

Heated legal battle in India over Monsanto's Bt insect-resistant cotton 'far from over'

On January 8, a two-judge Bench of the [Indian] Supreme Court set aside an order of a Division Bench of the Delhi High Court [in 2018], which had invalidated US-based Monsanto Technology's patent on technology used in Bt Cotton seeds....

The case relates to a dispute between Monsanto and Nuziveedu Seeds Ltd over the technology. Under a 10-year sub-licence agreement between the two companies in 2004, Nuziveedu could develop "Genetically Modified Hybrid Cotton Planting Seeds" with the help of Monsanto technology and commercially exploit it.

In return, Nuziveedu had to pay "licence fee/trait value." Monsanto terminated the agreement in 2015, with disputes having arisen over these payments amid a price control regime introduced by the government.

Monsanto filed a civil suit in Delhi High Court, claiming that Nuziveedu Seeds was infringing on its patent by using its technology. It also filed an application for injunction to restrain Nuziveedu from using the Monsanto trademark during the pendency of the civil suit. Nuziveedu filed a counter-claim against Monsanto's patent claim.

The legal battle is far from over. The Supreme Court has only ruled on Monsanto's injunction plea....

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