



Opposition against a patent on tomatoes with natural resistance to a hazardous virus

Public protest outside the European Patent Office in The Hague

27 May 2025 / Breeders, gardeners, development organisations and environmental activists are today holding a protest outside the European Patent Office (EPO) in The Hague, Netherlands. They filed a joint opposition against the patent, EP 3629711, which claims tomatoes with natural resistance to a virus as a 'technical invention'. The list of opponents includes more than 40 breeders and other organisations. The protesters are taking sculptures more than 2 metres in height to their demonstration – the sculptures represent further patent applications on conventionally-bred tomatoes.

"We are demanding a stop to the granting of patents on plants with natural resistance to a hazardous virus. These patents are a threat to traditional plant breeding – they not only violate existing European laws, but also go against the interests of the general public," says Johanna Eckhardt from *No Patents on Seeds!*. She handed over a report on recent patent research to EPO representatives. Ms Eckhardt further explained: "The report shows that nine companies filed more than 20 patent applications - all on conventionally-bred tomatoes with resistance to a dangerous virus known as the Tomato Brown Rugose Fruit Virus (ToBRV). The patent that we are opposing was the first of these applications to be granted by the EPO".



"As breeders, we are deeply concerned about these patents and consider them to be unethical," says Frans Carree from the Dutch organic breeder DeBolster. "If the monopolisation of conventional seeds is not stopped, we and other companies, may no longer be able to afford to carry on with our traditional businesses. This would have major negative consequences for gardeners, farmers and consumers interested in having access to a broad range of food plants."

Currently, information is apparently being circulated that patent holders are asking for fees ranging from 50.000 € up to 200.000 € for access to the breeding material. In addition, breeders using this material may have to pay five percent of the turnover of their own varieties. These extremely high costs are just for a license for one resistance in one species. Nevertheless, an increasing number of similar patents are being granted in Europe, and also on other species, such as spinach, lettuce, broccoli, barley or maize.

Patents on plant varieties and conventional breeding processes are prohibited in Europe. Only plants obtained from genetic engineering are exempt from this prohibition. However, based on a highly controversial interpretation of patent law, the EPO also started to grant patents on conventionally-bred seeds. These patents are now on the verge of disrupting innovation and diversity in European plant breeding.

"This development is also becoming a problem for countries in the Global South. These countries often use European legislation as guidance for their own patent systems. Consequently, access to plant material is facing an increasing number of obstacles, thus putting global food security at risk," warns Nout van der Vaart at Oxfam Novib.

According to *No Patents on Seeds!*, the European Union would be able to solve this problem in a very short time by providing a binding interpretation of the prohibitions in patent law. Currently, the EU Parliament is debating whether to prohibit patents on seeds obtained from new genomic techniques (NGTs). However, as long as patents are still being granted on naturally-occurring plant material or on conventionally-bred seeds, larger companies will be able to block or hamper all kinds of future plant breeding, with and without NGTs.

Contact

- Johanna Eckhardt, project coordination, *No Patents on Seeds!*, johanna.eckhardt@no-patents-on-seeds.org, + 43 680 2126 343
- Christoph Then, spokesperson *No Patents on Seeds!*, info@no-patents-on-seeds.org, +49 151 54638040
- Frans Carree, Head of Breeding department, De Bolster, fcarree@bolster.nl, +31 6 15244786
- Nout van der Vaart, Policy Lead Food and Land, Oxfam Novib, nout.vandervaat@oxfamnovib.nl
- Jules van Os, press officer Oxfam Novib, +31651573683

Further information

- Photos of today's event will be available as soon as possible under this link: <https://www.no-patents-on-seeds.org/en/tomato-opposition>
- More info about the tomato patents: https://www.no-patents-on-seeds.org/en/jordan_virus
- The opposition to the tomato patent: www.no-patents-on-seeds.org/sites/default/files/2025-05/Opposition_patent_Vilmorin_Tomato_0.pdf
- Report about tomato patents (2024): www.no-patents-on-seeds.org/en/report-tomato
- Latest research report by *No patents on seeds!* (2025): <https://www.no-patents-on-seeds.org/en/report-patents>

You can share our posts about this press release on [Facebook](#) and [X](#) or share the direct link to this press release: <https://www.no-patents-on-seeds.org/en/tomato-opposition>