



No Patents on Beer!

Carlsberg claims barley and beer as its invention

17 November 2016 / In 2016, the European Patent Office (EPO) granted three patents to the Danish brewery, Carlsberg. The patents cover barley plants derived from conventional breeding, their usage in brewing as well as the beer brewed thereof. In a joint letter, several civil society organisations are now calling on Carlsberg to drop these patents. They consider the patents to be an abuse of patent law and in conflict with the interests of consumers.

“There should be no patents on beer and barley. Breeding plants and brewing beer are not inventions, but based on centuries-old tradition,” says Erling Frederiksen from Friends of the Earth in Denmark (NOAH). “Carlsberg should make it clear that they just want to produce good beer and are not acting against the interests of citizens and consumers. We do not want corporate control of our food or patent monopolies. No matter whether they are held by Monsanto, Bayer or Carlsberg.”

The letter to Carlsberg is supported by: Arbeitsgemeinschaft bäuerliche Landwirtschaft, AbL (Germany), Arche Noah (Austria), BioAustria (Austria), Bund für Umwelt und Naturschutz, BUND, Friends of the Earth (Germany), Frøsamlerne/Danish Seed Savers (Denmark), Die Freien Bäcker (Germany), GAIA - Environmental Action and Intervention Group (Portugal), GeneWatch UK (Great Britain), Gesellschaft für ökologische Forschung (Germany), IG Saatgut (Germany), IG Nachbau (Germany), NOAH – Friends of the Earth (Denmark), No Patents on Life! (Germany), Plataforma Transgénicos Fora, PTF (Portugal), PublicEye (Switzerland), ProSpecieRara (Switzerland), Pro Regenwald (Germany), Safe our Seeds, SOS (Germany), Sambucus (Germany),

SWISSAID (Switzerland), Umweltinstitut München (Germany), Utviklingsfondet / The Development Fund (Norway), Verband Katholisches Landvolk e.V. (Germany), WeMove (EU), Zivilcourage Miesbach (Germany).

Two of the three patents granted by the EPO (EP2384110 and EP2373154) are based on random mutations in the genome of the barley. The kernels from these plants are supposedly more suitable for brewing beer. The third patent (EP2575433) just covers a combination of the characteristics of these barley plants created by further breeding. Each of the three patents covers the plants, the harvest, the process for brewing, malt and wort and all drinks produced by this method. European patent law prohibits patents on plant varieties and conventional breeding. However, the EPO, which benefits financially from examination and granting of patents, has rendered these prohibitions meaningless.

The European Parliament as well as several European governments have called upon the EPO to stop granting such patents. However, the EPO has yet to respond. At the beginning of November, the EU Commission issued a legal explanation backing the position of the EU Parliament. And at the end of November, the EU Member States will discuss the issue at a meeting of the Competition Council in Brussels.

“As long as the problem is not solved through political decision-making, we expect Carlsberg to take responsibility and withdraw these patents. This is a matter of principle. Carlsberg is claiming that they want to use the barley to save energy and make a contribution to stopping climate change. But if this is their real intention then Carlsberg should not be trying to create patent monopolies on food plants. If we want to save the climate, we have to share our resources as much as we can,” says Iga Niznik for Arche Noah, Austria.

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Further information:

The letter to Carlsberg: <http://no-patents-on-seeds.org/en/information/background/no-patents-beer>

The EU Commission statement:

[http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC1108\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC1108(01)&from=EN)

The patents of Carlsberg:

<http://no-patents-on-seeds.org/en/information/patent-cases/energy-saving-brewing-method>

<http://no-patents-on-seeds.org/en/information/patent-cases/barley-reduced-lipoxygenase-activity-and-beverage-prepared-therefrom>

<http://no-patents-on-seeds.org/en/information/patent-cases/barley-and-malt-derived-beverages-low-dimethyl-sulfide-level>