



Patent on bush-type watermelon plants is upheld

No Patents on Seeds! urges the EU to take action

11 July 2025 / Today, the Technical Board of Appeal at the European Patent Office (EPO) rejected an opposition against a patent (EP2814316) held by BASF (Nunhems). The company claims bush-type watermelon plants and their fruits as technical inventions. One advantage of cultivating such plants is that they need less space. However, the bushy growth of the plants was a random natural occurrence and, according to the patent description, was simply discovered.

No Patents on Seeds! took legal action against the patent, as it is non-inventive and patents on conventionally-bred varieties are prohibited in Europe. However, in its decision, the EPO did not follow these arguments. Therefore, in future, similar patents still can be granted.

“In Europe, patents are prohibited on plants that are not genetically engineered. However, in its decision, the EPO violated this prohibition. It is now up to politics to reinforce the law”, Christoph Then says for the international coalition of *No Patents on Seeds!*.

The hearing took place whilst, at the same time, the European Union is holding discussions on the future regulation of plants obtained from new genetic engineering (NGTs). Ongoing negotiations also include patents on seeds. Proposals have been put forward by the EU Parliament that would prohibit patents both on NGT plants and conventional breeding.



No Patents on Seeds! is demanding that politicians take action to at least prohibit patents on conventional breeding in Europe, as these patents can block access to biological material needed by all breeders, regardless of whether they use traditional methods or genetic engineering. In Europe, dozens of patents have already been granted on conventionally-bred plants concerning around 1000 varieties.

“The European Union now has to clarify that conventionally bred plants are not a patentable invention. If this clarification is not made, many companies will try to extend patent protection to conventional breeding via new genetic engineering techniques,” warns Johanna Eckhardt from *No Patents on Seeds!*.

In Europe, the plant variety protection (PVP) law includes an exemption for breeders that allows them to use conventionally-bred varieties for breeding and marketing of improved varieties. In contrast, patents can be used to hamper or block access to biodiversity needed by all breeders. If such patents are granted, it will only be the large corporations that can survive in the long term - and they will decide what is grown and harvested, what food is sold and the price we pay.

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Further information

The melon patent:

www.no-patents-on-seeds.org/en/patent-cases/bushy-melon

The research report of *No patents on seeds!*

www.no-patents-on-seeds.org/en/report-patents

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