



Patents in conflict with the common good

European Patent Office is jeopardising resources for food production

14 October 2026 / *No Patents on Seeds!* today handed over a new report to the Administrative Council of the European Patent Office (EPO). The report shows that the EPO is still granting patents on plants and plant traits which, under European law, can only be protected by plant variety protection and are not technical inventions.

In Europe, plants obtained from conventional breeding were freely available for other breeders to develop and market new varieties. However, recently granted patents are increasingly hampering or blocking access to new traits, and thereby posing a threat to traditional plant breeding. The scope of the patents also covers food produced from the plants.

“Access to biodiversity needed for conventional breeding must be considered a common good. If access is blocked or hampered, the future of small and medium plant breeders is under threat, as are agrobiodiversity and food production. Therefore, European policy makers must act now,” says Johanna Eckhardt from *No patents on seeds!*.



Photo: The Hague, 2023, *No patents on seeds!*

The Administrative Council consists of experts from the 40 contracting states of the EPO. In 2017, the Administrative Council adopted a new Rule for the European Patent Convention to stop patents on conventionally bred plants. However, this new Rule has so far not had the desired effect.

The European Commission has established a new working group to resolve the problems caused by seed patents. Against this background, *No Patents on Seeds!* is demanding that the member states of the European Patent Office, in conjunction with the European Union, take steps to clarify the distinction between genetic engineering and the non-patentability of naturally occurring biological resources.

On 20 and 22 October, the EPO will hold public hearings on oppositions and appeals filed by *No Patents on Seeds!* against patents on conventionally bred maize and tomatoes. The international coalition will use these hearings to spell out the problems caused by current EPO practice.

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Further information

The new report:

<https://www.no-patents-on-seeds.org/en/report-rule-28-2>

The maize patent:

<https://www.no-patents-on-seeds.org/en/maize-cold-resistance>

The tomato patent:

https://www.no-patents-on-seeds.org/en/jordan_virus

Photos of today's event will be made available asap here:

<https://www.no-patents-on-seeds.org/en/handover-epo>

Online presentation about the report and the patent hearings with *No patents on seeds!* and the Dutch breeders De Bolster and Nordic Maize Breeding:

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

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