

## Q&A

### PATENTS

**Q. What patent is actually expiring?**

- A.** The last patent on the first-generation Roundup Ready<sup>®</sup> soybean trait will expire in 2015. Other traits, including Roundup Ready<sup>®</sup> traits in other crops and the new Genuity<sup>®</sup> Roundup Ready 2 Yield<sup>®</sup> soybean trait will remain patent-protected.

**Q. When does the Roundup Ready trait patent expire?**

- A.** The last Monsanto-owned patent for the original Roundup Ready<sup>®</sup> trait in soybeans will expire in 2014, and the last applicable third-party patent will expire in early 2015. Other patents, such as varietal patents that cover specific varieties of soybean, are likely to continue for at least several years after the Roundup Ready<sup>®</sup> trait patent has expired.

**Q. Is Roundup Ready<sup>®</sup> seed covered by different patents?**

- A.** After the Roundup Ready biotech trait expires, most Roundup Ready<sup>®</sup> seed in the United States will still likely be covered by other forms of intellectual property, including variety patents and plant variety protection certificates that plant breeders file when they develop a new variety ("breeder's rights").

**Q. Are Genuity Roundup Ready 2 Yield Soybeans covered by different patents?**

- A.** Yes. Genuity<sup>®</sup> Roundup Ready 2 Yield<sup>®</sup> soybeans are covered by different patents than first-generation Roundup Ready soybeans. Even though the patents on the first generation Roundup Ready soybean trait will expire soon, the Genuity Roundup Ready 2 Yield trait is expected to remain under patent until near the end of the next decade.

Because **Genuity Roundup Ready 2 Yield** provides higher yield opportunity for growers, it will serve as the platform for future soybean advancements as well. **Roundup Ready 2 Xtend™ soybeans**, for example, once approved, will allow farmers to extend their application flexibility of Dicamba to before, at and after planting, while retaining the glyphosate resistance technology farmers currently have today. In our **longer-term pipeline**, Monsanto is developing multiple products that provide value for farmers: higher-yielding soybeans; **Vistive Gold**, which produce a high-oleic soybean oil; and SDA soybeans, which produce an omega-3 soybean oil.

**Q. Did Monsanto develop the Genuity Roundup Ready 2 Yield trait because Roundup Ready<sup>®</sup> is going off patent?**

- A.** The Genuity<sup>®</sup> Roundup Ready 2 Yield<sup>®</sup> trait was developed to meet a market demand for higher yield. Monsanto fully invested our research platform in Genuity Roundup Ready 2 Yield because of the increased yield opportunity it provides farmers.

**Q. What's the difference between a trait patent and a varietal patent?**

- A.** A trait patent is a patent on a particular biotech trait, such as resistance to glyphosate, that can be present in many different soybean varieties. A varietal patent is a patent on a particular variety of bean. A patented variety of bean might contain several different patented traits, or none at all.

A Roundup Ready® soybean is covered by at least two separate patents in the United States – a trait patent for the trait that makes the plant glyphosate-resistant, and a varietal patent for the variety that the breeder created, which contains the trait. Whether it is a trait patent or a variety patent, while a patent is still in place, a breeder, seed company or farmer that wants to use a seed variety that contains the inventions needs a license from the patent holder.

**Q. Is Monsanto going to stop patenting varieties?**

A. No. We will continue to patent the varieties that we commercialize—as do many other seed providers. Patents encourage investments in innovation. Our investments in advanced breeding technology allow us to accelerate the rate of improvements in soybean germplasm, which translates into additional value for farmers.

**Q. Is the United States the first country in which the Roundup Ready® trait patent expires?**

A. No. The Roundup Ready trait patent expired in Canada in August 2011. Any seed purchased in Canada, either Roundup Ready or Genuity Roundup Ready 2 Yield, may not be imported into the United States without a special license while the trait is still patented in the United States, and may not be planted in the United States while the applicable U.S. patents are still in place.

**SAVING SEED**

**Q. When may a farmer legally save and plant Roundup Ready® soybeans?**

A. The first opportunity for farmers to save Roundup Ready soybean seed for planting will be from their 2014 harvest, to plant in the spring of 2015. Ask your seed supplier if your first generation Roundup Ready seed variety is protected by any other patents. If it is, you'll need to ask for a license to save and plant seed that is subject to those patents.

