

## Is India flouting its own laws in GMO cotton intellectual property dispute?

Monsanto's ... Bt cotton has spawned the mother of all intellectual property (IP) disputes in India...

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Using the patented [Bollguard-II] technology, Monsanto created a host of donor Bt cotton seeds and distributed them to seed companies under specific agreements mandating the payment of royalties (trait fees), etc. ...

Monsanto's patents cover ... the technology embedded in the donor seeds... Any seed company that uses this donor seed and creates a new plant variety is entitled to register such variety...

This ... registration, however, does not extinguish Monsanto's upstream patent rights. Neither does the patent right override the plant variety protection. They co-exist...

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...[T]he Ministry of Agriculture, with no ... jurisdictional competence over patent issues, ...[has suggested] (in an official draft notification no less) that Monsanto's patents over upstream GM technology must necessarily yield to downstream plant variety rights.

...[G]overnment agencies appear to be flouting the rule of law... While there may be merit in regulating GMO patents, this must be done after following due processes under the law... not through abusive lawmaking designed to ... favour one set of stakeholders who are essentially engaged in a private commercial dispute.

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**The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis. Read full, original post:** The battle over Bt cotton