



Decision on patent covering salmon and trout

Patent claims fish and fish fillets

15 November 2021 / The European Patent Office (EPO) will decide tomorrow on an opposition against a patent on fish. Patent (EP1965658) claims salmon and trout as technical inventions. The fish are fed with selected plants to influence the composition of the fatty acids in their muscles. However, it has long been known that specific diets can influence the composition of animal produce such as meat, milk, eggs and fish filets – it is neither new nor inventive.

“It is an abuse of patent law if pigs, cows or fish are declared to be technical inventions just because they are fed with selected plants,” says Giulio Carini from WeMove Europe. “Patents on schnitzel and fish fillets are literally an absurdity that nobody could ever approve of. Beyond that, they are a threat to the very existence of our future food resources.”

The patent was granted to the Australian-based Commonwealth Scientific and Industrial Research Organisation (CSIRO) in October 2018. In June 2019, an alliance of more than 30 organisations, supported by around 5000 individuals, filed opposition against the patent. The opponents are demanding the revocation of the patent, which they consider to be a ‘fake-invention’.

European patent law prohibits patents on animal breeds and conventional animal breeding. However, companies often claim the usage of animal feed for cattle, pigs, poultry and fish as their ‘invention’ in order to circumvent these prohibitions. Other patent applications target the selection of the animals or the biological material needed for further breeding. The patents also cover foods such as meat and milk. In the case of the fish patent, fish fillets and fish oil are included in the patent claims.

“The EPO seems unable to correct these unacceptable developments. Therefore, the governments of the 38 contracting states of the EPO need to step in and stop them,” says Christoph Then for *No Patents on Seeds!* “By granting patents on barley and beer or on fish and fish fillets, the EPO is taking position against the public interest.”

The need for clear legal regulation is becoming increasingly urgent since patents on CRISPR/Cas gene-scissors are now emerging as a new threat to animal breeding. In many cases, the patent applications make no differentiation between genetic engineering and random mutations. If these patents are granted, they can also extend to animals derived from conventional breeding but which, nevertheless, have the patented characteristics.

“Policy makers must ensure that prohibitions in patent law are fully enforced. Such patents clearly need to be restricted to methods of genetic engineering,” demands Johanna Eckhardt from No Patents on Seeds!. “Farmers, breeders and consumers will otherwise become increasingly dependent on large companies.”

The opposition was filed by: AGU - Arbeitsgemeinschaft der Umweltbeauftragten in der EKD, Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), Arche Noah - Gesellschaft für die Erhaltung der Kulturpflanzenvielfalt und ihre Entwicklung, Bauernbund, Bundesverband Deutscher Milchviehhalter e.V., biorespect, Brot für die Welt, BUND Naturschutz in Bayern e.V., EDL- Evang. Dienst auf dem Lande, FIAN Deutschland, Gen-ethisches Netzwerk, Genussgemeinschaft Städter und Bauern e.V., Gesellschaft für ökologische Forschung, GLOBAL 2000, IG Nachbau – Gegen Nachbau-Gebühren, Katholische Landvolk Bewegung Freiburg, Kein Patent auf Leben!, Landbauschule Dottenfelderhof e.V. - Forschung & Züchtung, Menschen für Tierrechte - Bundesverband der Tierversuchsgegner e.V., Oxfam, Plataforma Transgénicos Fora, Public Eye, ProRegenwald, ProSpecieRara, Sambucus, Sativa, Save Our Seeds, Slow Food Deutschland, SWISSAID, Umweltinstitut München, Verband Katholisches Landvolk, WeMove Europe, Zivilcourage Bad Tölz-Wolfratshausen und Miesbach und die Zukunftsstiftung Landwirtschaft.

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Further information

The patent and the opposition:

<https://www.no-patents-on-seeds.org/en/patent-cases/salmon>

Backgrounder

<https://www.no-patents-on-seeds.org/en/publications/patents-on-livestock>