**Q. What seed is eligible to be saved and planted by a farmer for his own use in 2015?**

A. We have licensed independent seed companies to sell varieties of original Roundup Ready® seed that were developed by Monsanto breeders, and we are enabling those seed companies to provide farmers who purchase those varieties with special licenses to save and plant subsequently harvested seed of those varieties. These rights will only apply to Monsanto-developed varieties, and other breeders will set their own policies about whether to license farmers to plant saved seed of the varieties they developed.

If a variety is still covered by a variety patent, you will not be able to save and plant the seed from those varieties without a license giving you that added right. The right to plant originally-purchased seed normally does not include the right to plant seed saved from the harvest. That's why it is critical to check with your seed supplier regarding the policy for saving seed varieties with the Roundup Ready® trait that were developed by other companies.

**Q. Where can I buy Monsanto developed varieties that I can save and plant?**

A. Unfortunately our license agreements with our seed partners prohibit us from sharing a specific company's product plans. We recommend that you check with seed company representatives serving your region. Some companies are offering savable varieties they have licensed from

Monsanto, but they are independent businesses and will choose how they want to make that seed available to their customers.

**Q. Will a farmer be able to purchase any soybean seed in 2015 and beyond that contains the original Roundup Ready® trait?**

**A.** Ultimately, it is up to each seed company to determine if it will offer Roundup Ready® seed. We expect some seed companies will offer Roundup Ready® varieties in 2015. It's important to keep in mind, however, that even though the Roundup Ready patent will have expired, chances are that seeds with the Roundup Ready trait will have other patents on them.

**Q. If a farmer receives a license to legally save seed, what can they do with that harvest?**

**A.** The harvest can be sold as grain, consumed on the farm, or saved and planted in fields owned or operated by that farmer. It may not be sold or transferred as planting seed to another farmer.

**Q. Will Monsanto brands offer any Roundup Ready® varieties in 2014 that could be saved?**

**A.** No. Our brands will offer farmers Genuity® Roundup Ready 2 Yield® soybean varieties in 2014, and beans with this new higher-yielding trait cannot be saved legally. Other seed companies that licensed the Roundup Ready® trait may offer Roundup Ready® varieties in 2014.

**Q. Will Monsanto continue to develop new Roundup Ready® varieties?**

**A.** No. Monsanto is not developing any new varieties with the Roundup Ready® soybean trait. We've focused our attention on breeding the best soybeans with the Genuity® Roundup Ready 2 Yield® trait, which offers greater yield opportunity for farmers.

**Q. Will a farmer be able to save Genuity® Roundup Ready 2 Yield® Soybeans in 2014 for planting in 2015?**

**A.** No. Genuity® Roundup Ready 2 Yield® Soybeans are protected under a different patent and will remain so until near the end of the next decade.

**Q. What are Monsanto's plans for providing Roundup Ready technology to the public, including universities?**

**A.** Following the patent expiration in the United States, universities will be free to use the Roundup Ready soybean trait technology as they choose. Monsanto has been working with public breeders for a number of years, so they already have Roundup Ready® varieties developed that they may commercialize.

### **Access to Global Markets and Stacking Rights**

**Q. Will Monsanto take any steps to maintain global regulatory approvals for the technology after the patent expires?**

**A.** Yes. Even though the trait patent will expire in 2015, it will continue to be regulated by governments around the world, and we want to help maintain access to global markets for those U.S. farmers who grow Roundup Ready soybeans. We expect to provide full global regulatory support for Roundup Ready® soybean grain through 2021.

**Q. As patents for other seed traits expire in the future, what will other companies' commitments be to maintain regulatory approvals?**

**A.** Over the course of the past two years, the Biotechnology Industry Organization (BIO) and the American Seed Trade Association (ASTA) have led an industry-wide effort to develop an agreement for how companies would manage the process of a trait going off patent. That agreement, called the Generic Event Marketability and Access Agreement (GEMAA), provides a framework for key global markets that farmers and the entire agriculture value chain can count on for their crops. Most trait developers have signed the agreement. More information can be found at <http://www.agaccord.org/>.

**Q. Can other companies commercialize stacked products containing the original Roundup Ready® trait?**

**A.** Yes. Several companies have broad rights to stack with the Roundup Ready® trait in soybeans and have developed or are developing soybeans with stacked traits.