

Monsanto Goes to Court in Brazil to Guarantee Soybean Patent that Seems Expired

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In response to news reports in the Brazilian media, Monsanto Company said Monday, September 26, that it has multiple patents on its Roundup Ready soybean technology and it is taking steps to have these patents clarified through the Brazilian patent law system.

In a news article published over the weekend, the Nortex biotech company, a competitor of Monsanto and a representative of the Brazilian Industrial Property Office (INPI) called into question a specific article of the patent law which determines the length of time for which a company receives protection under Brazil patent law.

Monsanto believes that the law is clear that one of the company's Roundup Ready soybean patents has patent protection until August 2007. In fact, Monsanto has already been granted an injunction regarding the interpretation of this patent, which allows the company to continue to collect royalties on its Roundup Ready soybean technology.

Under the pipeline patent treatment of Brazil's Industrial Property Law, Monsanto's additional patents on the Roundup Ready soybean technology are valid through June 2011. The company is currently taking action to affirm the expiration dates of these patents, just as many other companies have successfully done since Brazil's patent laws were modernized.

As the original news article in the daily O Estado de S. Paulo states, the company and its seed partners continue to amicably negotiate an appropriate method for charging royalties.

After the United States, Brazil is the world's biggest soybean producer. Monsanto had recently reached an agreement with Brazilian soybean farmers, by which they would pay 2% of their soybean sales as royalty to the American company.

The INPI originally had agreed to extend Monsanto's patent to 2007, but they have had a roundabout on this position and now Carlos Pazos Rodrigues, INPI's patent director, says that the patent has expired on August 7.

Monsanto Company - www.monsanto.com

INPI (Instituto Nacional da Propriedade Industrial) -www.inpi.gov.br