



Patents filed by KWS are a threat to plant breeding in Europe

Demonstration to be held during the KWS annual shareholders' meeting

6 December 2022 / *No Patents on Seeds!* will be demonstrating today at the KWS headquarters in Germany to coincide with the company's annual shareholders' meeting. The company has filed an increasing number of patent applications within the last few years, claiming plants and seeds both with and without genetic engineering (GE). These patents are a threat to the legally guaranteed breeders' exemption for conventionally-bred plants, which allows free breeding with all plant varieties on the market. *No Patents on Seeds!* is further releasing a report today highlighting the risks that the patents held by KWS pose to plant breeding.

"Patents on seeds serve to control, hinder or even block access to biodiversity. They mean an end to the freedom of traditional plant breeding, which is an important basis for food security in Europe," says Dagmar Urban of the organization Arche Noah, who is itself involved in breeding projects. "Only technical inventions are patentable, not the genetic diversity and characteristics of conventionally-bred plants!"



One of the KWS patents already granted by the European Patent Office (EPO) covers corn with increased digestibility (EP3560330). This latter example will be symbolized at the demonstration by two sculptures, both two-metres high. Other images will be used visualizing patents on tomatoes, broccoli and malting barley that the EPO has granted to other companies. There are approximately 20 demonstrators, some of whom carry a banner warning that the KWS patents are a threat to the future of plant breeding. They are calling on the company to withdraw its patents.

"It is in its own interests that KWS should withdraw these patents. Instead of extending patent law to areas for which it was never intended, the company should remember its responsibility to the future of plant breeding, and, at the same, time bear in mind its responsibility to agriculture and food production by supporting effective bans in patent law," demands Christoph Then for *No Patents on Seeds!*.

The traits claimed by KWS cover important breeding characteristics, such as resistance to plant diseases, viruses and fungal pathogens as well as to pests, such as nematodes. They also include traits conferring tolerance to climatic extremes. The company web site offers licensing agreements

for its conventionally-bred and patented seeds to other growers. These must sign contracts if their varieties inherit the patented characteristics of the KWS varieties.

"If breeders want to use the varieties covered by KWS patents, they need a license to market them or otherwise face lengthy and expensive patent litigation. With other corporations also applying for similar patents, conventional breeding is under threat of 'lockdown'. The legal uncertainties are hard for many traditional breeding companies to keep track of; they are at very least threatened by becoming dependent on large corporations," warns Judith Duesberg from the Gene-ethical Network. "The patents held by KWS mean that the company itself has become a driving force behind a race for patents that it has no chance of winning."

Until now, the rule has been that conventional plant breeders can use all varieties on the market to breed, market and even improve varieties. This is permitted and intended under the so-called breeder's exemption in plant variety protection. This freedom enables breeders to produce a great diversity of new plant varieties.

Against this backdrop, *No Patents on Seeds!* is also calling for immediate national and international political action to be taken to enforce the ban of patents on conventional breeding and to preserve the freedom of traditional breeding.

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Further Information

- Report "Patents filed by KWS are a threat to plant breeding in Europe" (December 2022): <https://www.no-patents-on-seeds.org/en/publications/KWS>
- Report "Patents on genes and genetic variations can block access to biological diversity for plant breeding" (June 2022) <https://www.no-patents-on-seeds.org/en/report2022>
- Photos of the demonstration can be found here on 6 December early afternoon: <https://www.no-patents-on-seeds.org/en/activities/kws>
- Ongoing petition against patents on seeds: <https://www.no-patents-on-seeds.org/en/petition>
- You can share our posts about this press release on [Facebook](#) and [Twitter](#) or share the direct link to our homepage of this press release: <https://www.no-patents-on-seeds.org/en/news/kws>