

# Monsanto Hits Back at NSAI in Row Over Seed Patents

Co says it has valid IP covering Bollgard II technology, targets Nuziveedu Seeds Ltd

KVL.Akshay@timesgroup.com

**New Delhi:** Monsanto has rubbished charges by Indian seeds firms that the global giant was spreading falsehoods about patents, and has accused the National Seed Association of India (NSAI) of misguiding people on intellectual property laws in the country.

"Their primary motivation is to justify using Monsanto's patented technology without paying for it in order to continue making windfall profits," said the spokesperson for Mahyco-Monsanto Biotech (India) Private Limited (MMBL).

"The interpretation of the IP laws being advocated by NSAI, which is led by the president of Nuziveedu, is incorrect and motivated," the spokesperson said.

The statement was made in response to allegations of NSAI that Monsanto was deliberately making false statements despite being aware that its views on patents had no legal standing.

With regard to Nuziveedu Seeds Limited (NSL), led by M Prabhakar Rao, who is also the chairman of NSAI, the MMBL spokesperson alleged, "A few sub-licensee seed companies, led by Nuziveedu Seeds Limited, have refused to honour their bilateral contracts with MMBL and have withheld payments of over ₹450 crore despite having collected these amounts from the cotton farmers in kharif 2015."

Industry insiders have confirmed that trait fees and technology licencing have been covered under bilateral contracts

## Seeds of Doubt

**NSAI has accused Monsanto of making false statements**

**Mahyco-Monsanto says IP laws advocated by NSAI incorrect**

**MNC says sub-licensee seed cos have refused to honour bilateral contracts and not paid dues of over ₹450 crore**

**Court has told Nuziveedu Seeds Ltd to stop selling seeds manufactured after its licence with MMBL was terminated**

for over a decade. "Since 2002, and this is something that has been happening for the last 16 years. The trait value is mutually negotiated and each line in the agreement is discussed three-

adbare before the technology provider and the seed companies sign on it," said a source, who requested anonymity. "In fact, some of the disputing seed companies, including NSL, signed the contract as recent as March 2015."

The MMBL spokesperson continued, "Monsanto has valid and granted patents covering Bollgard II technology. Indian law clearly allows patenting innovations relating to biotechnology, which enable the creation of transgenic plants with beneficial traits that would not otherwise be available."

A February 2016 judgment of the Delhi High Court has ordered NSL to stop selling seeds manufactured after the licence between MMBL and NSL was terminated in November 2015.

With regard to NSAI's recent advocacy of the use of the Protection of Plant Varieties and Farmers' Rights Act (PPVFRA), Dr Paresh Verma, head of the management committee of the Association of Biotech Led Enterprises-Agriculture Focus Group (ABLE-AG), said, "PPVFRA does not apply to innovative biotechnology or the development of new transgenic plants with advantageous features that do not otherwise exist in nature and such inventions are in the domain of the IPA (Indian Patents Act)".

In the context of the benefit sharing provision in PPVFRA, Shivendra Bajaj, executive director, ABLE-AG, said, "The suggestions made by the seed association that a benefit sharing fund can be the mechanism for rewarding biotechnology innovators in agriculture are speculative."

"The seed companies aim to expropriate patented technologies for purely commercial gains rather than conduct research on the patented technology or to improve biotechnology per se."

Meanwhile, the MMBL spokesperson said: "These seed companies under NSAI are attempting to intentionally create an unfavourable environment, which will deter R&D in the agriculture sector and will limit farmer's access to innovative solutions and technologies."