Carl von Ossietzky
Universität
Oldenburg

Patent on Seeds - Workshop - 16.10.2025

Prof. Dr. Christine Godt

Legal Implications of Current Patent Practices and Possible Solutions

Speakers

- Johanna Eckhardt, *No Patents on Seeds!* (AT) – framing the issue
- Dr. Christoph Then, *No Patents on Seeds!* (DE) – details on the new patent on tomatoes and introduction of a new proposal how to prevent similar patents to be granted in future
- Dagmar Urban, ARCHE NOAH (AT) – proposals for political solutions
- Dr. Steffen Kawelke, German Plant Breeders' Association (Bundesverband Deutscher Pflanzenzüchter e. V. / BDP) (DE) – breeder's perspective
- Frans Carree, De Bolster (NL) – breeder's perspective on current EPO practice
- Prof. Dr. Christine Godt, University of Oldenburg (DE) – legal implications of current patent practices and possible solution

Overview

1. Background

2. Reasons for the current EPA practice

3. Possible Solutions

1. Background:
(a) Deregulation Debate („NGT1“)

- **25.07.2018**: CJEU, C-528/16, Dir. 2001/18/EC (targeted mutagenesis, CRISP/Cas is „GMO“)
- **7. 2. 2023**: CJEU, C-688/21, Dir. 2001/18/EC (random mutagenesis is not „GMO“)
- **5.7.2023**: EU COM Proposal (COM/2023/411 final): Fast track verification for NGT1, defined by Annex I as “a plant is considered equivalent to conventional plants when it differs from the parent plant by no more than 20 genetic modifications’. GM is, for example, nucleotide deletion, targeted reversal of a DNA sequence, but also any other targeted modification, regardless of size, provided that the resulting DNA sequences already exist [...] in a species of the breeder's genetic heritage.”
- **7 February 2024**/confirmed 24.4.2024 (10952/24): EP supports simplified registration for plant varieties produced using NGTs that are deemed to be equivalent to conventional types, while retaining stricter controls for others that are not (plants resulting from targeted mutagenesis and cisgenesis), no patents on NGT1
- **7.3.2025:** Council (COREPER, 6426/25) agrees on negotiation mandate.
- **14. 5. 2025 - mid - July 2025:** Trilogue

