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CropLife International Statement on Indian Court Ruling that Jeopardizes Agricultural Innovation

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In April 2018, the Delhi High Court ruled to invalidate a patent for an insect resistant biotech cotton variety. This decision sets a far-damaging precedent for intellectual property rights and the future of innovation in India for the plant biotech and many other industries. CropLife International released the following statement in response to the Delhi High Court ruling:

“CropLife International and the plant biotech industry are deeply disappointed by the recent ruling by the Delhi High Court in India invalidating a Monsanto patent covering the Bollgard II trait developed by Monsanto and conferring insect resistance in cotton plants. The ruling is arbitrary, is based on a wrong interpretation of the Indian Patent Act, and does not align with internationally accepted standards and rights on intellectual property protection. This seriously jeopardizes the continued research, development, and commercial introduction of agricultural technologies in India, and thereby puts millions of Indian farmers, their families, and communities at risk. This decision is not only anti-innovation, but sets a damaging precedent for plant biotechnology and other industries, potentially including animal agriculture, chemistry, and pharmaceuticals.

Our industry is hopeful the India Supreme Court understands the benefits of agricultural innovation to the people of India, and the merits of effective intellectual property protection, including patent protection on biotech traits that enable continued innovation.

The High Court of Delhi’s interpretation of Section 3(j) of the India Patent Act calls into question India’s commitment to the Agreement on Trade Related Aspects of Intellectual Property (TRIPS), of which it is a signatory. Under TRIPS, India is required to provide effective intellectual property protection in all fields of technology, including agriculture. In addition, the rights provided for by the Protection of Plant Variety and Farmers Right Act 2001 are not the proper mechanisms to seek intellectual property rights for biotech traits, which can, in principle be integrated into different varieties.

Since the beginning of India’s Green Revolution, Indian farmers have greatly benefited from agricultural innovations—the most recent being biotech traits. In a time of food security and nutrition challenges, agricultural innovations have enabled the adoption of sustainable agricultural practices while increasing crop productivity and improving farmer livelihoods. Farmers in countries that provide for effective intellectual property protections and technology transfer frameworks enjoy greater access to these innovations. Without the protection that an intellectual property framework provides, the plant biotechnology community may not invest in developing locally-adapted products.”

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Note to Editor:

CropLife International is the voice of the global plant science industry. It champions the role of agricultural innovations in crop protection and plant biotechnology in supporting and advancing sustainable agriculture; helping farmers feed a growing population while looking after the planet; and progressing rural communities. The world needs farmers, and farmers need plant science. CropLife International is proud to be at the heart of helping farmers grow.