

# Farmers and Seed Distributors Sue Monsanto to Protect Themselves from Patents on Genetically Modified Seed

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Yesterday over 60 family farmers, seed businesses and organic agricultural organizations in Canada and the US, including Mumm's Sprouting Seeds Ltd. of Parkside Saskatchewan in Canada, filed a lawsuit against Monsanto Company to challenge the chemical giant's patents on genetically modified (GM) seed. The plaintiffs were forced to sue pre-

emptively to protect themselves from being accused of patent infringement should they ever become contaminated by Monsanto's GM seed. </p><p>The case, <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">Organic Seed Growers & Trade Association, et al. v. Monsanto</a>, was filed in federal district court in Manhattan and assigned to Judge Naomi Buchwald. Plaintiffs in the suit represent a broad array of family farmers, small businesses and organizations from within the organic agriculture community in Canada and the US who are increasingly threatened by GM seed contamination despite using their best efforts to avoid it. The plaintiff organizations have over 270,000 members, including thousands of certified organic family farmers. </p><p>This case asks whether Monsanto has the right to sue organic farmers for patent infringement if Monsanto's transgenic seed should land on their property, <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">said Dan Ravicher, Executive Director of the Public Patent Foundation (PUBPAT) and Lecturer of Law at Benjamin N. Cardozo School of Law in New York. </a> It seems quite perverse that an organic farmer contaminated by transgenic seed could be accused of patent infringement, but Monsanto has made such accusations before and is notorious for having sued hundreds of farmers for patent infringement, so he had to act to protect the interests of our clients. </p><p>The risk of contamination is high and once GM seeds are released into the environment, they cannot be recalled or controlled. Canadian farmers are still suffering the consequences of market loss after the 2009 GM contamination of flax, and organic canola was virtually erased as a crop for farmers in Canada due to GM contamination. </p><p>The suit is being filed at a critical crossroads in agricultural history as Monsanto's GM Roundup Ready herbicide tolerant alfalfa has recently been approved for planting in the US, though it has yet to be commercially introduced in Canada. <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">Contamination from Monsanto's GM alfalfa poses a direct threat to our alfalfa seed business, </a> says Lisa Mumm of Mumm's Sprouting Seeds which grows and supplies certified organic seed for sprouting, <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">Neither conventional nor organic alfalfa farmers want this technology, since there is no need to use Roundup to grow healthy and viable alfalfa crops. Roundup Ready alfalfa is not needed and serves only to increase sales of Monsanto's herbicide Roundup. </a> </p><p>Patents on living organisms should never have been permitted in the first place, <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">said Lucy Sharratt of the Canadian Bio technology Action Network. </a> Patents on gene sequences are facilitating extreme corporate control overseas. </p><p>Some say genetically modified seed can coexist with organic seed, but history tells us that's not possible, and it's actually in Monsanto's financial interest to eliminate organic seeds so that they can have a total monopoly over our food supply, <ahref="/Resources/Topics/Monsanto/Organic-Seed-Growers-Trade-Association-et-al.-v.-Monsanto"target="\_self">said Ravicher. Monsanto is now the world's largest seed and biotechnology company. </a> </p><p>The Public Patent Foundation (PUBPAT) is a not-for-profit legal services organization affiliated with the Benjamin N. Cardozo School of Law. PUBPAT protects freedom in the patents system by representing the public interest against undeserved patents and unsound patent policy. More information about PUBPAT is available from <ahref="http://www.pubpat.org/"target="\_self">www.pubpat.org</a>. </p><p>For more information: Lisa Mumm, Mumm's Sprouting Seeds Ltd. 306-747-

2935<ahref="mailto:lisa@sprouting.com"target="\_self">lisa@sprouting.com</a>www.sprouting.com; Lucy Sharratt, Coordinator Canadian Biotechnology Action Network (CBAN) 613 241 2267 ext. 25 coordinator@cban.ca www.cban.ca</p></div>