

# Patenting the Food Supply and the Monopolization of the Biosphere

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Global Research, October 24, 2013

[Global Research TV](#) 15 February 2012

Region: [USA](#)

Theme: [Biotechnology and GMO](#)

*As the world begins to digest the implications of intellectual property for online censorship, another IP issue threatens an even more fundamental part of our daily lives: our food supply.*

Backed by legal precedent and armed with seemingly inexhaustible lobbying funds, a handful of multinationals are attempting to use patents on life itself to monopolize the biosphere.

Find out more about the process of patenting life and what it means for the food supply on this GRTV Backgrounder, originally aired February 15, 2012.

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## Transcript and sources:

The oft-neglected legal minefield of intellectual property rights has seen a surge in public interest in recent months due to the storm of protest over proposed legislation and treaties related to online censorship.[1] One of the effects of such legislation as SOPA and PIPA and such international treaties as ACTA is to have drawn attention to the grave implications that intellectual property arguments can have on the everyday lives of the average citizen.

As important as the protection of online freedoms is, however, an even more fundamental part of our lives has come under the purview of the multinational corporations that are seeking to patent the world around us for their own gain. Unknown to a large section of the public, a single US Supreme Court ruling in 1980 made it possible for the first time to patent life itself for the profit of the patent holder.

The decision, known as *Diamond v. Chakrabarty*, centered on a genetic engineer working for General Electric who created a bacterium that could break down crude oil, which could be used in the clean-up of oil spills.[2] In its decision, Supreme Court Chief Justice Warren Burger ruled that:

“A live, human-made micro-organism is patentable subject matter under 35 U.S.C. § 101”

With this ruling, the ability to patent living organisms, so long as they had been genetically altered in some novel way, was established in legal precedent.

The implications of such a monumental ruling are understandably wide-reaching, touching on all sorts of issues that have the potential to change the world around us. But it did not take long at all for this decision’s effects to make itself felt in one of the most basic parts of the biosphere: our food supply.

In the years following the *Diamond v. Chakrabarty* decision, an entire industry rose up around the idea that these new patent protections could foster the economic incentive for major corporations to develop a new class of genetically engineered foods to help increase crop yields and reduce world hunger.

The first commercially available genetically modified food, Calgene’s “Flavr Savr” tomato, was approved for human consumption by the Food and Drug Administration in the US in 1992 and was on the market in 1994.[3] Since then, adoption of GM foods has proceeded swiftly, especially in the US where the vast majority of soybeans, corn and cotton have been genetically altered.

By 1997, the problems inherent in the patenting of these GM crops had already begun to surface in Saskatchewan, Canada. It was in the sleepy town of Bruno that a canola farmer, Percy Schmeiser, found that a variety of GM canola known as “Roundup Ready” had infected his fields, mixing with his non-GM crop.[4] Amazingly, Monsanto, the agrichemical company that owned the Roundup Ready patent, sued Schmeiser for infringing their patent. After a years-long legal battle against the multinational that threatened to bankrupt his small farming operation, Schmeiser finally won an out-of-court settlement with Monsanto that saw the company agree to pay for the clean-up costs associated with the contamination of his field.

In India, tens of thousands of farmers per year committed suicide[5] in an epidemic labeled the GM genocide.[6] Sold a story of “magic seeds” that would produce immense yields, farmers around the country were driven into ruinous debt by a combination of high-priced seeds, high-priced pesticides, and crop failure. Worst of all, the GM seeds had been engineered with so-called “terminator technology,” meaning that seeds from one harvest could not be re-planted the following year. Instead, farmers were forced to buy seeds at the same exorbitant prices from the biotech giants every year, insuring a debt spiral that was impossible to escape. As a result, hundreds of thousands of farmers have committed suicide in the Indian countryside since the introduction of GM crops in 1997.

As philosopher, quantum physicist and activist Vandana Shiva has detailed at great length, the effect of the invocation of intellectual property in enabling the monopolization of the world’s most fundamental resources was not accidental or contingent.[7] On the contrary, this is something that has been self-consciously designed by the heads of the very corporations who now seek to reap the benefit of this monopolization, and the monumental

nature of their achievement has been obscured behind bureaucratic institutions like the WTO and innocuous sounding agreements like the Agreement on Trade-Related Aspects of Intellectual Property Rights.

Although the deck appears to be stacked in favour of the giant multinationals and their practically inexhaustible access to lobbying and legal funds, the people are by no means incapable of fighting back against this patenting of the biosphere.

In India itself, where so much devastation has been wrought by the introduction of genetically engineered crops, the people are fighting back against the world's most well-known purveyor of GMO foods, Monsanto. The country's National Biodiversity Diversity Authority has enabled the government to proceed with legal action against the company for so-called biopiracy, or attempting to develop a GM crop derived from local varieties of eggplant, without the appropriate licences.[8]

Although resistance to the patenting of the world's food supply should be applauded in all its forms, what is needed is a fundamental transformation in our understanding of life itself from a patentable organism to the common property of all of the peoples who have developed the seeds from which these novel GM crops are derived.

This concept, known as open seeds, is being promoted by organizations around the globe, including Dr. Vandana Shiva's Navdanya organization.[9]

To be sure, it will be a long and arduous uphill battle to bring this issue to the attention of a public that seems to be but dimly aware of what genetically modified foods are, let alone the legal ramifications of the ability to patent life, but as the work of such organizations as Navdanya continues to educate people about the issues involved, the numbers of those opposed to the patenting of the biosphere likewise increases.

From seed-saving and preservation projects to an increased awareness of and interest in organic foods, people around the globe are beginning to take the issue of the food supply as seriously as the companies that are quite literally attempting to ram their products down the consumers' throats.

As always, the power lies with the consumers, who can win the battle simply by asserting their right to choose where and how they purchase the food, a lesson that was demonstrated once again earlier this month in Germany.[10]

[1] <http://www.youtube.com/watch?v=U8uO9bw1TNw>

[2] <http://supreme.justia.com/cases/federal/us/447/303/case.html>

[3] <http://www.fda.gov/Food/GuidanceComplianceRegulatoryInformation/Guidance...>

[4] <http://www.percyschmeiser.com/>

[5] <http://www.youtube.com/watch?v=q4RA4hbNRkY>

[6] <http://www.dailymail.co.uk/news/article-1082559/The-GM-genocide-Thousand...>

[7] <http://www.youtube.com/watch?v=yYwOTLopWlw>

[8] <http://www.youtube.com/watch?v=KmlBvA1Tf20>

[9] <http://www.youtube.com/watch?v=CfNCCJECpss>

[10] <http://www.youtube.com/watch?v=UqRbziwzVkk>



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