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In 1930 the U.S. Congress passed a unique Plant Patent Act allowing the monopolization of asexually produced fruits, trees, and ornamentals. Potatoes and other asexually produced vegetables were excluded in 1930.

By 1970, having experimented with those varieties, the U.S. Plant Variety Protection Act was passed by Congress during the Christmas season in a dying Congress. This House often sees that type of action on Bills. They are not always discussed as thoroughly as they might be. For the first time in the United States cereals and vegetables became patentable as well. However, the major processing vegetables were excluded from the right to be patented in the 1970 legislation.

By 1980, in the United States, by a five to four decision, the U.S. Supreme Court allowed General Electric to obtain a patent on a micro-organism under the regular industrial utility patent law. The courts interpreted the patent law to include the patenting of a micro-organism for the first time.

At the same time, in another Christmas battle, the Congress amended the 1970 Plant Variety Protection Act to include six major vegetables.

In 1986 Molecular Genetics, a company in the United States, was granted the first utility product patent for a plant variety giving companies a choice of patenting through the 1970 Plant Variety Protection Act or through the regular industrial patents. For the first time we saw life forms being patented under the regular patent law in the United States.

A company called Sungene was granted a patent for the higher quality characteristics of the oil found in sunflowers and immediately warned other companies not to develop any high quality sunflower oils or they would be infringing upon their patent rights. Thus there was a freezing of the research into developing better sunflower oil by the issuance of a patent to Sungene Incorporated.

By 1987 we saw the U.S. Patent Office announcing that it would allow the industrial patenting of higher life forms including pets and livestock. It all started with the patenting of plants some years previously in that country. Genome Inc. announced that it would try to copyright base pairs of the human genome in 1987 as well.

By 1988 the U.S. Patent Commissioner was forced to reveal a new policy that would allow those holding livestock patents to charge royalties on the offspring for the full life of the patent, which in the American case is 18 years. Any offspring coming from a genetically manipulated cow, pet or pig has to present patent fees to the developer of that particular genetic trait, perhaps as long ago as some 18 years previously. What is more important in my mind is that they seem also to have the right to stop other researchers developing and doing research in that same area, as was the case with Sungene to which I referred, which company developed sunflower oil, stopping all other companies from doing similar research into sunflower oil and making improvements.

I contend that this idea of patenting, providing plant breeders' rights—and I like the nuances of providing rights here—masks the direction that other countries have found themselves going in. Yes, they started with something called plant breeders' rights. They made arguments that this was similar to copyright law and that they were simply doing the same thing that they were doing for words and design. Yet, gradually over time, once started down this slippery slope there is no legal way to stop other life forms from being patented.

There is an interesting debate going on in the United States at the moment as to whether or not human cells and genes can be patented. At this moment the only defence against that happening appears in the amendment to the Constitution which does not permit the ownership of persons, the anti-slavery law in the United States. Without that clause in the Constitution I contend that Americans would be going that route in that country right at the moment.

Why is this important to Canada? It is important to Canada because we are now in a series of international negotiations for GATT, whereby many of the major players in the GATT talks are now beginning to add to the patent protection rights. They are arguing that those rights should be held right across the country, all the countries on earth, and that any country which fails to restrict the use of information that has been monopolized by a patent should make those patents transferable