



No decision upon patent on cold-tolerant maize

Procedure against a patent on conventional breeding will be continued

20 October 2026 / The European Patent Office (EPO) today held a hearing on an appeal against a patent of company KWS on cold-tolerant maize (EP 3380618). The international coalition of *No Patents on Seeds!* filed opposition and appeal because patents on conventionally-bred plants and plant varieties are not permitted in Europe.

Most of the grounds for appeal were rejected; however, the Board did not rule on whether the requirements for inventive step had been met. These issues must be further examined. In principle, however, the Board maintained its view that conventionally bred plants can be patented as technical inventions despite the existing prohibitions.

Grietje Raaphorst-Travaille from Dutch company *Nordic Maize Breeding*, who took part in the hearing, warns about the consequences if such patents are also granted in future: “*Patents have nothing to do with breeding. Patents*

only block the freedom of breeding. Our company does not know if breeding material contains patented genes. We are facing an uncontrollable risk of our varieties being contaminated with patented genes.”

Nordic Maize Breeding, is amongst those companies that could be affected by the patent. The company has focused for many years on both conventional agriculture and organic farming. It breeds, in particular, maize varieties that are suitable for cultivation in colder regions with a short growing season and enable crop rotation.

To the view of *No Patents on Seeds!* 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. A recent opinion poll conducted in five EU member states shows that a huge majority does indeed oppose patents on seeds.

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, must take steps to clarify the distinction between genetic engineering and the non-patentability of naturally occurring biological resources.



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

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Further information

Maize patent:

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

The video and the presentations of an online talk with *No patents on seeds!* and Grietje Raaphorst-Travaille (13.10.26): <https://www.no-patents-on-seeds.org/en/presentation>

The new report of *No patents on seeds!*:

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

Feedback by *No patents on seeds!* in the frame of the working group of the European Commission:

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

Survey about patents:

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

Video by Oxfam Novib about patents on seeds with Grietje Raaphorst:

https://www.youtube.com/watch?v=sLX_qNknMw (5min, Dutch with English subtitles, 2024)

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