(b) NGT-Patent Growth

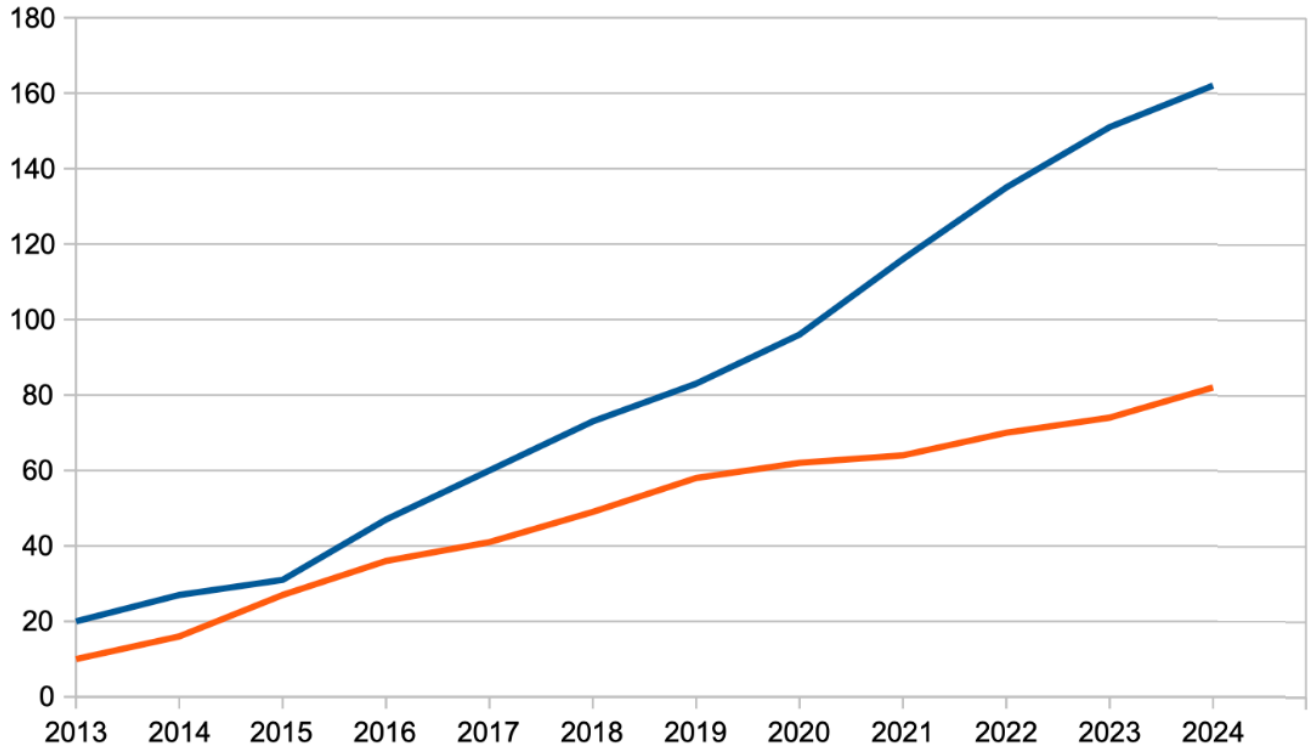

Figure 2: Number of patent applications on NGT plants filed under PCT/WIPO (upper line) and patents on NGT plants granted by the EPO (lower line) accumulated from 2013-2024. Research according to official classifications (IPC A01H or C12N15/82). Research conducted in Global Patent Index database. Source: www.kein-patent-auf-leben.de/patentdatenbank/

allea | All European Academies

February 2024

ALLEA STATEMENT ON MEASURES TO EASE THE IMPACT OF THE IP SYSTEM ON NEW GENOMIC TECHNIQUES FOR CROP DEVELOPMENT

Executive summary

New Genomic Techniques (NGTs), such as genome editing using CRISPR-Cas, can significantly improve the speed and precision with which new plant varieties are created. In Europe, intellectual property (IP) protection of biotechnological inventions, including NGTs, is regulated through the European Union (EU) Biotechnology Directive 98/44/EC. In addition, breeders can obtain single IP rights on both propagating and harvested materials (i.e., 'Plant Breeders' Rights'), but especially the patenting of harvested materials is heavily debated and controversial. Accelerated adoption of NGTs is expected to significantly increase the number of patent applications and the complexity of the patent landscape in the coming years. The patentability of NGTs and their products raises several concerns among breeders and farmers, including (1) possible accidental infringement of patents, (2) monopolisation of technologies and traits, and (3) increased difficulties and costs of obtaining licences for use of these techniques and plant varieties. This statement by ALLEA, the European Federation of Academies of Sciences and Humanities, explores how the current IP system affects the operations of European breeders and farmers. It provides a range of short-, medium-, and long-term recommendations for measures that could help to overcome possible obstacles posed by the current IP system so that all stakeholders can fully benefit from these technologies in the future.

Introduction

New Genomic Techniques (NGTs), such as genome editing using CRISPR-Cas, can significantly improve the speed and precision with which new plant varieties are created[1]. For breeders not using such techniques, developing new plant varieties is generally an expensive and time-consuming endeavour, typically taking up to 15 years to bring a new variety to market. The potential of NGTs is broadly acknowledged by the scientific community, and they are

1 ALLEA. 2020. *Genome Editing for Crop Improvement*. Symposium summary. Berlin. https://doi.org/10.26356/gen-editing-crop. Lead authors: Dima, O.; Bocken, H.; Custers, R.; Inze, D.; Puigdomenech, P.

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NO PATENTS ON SEEDS!

Safeguard the patent-free zone of classical plant breeding in Europe!

