

India's Supreme Court set to rule whether Monsanto maintains its patent rights on GMO Bt Corn

All eyes in India are currently on the country's Supreme Court where the agro-biotech giant Monsanto is battling to reclaim its patent for the pioneering Bt Cotton technology. This will be the court's first interpretation of convoluted issues relating to the patentability of plant varieties and its decision will be a turning point for the entire biotechnology industry and its ability to protect plant-related inventions in India.

With hundreds of patent applications in the area already granted, and others pending, it is to be hoped that the court examines all the issues exhaustively so that the ruling does not prove to be a nemesis for these patent applications and future biotech innovations.

The case began with an infringement suit filed in Delhi by Monsanto against the Indian agribusiness company, Nuziveedu Seeds earlier this year. A two-judge bench of the Delhi High Court (DHC) revoked the company's Indian patent covering the DNA expression construct and a method for preparing the transgenic Bt Cotton plant using this expression construct.

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