



For Immediate Release:

CSTA says Supreme Court decision good for farmers, technology developers

OTTAWA (May 21, 2004) – The Canadian Seed Trade Association (CSTA) applauds the Supreme Court of Canada ruling today on the Schmeiser vs. Monsanto appeal. The decision protects the scientific methods used to develop new seed technologies – benefiting farmers with continued access to leading technologies.

“CSTA is pleased that today’s Supreme Court decision recognizes that patents are an effective and necessary tool for protecting intellectual property and rewarding innovations in biotechnology,” said Tim Tregunno, CSTA president.

On January 20, 2004, the Supreme Court of Canada heard Percy Schmeiser’s appeal of a Federal Court of Appeal decision that found the Bruno, Saskatchewan farmer liable for violating Monsanto’s Roundup Ready gene patent in canola. This was the first patent infringement case in Canada involving Monsanto’s patented canola technology to be heard by the Federal Court of Canada and challenging the validity of patent rights for lower life forms under the Canadian Patent Act. Representing the interests of its 165 seed company members, CSTA was an independent intervener in that case and was asked by the Court to comment on some specific, technical aspects of the case.

The CSTA presentation to the Supreme Court last January included the following specific points:

- ❑ There is no provision in the Patent Act which creates an implied licence for farmers to save and plant seeds
- ❑ International treaties and discussions recognize and support the practice of seed saving and exchanging seed, making provisions for efforts aimed at the conservation and preservation of plant genetic resources
- ❑ Saving seed of a bred plant variety that does not occur naturally, for future planting in a commercial farming operation does not constitute genetic resource conservation or preservation work

The Supreme Court judgment signals strong support for intellectual property protection tools, such as Plant Breeders’ Rights and patents that will continue to help Canadian

research and development to flourish and investment in seed and agricultural research to flow in to Canada.

“It’s a victory for Canadian farmers – who are now ensured access to leading seed technologies needed to compete with our trading partners on a global basis,” said Tregunno.

Canadian seed companies make developments in crops possible through significant investments into research and development activities, such as the \$92.5 million they invested in 2001 alone. These investments are dependent upon effective intellectual property protection mechanisms, such as PBR and patent protection to sustain them.

Headquartered in the nation’s capital, the CSTA represents the interests of 165 member companies engaged in all aspects of seed research, production and marketing, both domestically and internationally. As a member organization consisting of plant breeders, wholesalers, retailers and others, CSTA is committed to fostering an environment conducive to researching, developing, distributing and trading seed and associated technologies – with the goal of bettering the choices and successes of its members and their customers.

- 30 -

For further information, please contact:

Colleen Acres
Canadian Seed Trade Association
Phone: 613-829-9527
Fax: 613-829-3530
Email: csta@cdnseed.org
Web site: www.cdnseed.org

Other interveners in the Schmeiser vs. Monsanto Appeal and their websites are:

Canadian Canola Growers: www.ccga.ca
AgWest Biotech: www.agwest.sk.ca
BIOTECanada: www.biotech.ca