

# Post-Patent *Roundup Ready*<sup>®</sup> Soybeans



The last patent on the Roundup Ready<sup>®</sup> soybean trait expired a few years ago, and this flyer answers common questions that U.S. farmers ask about the use of that trait, patents, varieties, and saved seed.

## **Is original Roundup Ready<sup>®</sup> soybean seed covered by other forms of intellectual property?**

While Bayer's patents on the Roundup Ready<sup>®</sup> soybean trait have expired, most soybean seeds containing that trait are still covered by other forms of intellectual property in the United States, including patents on specific soybean varieties and Plant Variety Protection certificates that plant breeders obtain when they develop a new variety.

## **Can a farmer legally save and plant original Roundup Ready<sup>®</sup> soybean seed?**

U.S. farmers may legally plant saved seed from some varieties of soybean containing the Roundup Ready<sup>®</sup> soybean trait. It is important that a farmer check with their seed supplier to determine if a specific Roundup Ready<sup>®</sup> soybean variety is covered by other forms of intellectual property, and if so, the policy for saving seed of that variety.

## **Will a farmer be able to purchase any soybean seed that contains the Roundup Ready<sup>®</sup> soybean trait?**

Ultimately, it is up to each seed company to determine if it will offer soybeans containing the Roundup Ready<sup>®</sup> soybean trait. Bayer seed brands do not have any soybeans containing the Roundup Ready<sup>®</sup> soybean trait in their lineups. Bayer developed the Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> trait technologies to provide a higher yield opportunity for farmers, and many farmers have chosen to plant soybeans containing these newer technologies. However, other seed companies may offer soybean varieties containing the Roundup Ready<sup>®</sup> soybean trait.

## **Are Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybeans covered by different patents than Roundup Ready<sup>®</sup> soybeans?**

Yes. Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybeans are covered by different patents than the original Roundup Ready<sup>®</sup> soybeans.

## **Can a farmer save and plant Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> or XtendFlex<sup>®</sup> soybean seed?**

No. The traits in Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybeans are protected under different patents that have not expired.



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### Can Bayer tell the difference between original Roundup Ready<sup>®</sup> soybeans and Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybeans?

Yes. Bayer can distinguish the Roundup Ready<sup>®</sup> soybean trait from the Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybean traits.

### Will Bayer pursue anyone found illegally saving Roundup Ready 2 Yield<sup>®</sup>, Roundup Ready 2 Xtend<sup>®</sup> and XtendFlex<sup>®</sup> soybeans?

Yes. When we find a farmer who is illegally saving seed, we make every effort to resolve the matter in a timely and cooperative manner. Developing new seed traits and varieties requires significant investments. Laws protect new technological inventions, including seed innovations, to encourage these investments. While it is important to us to protect our investment, it is also important to the entire agricultural community that we continue to reinvest in new and better seed technologies. Farmers who buy and plant seeds containing traits that are covered by patents agree to a single planting of those seeds and to purchase new seeds the following season. This is an industry standard. The vast majority of our customers abide by this agreement but a few do not, which gives them an unfair advantage over other farmers.

**For questions regarding seed intellectual property, or to anonymously report a saved seed tip, you can contact Bayer in the following ways:**

1. Call **1-866-99-BAYER**
2. Send a letter: Trait Stewardship, 622 Emerson Rd., Suite 150, Creve Coeur, MO 63141
3. Submit a contact request at [cropsience.bayer.us/contact](https://cropsience.bayer.us/contact) or scan the QR code



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**Bayer is a member of Excellence Through Stewardship<sup>®</sup> (ETS).** Bayer products are commercialized in accordance with ETS Product Launch Stewardship Guidance, and in compliance with Bayer's Policy for Commercialization of Biotechnology-Derived Plant Products in Commodity Crops. Commercialized products have been approved for import into key export markets with functioning regulatory systems. Any crop or material produced from this product can only be exported to, or used, processed or sold in countries where all necessary regulatory approvals have been granted. It is a violation of national and international law to move material containing biotech traits across boundaries into nations where import is not permitted. Growers should talk to their grain handler or product purchaser to confirm their buying position for this product. Excellence Through Stewardship<sup>®</sup> is a registered trademark of Excellence Through Stewardship.

**ALWAYS READ AND FOLLOW PESTICIDE LABEL DIRECTIONS.** It is a violation of federal and state law to use any pesticide product other than in accordance with its labeling. NOT ALL formulations of dicamba or glyphosate are approved for in-crop use with Roundup Ready 2 Xtend<sup>®</sup> soybeans. NOT ALL formulations of dicamba, glyphosate or glufosinate are approved for in-crop use with products with XtendFlex<sup>®</sup> Technology. ONLY USE FORMULATIONS THAT ARE SPECIFICALLY LABELED FOR SUCH USES AND APPROVED FOR SUCH USE IN THE STATE OF APPLICATION. Contact the U.S. EPA and your state pesticide regulatory agency with any questions about the approval status of dicamba herbicide products for in-crop use with Roundup Ready 2 Xtend<sup>®</sup> soybeans or products with XtendFlex<sup>®</sup> Technology.

**Roundup Ready<sup>®</sup> Technology** contains genes that confer tolerance to glyphosate. **Roundup Ready<sup>®</sup> 2 Technology** contains genes that confer tolerance to glyphosate. **Roundup Ready 2 Xtend<sup>®</sup> soybeans** contain genes that confer tolerance to glyphosate and dicamba. **Products with XtendFlex<sup>®</sup> Technology** contain genes that confer tolerance to glyphosate, glufosinate and dicamba. **Glyphosate** will kill crops that are not tolerant to glyphosate. **Dicamba** will kill crops that are not tolerant to dicamba. **Glufosinate** will kill crops that are not tolerant to glufosinate. Contact your seed brand dealer or refer to the Bayer Technology Use Guide for recommended weed control programs.

Contact your Bayer retailer, refer to the Bayer Technology Use Guide, or call the technical support line at 1-888-283-6847 for recommended Roundup Ready<sup>®</sup> Xtend Crop System weed control programs.

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