



Hearing on appeal against a patent on lettuce

European Patent Office intends to adhere to its questionable decisions

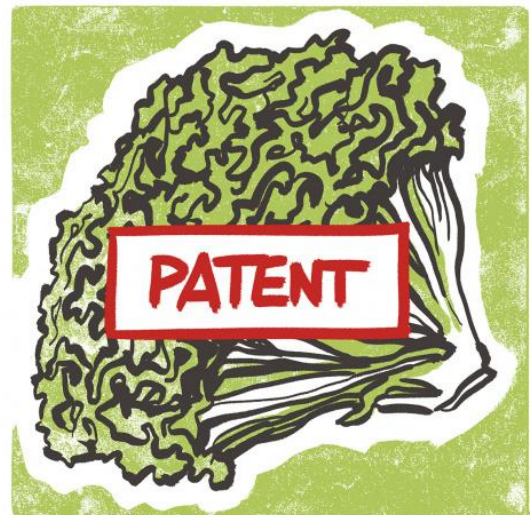
17 September 2026 / The European Patent Office (EPO) will hold a public hearing on 22 September, to decide upon an appeal filed by *No Patents on Seeds!* against a patent on lettuce (EP2966992). The trait of the lettuce may become important in the context of climate change, as the seeds remain viable even at higher temperatures. However, access to these seeds is controlled by the patent holder, the Dutch company, Rijk Zwaan. The lettuce was not genetically engineered, it was simply selected from a large number of randomly mutated plants.

“Patents like this threaten diversity in the fields and on our plates. They can also hinder adaptation to climate change,” says Johanna Eckhardt from *No Patents on Seeds!*. “We must ensure that individual companies cannot decide who has access to the biological material that all breeders need.”

In December 2023, the opposition division at the EPO ruled that the patent would be upheld. In their view, the ban on patenting conventional breeding did not apply in this case as the patent had been filed before a cut-off date in July 2017. However, *No Patents on Seeds!* points out that plants obtained from conventional breeding methods are generally subject to the ban on the patenting of plant varieties.

According to a preliminary opinion, the EPO intends to uphold its controversial decision. The hearing before the EPO Board of Appeal will be held in Haar, near Munich, and is open to the public.

No Patents on Seeds! is calling on policymakers to provide clarity. The European Commission has announced its intention of establishing a working group with two representatives from each EU member state. A consultation on this issue began in September - *No Patents on Seeds!* has already participated.



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Further information

- The patent on lettuce: <https://www.no-patents-on-seeds.org/en/patent-cases/lettuce-hot-climate>
- The consultation by the EU Commission: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/18805-Plants-obtained-by-new-genomic-techniques-information-requirements-and-verification-of-category-1-status_en
- The feedback provided by *No patents on seeds!*: <https://www.no-patents-on-seeds.org/en/NGT-Consultation>

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