

Why Does Monsanto Patent Seeds?

By E. Freeman 9/30/2008

<http://www.monsanto.com/newsviews/Pages/Why-Does-Monsanto-Patent-Seeds.aspx>

When a new edition of Microsoft Office hits the market, it's copyrighted. You can't buy a copy, burn it and sell it to your friends—or else it's called piracy. It's the same with Monsanto's patented seeds. Patents, like copyrights, are a form of intellectual property protection that legally prohibits unauthorized duplication of a product.

The Agreement

The first time growers purchase Monsanto seed, they sign a **stewardship agreement** and contract agreeing not to save and replant seeds produced from the crops they grow from Monsanto seed.

“Farmers are presented with a contract that gives them a license to purchase the proprietary seed and traits,” Scott Baucum, Monsanto trait stewardship lead, said. “It also spells out the obligations and responsibilities that they would have in growing that seed. Among those obligations, farmers agree not to save seed and plant it again the following year. If a farmer wants to grow *Roundup Ready* soybeans again in a successive season, that farmer would agree to approach a licensed seed company and purchase that seed.”

Bucking History?

The agreement not to plant reproduced seed might seem a bit harsh; as a recent Vanity Fair article stated, “For centuries—millennia—farmers have saved seeds from season to season.”

But the farmers who were saving seed in the past were saving seeds that naturally occurred, not the type of enhanced-trait seeds Monsanto is marketing to modern growers. Seeds that are resistant to glyphosate (*Roundup*) and contain other desirable traits such as pest resistance or drought tolerance don't normally occur in nature.

“*Roundup Ready* soybeans did not exist except by science,” Baucum said. “It was man-created. We took something that would not have occurred without our efforts and intervention and we created something of much higher value. In this country, that qualifies for a patent.”

Can You Patent Seed?

According to the U.S. Department of Agriculture's Economic Research Service (USDA ERS), Monsanto and its subsidiaries (including *Asgrow*[®] and *DeKalb*[®])

currently own more than 400 separate plant technology patents. Agricultural companies such as Monsanto are able to patent seed trait technology because it is considered intellectual property, and intellectual property rights are protected in the U.S.

As the USDA ERS explains, “Intellectual property rights in agriculture—for example, patents and plant variety protection certificates—are frequently used to protect technological advances. These rights allow their owners to exclude competitors from ‘making, using, offering for sale, or selling’ an invention for a limited period of time. As the pace of scientific discovery in agricultural biotechnology has accelerated over the past few decades, the use of patents and other intellectual property rights to protect these discoveries has increased tremendously.”

Are We Hurting Farmers?

Critics of the seed technology patents, such as the Center for Food Safety as well as more widely-known entities such as Vanity Fair, contend the seed patents financially hurt farmers—both big and small—because the farmers must purchase new seed every year and cannot save the seed from the previous growing season. Other critics say Monsanto is being unethical by patenting its technology, as you should not be able to patent a natural product.

Baucum disagrees.

“With the application of this science, we are now able to reduce pesticide use, we’re going to be able to reduce the necessity for irrigation or rain for our drought-tolerant products, and we’re going to be able to reduce the need for certain fertilizers like nitrogen by enabling these plants to do more with less in the future.” Baucum said

Patents do have an expiration date; most expire within 20 years. At the end of that time period the patented technology would no longer be restricted and available to the general public.

Baucum thinks that when farmers benefit, we all benefit, and as a company, Monsanto thinks the same way. “For every \$10 a farmer pays for our technology, we re-invest \$1 back into R&D,” Baucum said. One-hundred percent of the settlement money from farmer lawsuits also is invested, but in a different way. It all goes to fund scholarship programs and youth agriculture groups such as 4-H and Future Farmers of America.

“I think that we’ve reached a very good balance between what is best for society as a whole and what is best to motivate this new technology through being able to patent these kinds of advances,” Baucum said. “I think it’s going to be a very sustainable way of feeding a growing world population.”