Patents granted by the European Patent Office put pressure on politics

Authors: Ruth Tippe, Anne-Charlotte Moy, Johanna Eckhardt, Andreas Bauer-Panskus & Christoph Then
Published by: *No Patents on Seeds!*

www.no-patents-on-seeds.org/en
September 2025

Much more patents in the context of classical breeding if compared to NGTs

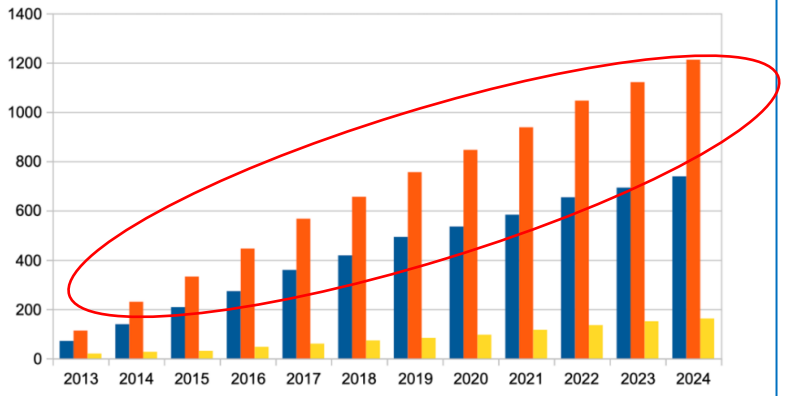

Figure 3: Number of patent applications on plants obtained from classical breeding (first column, blue) or patent applications that concern classical breeding and in addition also genetic engineering (second column, red) in comparison to patents filed on NGT plants (third column, yellow), accumulated from 2013-2024. All applications filed under PCT/WIPO. Research according to official classifications (IPC A01H or C12N15/82). Research conducted in Global Patent Index database. Source: www.kein-patent-auf-leben.de/patentdatenbank/ and further research of *No Patents on Seeds!*.

„technical“

Patentable inventions

- New
- Inventive
- Applicable

Article 53 EPC
Exceptions to patentability

European patents shall not be granted in respect of:

(a) […];

(b) plant or animal varieties or essentially biological processes for the production of plants or animals; this provision shall not apply to microbiological processes or the products thereof;

(c) […].

„non-technical“

2. Reasons for the current EPA practice

(a): “Random mutagenesis” is still listed as patentable in EPC-guidelines 2025 !

despite
Art. 53b EPC

filing ~~filing date~~ and/or a priority date after 1 July 2017. It does not apply to patents granted before 1 July 2017 or to pending patent applications with a date of filing ~~date~~ and/or a priority date before that date (see G 3/19, OJ EPO 2020, A119).

The exclusion covers plants and animals exclusively obtained by means of an essentially biological process that does not involve any direct technical intervention in the genome of the plants or animals, as the relevant parental plants or animals are merely crossed and the desired offspring is selected for. This is the case even if technical means are provided that enable or assist with the performance of the essentially biological steps. In contrast, plants or animals produced by a technical process which modifies the genetic characteristics of the plant or animal are patentable.

The term **exclusively** is used here to mean that a plant or animal originating from a technical process or characterised by a technical intervention in the genome is not covered by the exclusion from patentability even if a non-technical method (crossing and selection) is additionally applied in its production.

Determining whether a plant or animal is obtained by exclusively biological means entails examining whether there is a change in a heritable characteristic of the claimed organism which results from a technical process going beyond mere crossing and selection, i.e. one that does not merely enable or assist with the performance of the essentially biological process steps.

Transgenic plants and technically induced mutants are therefore patentable, while the products of conventional breeding are not.

Both targeted mutation, e.g. with CRISPR/Cas, and random mutagenesis such as UV-induced mutation are such technical processes. If the offspring of transgenic organisms or mutants also have the transgene or mutation, they are not produced exclusively by an essentially biological method and are thus patentable.

