



## Scope of patent on beer reduced after opposition

*No Patents on Seeds!* is still demanding that the patent is revoked entirely

**2 October 2018 / At a public hearing in Munich today, the European Patent Office (EPO) reduced the scope of patent EP 2384110 granted to Carlsberg and Heineken to plants showing a specific mutation. The patent covered conventionally-bred barley, its usage in brewing and the resulting beer. The patent originally covered all plants with reduced content of some undesirable flavours. Now the patent is restricted to plants with a specific mutation which can influence the content of these flavours. This genetic variation is considered to be an invention despite being random and the plants being the result of conventional breeding. *No Patents on Seeds!* plans to appeal the decision and is demanding that politicians take action.**

“This decision is only a partial success for us. Despite legally binding rules, the EPO continues to grant patents on plants derived from conventional breeding. In 2018, patents were granted on petroselinum, cichorium, melons, tomatoes and lettuce,” says Erling Frederiksen for *No Patents on Seeds!* (Denmark). “As long as such patents are still being granted, we will continue to file oppositions.”

In June 2018, *No Patents on Seeds!* called upon European politicians to take an active role against seed monopolies such as those created by the Bayer takeover of Monsanto. Member states of the EPO will once again be reminded of their continuing responsibility to protect the common good.

The patent is based on random mutations in the genes of barley that supposedly make beer brewing simpler. The patent covers the barley seeds and plants, the harvest, the process of brewing, products such as malt and all beverages produced with the barley. According to *No Patents on Seeds!*, the patent is an abuse of the patent system since it does not involve any form of invention. In addition, European laws prohibit patents on plant varieties and conventional breeding. Also current EPO Guidelines for Examination state that genetically engineered plants are patentable, “*while the products of conventional breeding are not.*”

There will be another hearing on 8 October regarding a second very similar patent (EP 2373154) held by the same beer companies. An opposition to a third patent (EP 2575433) was filed but as yet there is no date for a hearing.

The following organisations are involved in the oppositions of the patents of Carlsberg and Heineken: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), Arbeitsgemeinschaft der Umweltbeauftragten der Gliedkirchen der Evangelischen Kirche in Deutschland (AGU), Arche Noah Österreich, Bioland, ARGE Schöpfungsverantwortung Österreich, Brot für die Welt – Evangelischer Entwicklungsdienst, Bündnis gentechnikfreie Landwirtschaft, der BUND Naturschutz Bayern (BN), Bund für Umwelt und Naturschutz Deutschland (BUND), Bundesverband *Naturkost* Naturwaren (*BNN*), Campact, Copenhagen Food co-operative Denmark,

Die Freien Bäcker, Evangelischer Dienst auf dem Land in der EKD (EDL), Erzeugergemeinschaft für ökologische Braurohstoffe (EZÖB), Erzeugergemeinschaft Bördeland und Diemetal, FIAN, GAIA Portugal, Gäa e. V. – Vereinigung ökologischer Landbau, Gen-ethisches Netzwerk (GeN), HORIZONT3000 Österreich, IG Milch Österreich, IG Nachbau, Katholische Landvolkbewegung (KLB), Kein Patent auf Leben!, No Patents on Seeds!, NOAH – Friends of the Earth Denmark, Plataforma transgénicos fora Portugal, Pro Regenwald, ProSpecieRara Schweiz, Sambucus, Save Our Seeds!, Slow Food Deutschland, Swissaid, Umweltinstitut München, Verband Katholisches Landvolk (VKL), Welthaus Diözese Graz-Seckau, Österreich, WeMove.EU, Zivilcourage Rosenheim und Miesbach as well as Zukunftsstiftung Landwirtschaft.

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### **Further information:**

<https://www.no-patents-on-seeds.org/en/patent-cases/beer>

### **The oppositions:**

[Opposition EP 2 373 154 Barley and malt-derived beverages with low dimethyl sulphide level](#)

[Opposition EP 2 384 110 Barley with reduced lipoxygenase activity and beverage prepared therefrom](#)

### **The patents held by Carlsberg and Heineken:**

[EP 2 384 110 Barley with reduced lipoxygenase activity and beverage prepared therefrom](#)

[EP 2 373 154 Barley and malt-derived beverages with low dimethyl sulphide level](#)

[EP 2 575 433 Energy saving brewing method](#)

Here you can find pictures from the activities around the beer patents on 2 October 2018 in Munich:  
[high resolution](#) or [low resolution](#)

[Report on patents on seeds](#)

[The 'Baysanto-Call'](#)