela, *Weigela florida* 'Kolmagira' PP20,384

First Editions® Summer Cascade™ Wisteria, *Wisteria macrostachya* 'Betty Matthews'



## TRADEMARK NAMES

Endless Summer® Pop Star® Reblooming Hydrangea, *Hydrangea macrophylla* 'Bailmacsix' PP33,703

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Endless Summer® BloomStruck® Reblooming Hydrangea, *Hydrangea macrophylla* 'PIIHM-II' PP25,566

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Endless Summer® Blushing Bride Reblooming Hydrangea, *Hydrangea macrophylla* 'Blushing Bride' PP17,169

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Endless Summer® DreamCloud® Reblooming Hydrangea, *Hydrangea macrophylla* 'Bailmaceight' PP36,306

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Endless Summer® Summer Crush® Reblooming Hydrangea, *Hydrangea macrophylla* 'Bailmacfive' PP30,359

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Endless Summer® Twist-n-Shout® Reblooming Hydrangea, *Hydrangea macrophylla* 'PIIHM-I' PP20,176

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Endless Summer® The Original Reblooming Hydrangea, *Hydrangea macrophylla* 'Bailmer'

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Easy Elegance<sup>®</sup> All the Rage Rose, *Rosa* 'BAIrage' PP19,945

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Easy Elegance<sup>®</sup> Calypso Rose, *Rosa* 'BAIypso'

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Easy Elegance<sup>®</sup> Champagne Wishes Rose, *Rosa* 'BAI Cham'

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Easy Elegance<sup>®</sup> Como Park Rose, *Rosa* 'BAIark'

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Easy Elegance<sup>®</sup> Coral Cove Rose, *Rosa* 'BAIlove'

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Easy Elegance<sup>®</sup> High Voltage Rose, *Rosa* 'BAIage'

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Easy Elegance<sup>®</sup> Kashmir Rose, *Rosa* 'BAImir'

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Easy Elegance<sup>®</sup> Little Mischief Rose, *Rosa* 'BAIief' PP17,196

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Easy Elegance<sup>®</sup> Music Box Rose, *Rosa* 'BAIbox'

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Easy Elegance<sup>®</sup> My Girl Rose, *Rosa* 'BAIgirl' PP19,952

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Easy Elegance<sup>®</sup> My Hero Rose, *Rosa* 'BAIhero' PP15,400

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Easy Elegance<sup>®</sup> Mystic Fairy<sup>®</sup> Rose, *Rosa* 'BAIfairy'

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Easy Elegance<sup>®</sup> Oscar Peterson™ Rose, *Rosa* 'AAC333'

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Easy Elegance<sup>®</sup> Paint the Town Rose, *Rosa* 'BAItown' PP18,060

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Easy Elegance<sup>®</sup> Pinktopia Rose, *Rosa* 'BAImas'

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Easy Elegance<sup>®</sup> Screaming Neon Red™ Rose, *Rosa* 'BAIneon'

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Easy Elegance<sup>®</sup> Sunrise Sunset Rose, *Rosa* 'BAIset'

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Easy Elegance<sup>®</sup> Super Hero Rose, *Rosa* 'BAIsuhe' PP20,486

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Easy Elegance<sup>®</sup> Yellow Submarine Rose, *Rosa* 'BAIline' PP16,659

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