~~For living matter to be patentable, it must also be possible to reproduce it in~~ a way that has exactly the same technical features. For example, reproducibility can be ensured:

(1) by a deposit of the living matter (seeds, microbiological strains). The deposited material must be publicly available and such that the invention can actually be reproduced starting from it. If, for example, a novel and inventive trait is due to a single transgene, a skilled person can reproduce the invention from a living sample. If, instead, the claimed trait is dependent on a large number of structurally undefined loci in the genome, these will segregate in subsequent generations and it will be an undue burden to reproduce the invention from the deposited sample (T 1957/14).

(2) by disclosing in the application as filed the gene sequence responsible for the claimed trait together with instructions on how to

reproducibly introduce by technical means such an altered sequence in a target organism (e.g. by CRISPR-Cas).

If a technical feature of a claimed plant or animal, e.g. a single nucleotide exchange in the genome, can be the result of either a technical intervention (e.g. directed mutagenesis) or an essentially biological process (a natural allele), a disclaimer is necessary to limit the claimed subject-matter to the technically produced product in order to comply with the requirements of Art. 53(b) and Rule 28(2). Otherwise the subject-matter is directed to excluded subject-matter and is to be refused on the basis of Art. 53(b) in conjunction with Rule 28(2). A disclaimer is required in all cases and, in particular, even if the description only mentions a technical method of production and is silent on the use of an essentially biological process. If, on the other hand, the feature in question can unambiguously be obtained by technical intervention only, e.g. a transgene, no disclaimer is needed.

This should apply also if such a disclaimer relates to subject-matter that was not disclosed in the application as filed. In such a case the disclaimer fulfils the requirements laid down in G 1/03, G 2/03 and G 1/16 because it is introduced to exclude subject-matter not eligible for patent protection (for the general principles governing disclaimers, see also H-V, 4).

Such a disclaimer is needed only for patent applications with a date of filing ~~date~~ and/or a priority date after 1 July 2017. A disclaimer is not required for patents granted before 1 July 2017 or for pending patent applications with a ~~filing~~ date of filing and/or a priority date before that date (see G 3/19, OJ EPO 2020, A119).

The technical character of a claimed plant or animal product may lie in a non-heritable physical feature imparted directly to the claimed organism, e.g. a seed coated with a beneficial chemical.

The technical method of producing the plant or animal may be included in the claims, in the form of product-by-process claims (see F-IV, 4.12).

Plant products that are not propagation material, such as flour, sugars or fatty acids, have to be considered on the basis of their chemical properties only. As long as the general patentability requirements are fulfilled, it will therefore be irrelevant whether the subject-matter (e.g. a sugar molecule) is isolated from a product (e.g. a living plant) of an essentially biological process or is produced in a laboratory.

Examples are provided in G-II, 5.4.2.1 below.

This exclusion of plants and animals exclusively obtained by means of an essentially biological process does not apply to patents granted before 1 July 2017 or to pending patent applications with a date of filing ~~date~~ and/or a priority date before that date (see G 3/19, OJ EPO 2020, A119).

For these applications and granted patents, the exclusion from patentability of essentially biological processes for the production of plants does not adversely affect the allowability of a product claim directed to plants or plant

