

no patents on seeds



Media Release

No intention of granting a patent on salmon ...

European Patent Office responds to protests from civil society

3 August 2016 / The European Patent Office (EPO) has responded to criticism of its intention to grant a patent on salmon. According to the documents at EPO's website, the patent application EP1965658 now has to be re-examined. The patent claims salmon and the fish oil derived thereof as an invention. In May 2016, the EPO informed the Australian applicant that the patent was ready to be granted. On 20 July 2016, the organisations belonging to the international coalition *No Patents on Seeds!*, informed the general public about the patent. An appeal was launched to send letters to the EPO urging them not to grant the patent. In response, on 29 July, the applicant was informed that the patent needed to be re-examined.

The salmon are supposedly fed with specific plants and therefore the food derived thereof is expected to have a higher content of Omega 3 fatty acids, which are often described as being healthy. The idea behind the patent is not new: For example, it is known that cows grazing on grasslands have a higher concentration of these fatty acids in their milk.

“This is an important sign that the EPO is responding to public protests. But it is not yet an overall success. As soon as public attention shifts away, the EPO will continue to run its business as usual,” says Christoph Then for *No Patents on Seeds!*. “As long as political decision making does not succeed in establishing legal certainty, further patents on plants and animals will be granted in future. And it is still possible that the patent on salmon may be granted after all.”

In the past, similar patents on broccoli and tomatoes and other plants used for food production have been granted. In fact, the EPO has granted several patents on the traditional breeding of cows, pigs and sheep.

Several European governments have now taken action against these patents on plants and animals derived from conventional breeding. In addition, the EU Commission is currently preparing a clarification. The organisations belonging to *No Patents on Seeds!* are demanding the reinforcement of existing prohibitions in European patent law, which excludes patents on plant and animal varieties as well as on conventional breeding. The EPO, on the other hand, with its budget based on fees for the examination and granting of patents has sought to establish practices rendering those prohibitions meaningless.

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- Text of the patent which was about to be granted: <http://no-patents-on-seeds.org/en/node/354/patent-fischfutter-haltung-von-lachsen>
- Backgrounder on patents on animals: http://no-patents-on-seeds.org/sites/default/files/news/background_patents_on_animals_for_food_production.pdf
- Report on patents on plants and animals: http://no-patents-on-seeds.org/sites/default/files/news/report_patents_on_seeds_time_to_act_2016.pdf