Patent Issues

For Genetically Modified Crops
Plant Breeder’s Rights

• Plant Variety Protection
  • UPOV
  • Research Exemption
  • Farmer’s Exemption

• Utility Patent Overlap
  • EU Exclusion
  • JEM v. Pioneer Hi-Bred
  • PVPA negation
Exhaustion

• Exclusive Rights
  • Make
  • Use
  • Sell
  • Offer
  • Import

• Restraints on Alienation

• Implied License
Exhaustion II

• Exhaustion of Seeds
  • First generation
  • Making
  • Using
  • “seed-wrap” licensing

• *Bowman v. Monsanto*
  • Grain elevator purchase
  • Privity
  • Property exclusion
Self-Replicating Inventions

• *Schmeiser Scenario*
  • Round-up Ready Canola
  • Cross-pollination
  • Errant seeds

• *Strict Liability*
  • Making
  • Using
  • Remedies
Thank You

Questions Welcome