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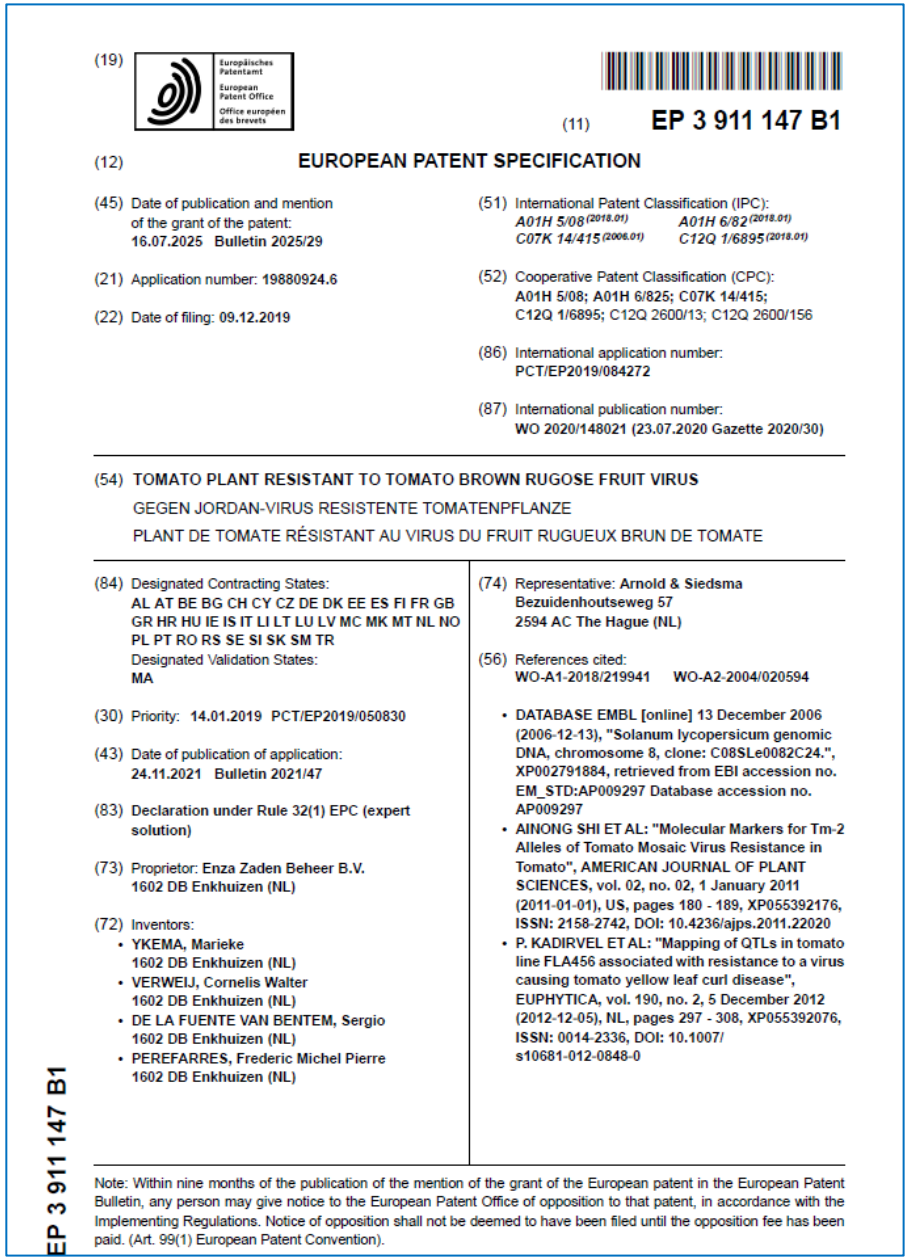
(b) Reason No. 2
„Native traits“

„isolation” qualified as invention, “marker genes” considered as “technical”

➔ “product claims” on gene sequences granted



(19) Europäisches Patentamt / European Patent Office / Office européen des brevets

(11) **EP 3 911 147 B1**

(12) **EUROPEAN PATENT SPECIFICATION**

(45) Date of publication and mention of the grant of the patent:
16.07.2025 Bulletin 2025/29

(21) Application number: **19880924.6**

(22) Date of filing: **09.12.2019**

(51) International Patent Classification (IPC):
A01H 5/08 *(2018.01)* ***A01H 6/82*** *(2018.01)*
C07K 14/415 *(2006.01)* ***C12Q 1/6895*** *(2018.01)*

(52) Cooperative Patent Classification (CPC):
A01H 5/08; A01H 6/825; C07K 14/415; C12Q 1/6895; C12Q 2600/13; C12Q 2600/156

(86) International application number:
PCT/EP2019/084272

(87) International publication number:
WO 2020/148021 (23.07.2020 Gazette 2020/30)

