



Invitation to the media, political decision-makers and interested public

Before a precedent: Patent claiming conventionally bred maize

Based on a new rule, the European Patent Office
will decide upon a patent of company KWS

30 October 2025 / Next week, on 6 November, the European Patent Office (EPO) will hold a public online hearing and decide in the case of a patent claiming conventionally bred maize. The patent (EP3560330) was granted to the German company, KWS, in June 2022. The opposition to the patent was filed by the international coalition, *No Patents on Seeds!*. It is a precedent case, because the EPO, in its decision, will apply a new rule. This case is also relevant to the ongoing debate on the future EU regulation of plants obtained from new genetic engineering.



Photo: Demonstration against KWS patents in December 2022 (Falk Heller / Argum; Sculptures: Freia Hellenkamp)

No Patents on Seeds! will be holding a talk to explain the background of the case as well as its legal and political implications. In addition, the representative of a traditional maize breeding company will be speaking about the potential negative impacts of these patents. The talk will be in English.

Info talk

Date: 4 November, 3 – 4 p.m. CET

The speakers

- Johanna Eckhardt, *No Patents on Seeds!*: Setting the scene
- Christoph Then, *No Patents on Seeds!*: The opposition and its relevance to political decision-making
- Grietje Raaphorst-Travaille, company Nordic Maize Breeding (NL): The perspective of traditional breeders.

Registration for the event (until 4 Nov. / 1pm CET):

https://us02web.zoom.us/webinar/register/WN_rtFhB4YPQ9SZNkNZwjOC8A#/registration

Further information

KWS holds a patent claiming maize with improved digestibility for use in the production of animal feed. The 'invention' is based on randomly mutated genes and naturally occurring genetic variations, such as those found and used in conventional breeding. The patent granted to KWS claims the plants, the harvest, the feed products and their usage.

A new rule in patent law, which is intended to exclude patents on plants obtained from conventional breeding, will be the basis for the impending decision: Rule 28 (2) of the European Patent Convention (EPC) excludes patents on plants obtained from crossing and selection. Both the EPO and KWS, in reaction to the opposition are suggesting that some corrections in the claims should be made.

However, the proposed changes would not solve the problem, as the patent would continue to impact the work of traditional breeders. It can still be used to hamper or block breeding with those plants that inherit the naturally occurring genes claimed by KWS.

Major legal uncertainty has also arisen about the scope and content of the patent. In the meantime, KWS has applied for another patent claiming maize (WO2023006933) with the same traits, albeit with different gene variants. The second patent application was filed because the trait claimed in patent EP3560330 was found to have a surprising degree of instability in the breeding results. This creates a great deal of confusion in regard to the plants that are on the market and the legal effects that may be enforced. Clarifying these uncertainties can become very expensive and time consuming for other breeders.

In summary, these kinds of patents can lead to significant costs being incurred through, e.g. patent attorneys, genetic analysis and licensing. They broadly can hinder or block breeding, even though the original intention of the legislation was to allow other breeders to have unrestricted access to conventionally bred plants. In summary, these patents are leading to an increasing concentration in the market and creating new dependencies with effects that extend to the environment, agriculture, and food production.

No Patents on Seeds! is demanding that the patent is revoked in its entirety. It is also calling for political initiatives to prevent more of these patents being granted in future. *No Patents on Seeds!*, recently published a report setting out a new proposal which is also supported by legal experts.

- More information regarding the patent on maize on the *No Patents on Seeds!* homepage and information about how to participate at the online hearing at the EPO: <https://www.no-patents-on-seeds.org/en/patents/maize>
- Photos from a demonstration against KWS patents in December 2022: <https://www.no-patents-on-seeds.org/en/activities/kws>
- The recent *No Patents on Seeds!* report: <https://www.no-patents-on-seeds.org/en/report-2025>

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