

Roundup Ready Soybean Patent Expiration



The first-generation Roundup Ready[®]soybean trait – the world’s most widely adopted biotech trait, planted by farmers on billions of acres since 1996—comes off patent in 2015. Since the launch of Monsanto’s first-generation Roundup Ready soybeans in 1996, agricultural technology and science has advanced by leaps and bounds. Scientists mapped the soybean genome, developed better trait insertion techniques and identified better traits to help farmers yield more bushels per acre. One result of all three of those accomplishments has been Monsanto’s development of Genuity[®] Roundup Ready 2 Yield[®] trait technology.

Genuity Roundup Ready 2 Yield trait technology is the next-generation of the Roundup Ready soybean trait. Monsanto developed Genuity Roundup Ready 2 Yield trait technology to deliver more yield and profit potential to farmers while maintaining the weed control benefits of the original Roundup Ready system. Farmers have planted more than 50 million acres of the second-generation trait since it launched in 2009.

Genuity Roundup Ready 2 Yield trait technology and Roundup Ready trait technology are protected by different patents. While the Roundup Ready soybean trait patent expires in 2015, the Genuity Roundup Ready 2 Yield trait is protected by patents for many more years. As the first-generation Roundup Ready soybean trait approaches patent expiration, here are some things that stakeholders should know.

Farmers and Saving Seed

The first possibility of planting seeds saved from Roundup Ready soybean varieties will occur in spring 2015 (using seeds from the crop planted and harvested in 2014). Farmers who are interested in replanting saved Roundup Ready soybeans will need to check with their seed supplier to find out if the variety they are interested in can legally be saved and replanted. In addition to the trait patent, most Roundup Ready soybeans are protected by other forms of intellectual property, such as varietal patents. These variety patents will continue to be valid after (and usually long after) the Roundup Ready trait patent expires.

Farmers will not be able to save seed from Genuity Roundup Ready 2 Yield soybeans, either now, in 2015, or for many years beyond that. The Roundup Ready soybean trait and Genuity Roundup Ready 2 Yield soybean trait are protected by different patents. The trait patents on the Genuity Roundup Ready 2 Yield trait are not expected to expire until near the end of the next decade.

Seed Companies and Trait Technologies

Seed companies will have the choice to offer their preferred trait technology to farmers. As far as Monsanto's soybean traits, seed company licensees will have the opportunity to choose to offer the first-generation Roundup Ready soybean trait, the improved next-generation Genuity Roundup Ready 2 Yield soybean trait or both as part of their soybean trait technologies offerings for farmers. Seed company licensees can make the business plans that make the most sense for their operations and their customers.

Regulatory support

Even though the Roundup Ready soybean trait will no longer be on patent, it will continue to be regulated for export because it is a biotech trait. Monsanto expects to maintain full global regulatory support for the Roundup Ready soybean trait through 2021. This enables farmers to continue to market their soybeans around the world for the next 8 years and, perhaps beyond, if a third party is interested in taking responsibility for the relevant regulatory packages beyond that time.

Patent Protection, Innovation and Choice

The fact that Monsanto and other biotech companies continue to invest in the development of new soybean traits that will benefit farmers indicates the U.S. patent system provides incentive for innovation. The transition of the first-generation Roundup Ready soybean technology into the public domain represents another benefit – patent expiration provides a means for public access to the technology. This system motivates individuals as well as companies, to invest in all types of new technologies that make U.S. farmers and our economy more competitive.

Monsanto and Roundup Ready varieties

Monsanto has communicated that, after the trait patent has expired, it will allow farmers to save certain Roundup Ready soybean varieties. This permission applies only to a limited number of varieties. Here are a couple things that farmers need to know:

First, the permission will apply only to varieties developed by Monsanto breeders; other breeders and the companies they work for are likely to enforce their variety patents to prevent the saving and replanting of seed. Farmers should not assume that all seed sold under Monsanto brands was developed by Monsanto breeders; some of the varieties we offer have been in-licensed by us from third party breeders. Saving and replanting seed without a license to do so under the applicable variety patents would infringe those patents.

If farmers are interested in saving and replanting first-generation Roundup Ready soybeans in 2015 or after that, they will need to ensure that they have applicable licenses to do so under any variety patents that cover that seed, and they will need to observe the rules about how that seed can be saved (e.g., only from their own farm back onto their own farm). At a minimum, farmers will need to check with their seed supplier to ensure they have the correct licenses and that they understand the limits of those licenses.

If farmers want to save seed sold under another brand, they need to check with the company selling that brand. The breeder who developed that seed is under no obligation to allow that seed to be saved. Before saving seed, farmers will have to determine whether the company selling the seed is able to provide them with a license to save seed under the variety patents and if that company is willing to let the farmer save the seed.

Second, any seed of Monsanto varieties that is to be saved has to be harvested from the farmer's own fields, and replanting of that seed is allowed only on that farmer's fields. It would be illegal to provide saved seed to others for replanting or to obtain saved seed from others and plant it on your own farm.



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