

GMO and the Corporate Patenting of Living Organisms: Monsanto's Patents on Life

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Global Research, September 07, 2013

[Organic Consumers Association](#) 25 May 2013

Region: [USA](#)

Theme: [Biotechnology and GMO](#), [Law and Justice](#)

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In May 2013, the U.S. Supreme Court began hearing arguments in a seed patent infringement case that pits a small farmer from Indiana, 75-year old Vernon Hugh Bowman, against biotech goliath Monsanto.

Reporters from the New York Times to the Sacramento Bee dissected the legal arguments. They speculated on the odds. They opined on the impact a Monsanto loss might have, not only on genetically modified crops, but on medical research and software.

What most of them didn't report on is the absurdity - and the danger - of allowing companies to patent living organisms in the first place, and then use those patents to attempt to monopolize world seed and food production.

The case boils down to this. Monsanto sells its patented genetically engineered (GE) "Roundup Ready" soybean seeds to farmers under a contract that prohibits the farmers from saving the next-generation seeds and replanting them. Farmers like Mr. Bowman who buy Monsanto's GE seeds are required to buy new seeds every year. For years, Mr. Bowman played by Monsanto's rules. Then in 2007, he bought an unmarked mix of soybeans from a grain elevator and planted them. Some of the soybeans turned out to have been grown from Monsanto's patented Roundup Ready soybean seeds. Monsanto sued Mr. Bowman, won, and the court ordered the farmer to pay the company \$84,000. Mr. Bowman appealed, arguing that he unknowingly bought soybeans grown from Monsanto's seeds, not the seeds themselves, and that therefore the law of "patent exhaustion" applies.

The press and public have fixated on the sticky legal details of the case, and the classic David vs. Goliath nature of the fight. But win or lose, Mr. Bowman's predicament is part of a much bigger problem.

The real issue is this: Why have we surrendered control over something so basic to human survival as seeds? Why have we bought into the biotech industry's program, which pushes a few monoculture commodity crops, when history and science have proven that seed biodiversity is essential for growing crops capable of surviving severe climate conditions, such as drought and floods?

As physicist and environmentalist Vandana Shiva explains, we have turned seed, which is the heart of a traditional diversity-rich farming system across the world, into a powerful commodity, used to monopolize the food system. According to [a recent report](#) by the Center

for Food Safety and Save our Seeds, three companies – Monsanto, DuPont and Syngenta – control 53 percent of the global commercial seed market. They have pressured farmers to replace diverse, nutritional seeds, seeds that are resilient because they’ve been bred by small-scale farmers to adapt to local climates and soil conditions, with monocultures of genetically engineered seeds. In the U.S. these crops are predominately corn and soybeans. According to the report, entitled “Seed Giants vs. U.S. Farmers,” 93 percent of soybeans and 86 percent of corn crops in the U.S. come from patented, genetically engineered seeds.

Monsanto profits handsomely from selling its patented seeds. But the real profits are in selling farmers its proprietary pesticides, like Roundup. Farmers can spray huge amounts of Roundup on Monsanto’s Roundup Ready soybeans, killing everything except the soybean plants. It’s a win-win for Monsanto. And it’s sold as a win to farmers, who have been told that by following the Monsanto method, they’ll increase their yields and make more money. Monsanto even claims that its GE crops are the answer to world hunger.

But little of what Monsanto has promised, to farmers and the world, has proven true.

Since farmers first began buying into Monsanto’s scheme in 1995, the average cost to plant one acre of soybeans has risen 325 percent, according to the Center for Food Safety’s report. Corn seed prices are up by 259 percent. Those increases don’t include the cost of the lawsuits Monsanto has aggressively filed against farmers the company claims have violated patent agreements. By the end of 2012, Center for Food Safety calculates that Monsanto had received over \$23.5 million from patent infringement lawsuits against farmers and farm businesses.

And the rest of us? What have we gained from this aggressive monopoly of seeds and crops? Nothing. In fact, the losses continue to mount.

Monsanto promised that its GE crops would help the environment by reducing the need for pesticides. But according to the USDA, farmers used up to 26 percent more chemicals per acre on herbicide-resistant crops than on non-GE crops. And as several dozen [aggressive “superweeds”](#) have become resistant to glyphosate, the primary herbicide used on GE crops, the biotech industry is ramping up its war on weeds with a new generation of GE crops that can survive spraying with 2,4 D, paraquat, and other super-toxic herbicides.

As for GE crops being necessary to feed the world, that promise has also been debunked. In 2010, the Food and Agriculture Organization of the United Nations (FAO) warned that the loss of biodiversity will have a major impact on the ability of humankind to feed itself in the future.

[According to](#) “A Global Citizens Report on the State of GMOs: Failed Promises, Failed Technologies:”

The fable that GMOs are feeding the world has already led to large-scale destruction of biodiversity and farmers’ livelihoods. It is threatening the very basis of our freedom to know what we eat and to choose what we eat. Our biodiversity and our seed freedom are in peril. Our food freedom, food democracy and food sovereignty are at stake.

It’s safe to say that the majority of the general public would love to see the small farmer from Indiana knock Monsanto down a peg. Last year, a Monsanto ally threatened to sue the state of Vermont if legislators passed a law requiring labels on all foods containing

genetically modified organisms (GMOs). Lawmakers capitulated, despite the fact that voter support was running at more than 90 percent. Later in the year, Monsanto and large food corporations spent \$46 million to defeat a citizens' initiative in California that would have required mandatory labeling of GMOs.

Monsanto may be Public Enemy Number One, but a win for Mr. Bowman is hardly a win for mankind. It's time we ask ourselves: How long are we going to let Monsanto bully farmers and politicians into controlling the very source of life on earth? How long will we tolerate the growing monopolization and genetic engineering of seeds by an aggressive cabal of chemical and pesticide corporations who pose a deadly threat to our health, our environment and the future of our food? And when does "how long" become too late?

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