Bowman v. Monsanto Co.

Sowing Seeds in the Supreme Court

Monsanto , the company we just cannot seem to stop talking about, finds itself inside a courtroom once again. This time, the case has made it to the Supreme Court.

Vernon Bowman, a 75-year-old soybean farmer from Indiana, faces the agriculture giant. Bowman is not an activist opposed to Monsanto's genetically modified crops; he buys and plants Monsanto soybean seeds.

Monsanto's RoundUp ready, genetically modified soybeans are patented. Farmers are not allowed to retain and plant the seeds generated from each new crop. By contract, they agree to purchase new seed each year. Bowman diligently purchased annual seeds. But late-season soybean crops are a risk. When Bowman decided to plant a late season crop, he bought cheaper "Outbound Grain" from a local soybean grain elevator. He knew Monsanto genetically modified seeds were popular among his neighboring farmers. As suspected, most of the seed came from Monsanto crops.

This is what got Bowman into trouble.

Monsanto sued for patent infringement. By replanting the seed, Bowman made illegal copies of the plants and was ordered to pay $84,000 in royalties.

The case is cause for consideration on seed and plant patent law in general, no doubt. But at its core, it is a remarkable reflection of where agriculture is today and where it is going. Should someone have legal rights over a product of life?

Before modern farming practices, seeds were considered public

domain. They were saved, exchanged, replanted. Plants were modified through breeding and selection. Diversity was essential for crop survival. Farmers developed assorted varieties that were able to thrive in all types of environments.

This all changed in the 1980’s, when companies were given the legal right to patent and own products of life. The problem with patenting this product of life is that it is the seed’s nature to reproduce. The legitimacy for a company to have rights over a naturally self-replicating entity should raise concern.

The Supreme Court, after hearing arguments from the farmer and the corporation, will have the task of untangling the web of complex patent law. The court’s decision on whether a natural life product can be legally owned could have resounding effects throughout the agricultural, pharmaceutical, and medical industries.

Also check out *Monsanto Company Profile*.