



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENTS
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

Evelyne Gebhardt Martin Häusling Martin Kastler MEPs, 60 Rue Wiertz,
B-1047 Bruxelles

Chairman of the Administrative Council
Jesper KONGSTAD
Director General, Danish Patent and Trademark
Office (DK) Erhardtstr. 27
80469 Munich
Germany

To the members of the AC of the EPO

26 September 2013

Dear Sir,

We are writing to you to express our great concerns about the EPO's continuing practice to not only grant patents on plants and animals derived from genetic engineering, but also on those bred by conventional breeding methods.

It is a fact that such monopoly rights on seeds and breeding methods are detrimental to agricultural biodiversity and farmer's rights. This stance against patents on products derived from conventional breeding is shared amongst others by the German government and Parliament (Deutscher Bundestag), by major seed associations, farmers and non-governmental organisations. An important argument is that these kind of patents restrict innovation rather than support or promote it.¹

For those reasons the European Parliament adopted a resolution on 10 May 2012 on the patenting of essential biological processes, which was initiated across parties by the undersigned MEPs. In the resolution "*the European Parliament calls on the EPO also to exclude from patenting products derived from conventional breeding and all conventional breeding methods, including SMART breeding (precision breeding) and breeding material used for conventional breeding.*"²

¹ See for example: <http://edepot.wur.nl/141258>

² <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0202+0+DOC+XML+V0//EN>



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENTS
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROOPAPARLAMENTET

This resolution was also forwarded to the EPO and all member states of the European Patent Convention (EPC).

However, now, more than one year later, the EPO has not only continued in the same way, but has actually increased the number of patents being granted on plants derived from conventional breeding methods.

The responsibility for this unacceptable procedure lies with the Administrative Council of the EPO to stop this trend and bring the Implementing Regulations of the European Patent Convention (EPC) into accordance with the demands of the European Parliament. Current regulations like the EU Directive 98/44/EC and the content of the EPC would allow for such an interpretation.

Therefore we kindly ask you to present your position on this issue. We are looking forward to find a solution which can be implemented via the Administrative Council of the EPO very soon.

Faithfully,

Evelyn Gebhardt, MEP

Martin Häusling, MEP

Martin Kastler, MEP