

GMOs and patent laws: No Monsanto does not sue innocent farmers

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There is a popular misconception that Monsanto sued farmers for selling its proprietary crops, even though those innocent farmers unknowingly harvested their Roundup-contaminated land. However, this is not the true, complete story.

Patent rights on novel inventions are authorized by the US Constitution to give inventors a period of exclusivity for commercial development of products, thereby encouraging innovation. But in the long run, the patent rights are not intended to be given at the price of public interest.

Plants are indeed patent-eligible. As long as one discovers or invents a new plant in a cultivated state and is able to asexually reproduce it, he or she may obtain a patent on the plant. Congress passed the Plant Patent Act in 1930, making new plant strains derived from crossbreeding patentable. Since then, the act has also incorporated plants produced from modern biotechnological methods, such as GMOs.

Monsanto has not sued farmers for merely possessing contaminated crops in their fields, but there is a legal loophole. Does selling soybeans that contain a minor amount of contaminating Roundup tolerant seeds from your neighbor's land infringe a patent? It might be unintentional, but intention is not material to patent infringement. To avoid conflict, Monsanto promised not to sue farmers whose crops inadvertently contain less than 1% of patented crops. However, this number is arbitrary and is not backed up by federal regulations. Further measures are needed to clarify the legal issues and prevent GMO companies from abusing patent rights.

The number of biotech patents issued in the US has been increasing steadily. While new issues continue to arise, the patent system is also modulated by legal reform. With the legal system adapting alongside biotechnological innovations, more high quality innovation in GMOs is likely to come to light in the future.

Read full, original post: [The Patent Landscape of Genetically Modified Organisms](#)

Editor's Note: This post is part of a series on GMOs in a special edition of the online magazine "Signal to Noise", produced by Science in the News. You can read the entire series here: [Signal to Noise Special Edition: GMOs and Our Food](#)