(54) **TOMATO PLANT RESISTANT TO TOMATO BROWN RUGOSE FRUIT VIRUS**
GEGEN JORDAN-VIRUS RESISTENTE TOMATENPFLANZE
PLANT DE TOMATE RÉSISTANT AU VIRUS DU FRUIT RUGUEUX BRUN DE TOMATE

(84) Designated Contracting States:
AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HR HU IE IS IT LI LT LU LV MC MK MT NL NO PL PT RO RS SE SI SK SM TR
Designated Validation States:
MA

(30) Priority: **14.01.2019 PCT/EP2019/050830**

(43) Date of publication of application:
24.11.2021 Bulletin 2021/47

(83) **Declaration under Rule 32(1) EPC (expert solution)**

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(56) References cited:
WO-A1-2018/219941 WO-A2-2004/020594

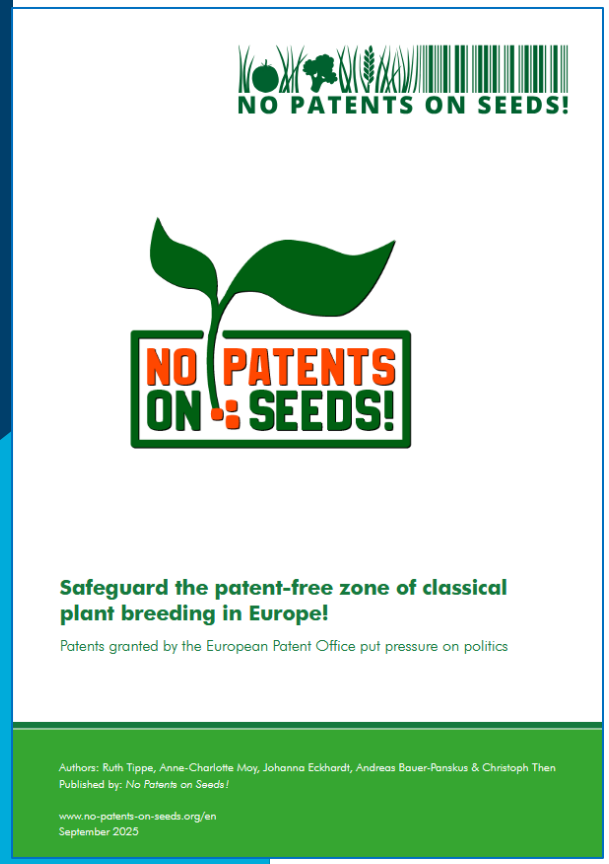
- **DATABASE EMBL [online] 13 December 2006 (2006-12-13), "Solanum lycopersicum genomic DNA, chromosome 8, clone: C08SLe0082C24.", XP002791884, retrieved from EBI accession no. EM_STD:AP009297 Database accession no. AP009297**
- **AINONG SHI ET AL: "Molecular Markers for Tm-2 Alleles of Tomato Mosaic Virus Resistance in Tomato", AMERICAN JOURNAL OF PLANT SCIENCES, vol. 02, no. 02, 1 January 2011 (2011-01-01), US, pages 180 - 189, XP055392176, ISSN: 2158-2742, DOI: 10.4236/ajps.2011.22020**
- **P. KADIRVEL ET AL: "Mapping of QTLs in tomato line FLA456 associated with resistance to a virus causing tomato yellow leaf curl disease", EUPHYTICA, vol. 190, no. 2, 5 December 2012 (2012-12-05), NL, pages 297 - 308, XP055392076, ISSN: 0014-2336, DOI: 10.1007/s10681-012-0848-0**

Note: Within nine months of the publication of the mention of the grant of the European patent in the European Patent Bulletin, any person may give notice to the European Patent Office of opposition to that patent, in accordance with the Implementing Regulations. Notice of opposition shall not be deemed to have been filed until the opposition fee has been paid. (Art. 99(1) European Patent Convention).

EP 3 911 147 B1

3. Possible Solutions

No Patents on Seeds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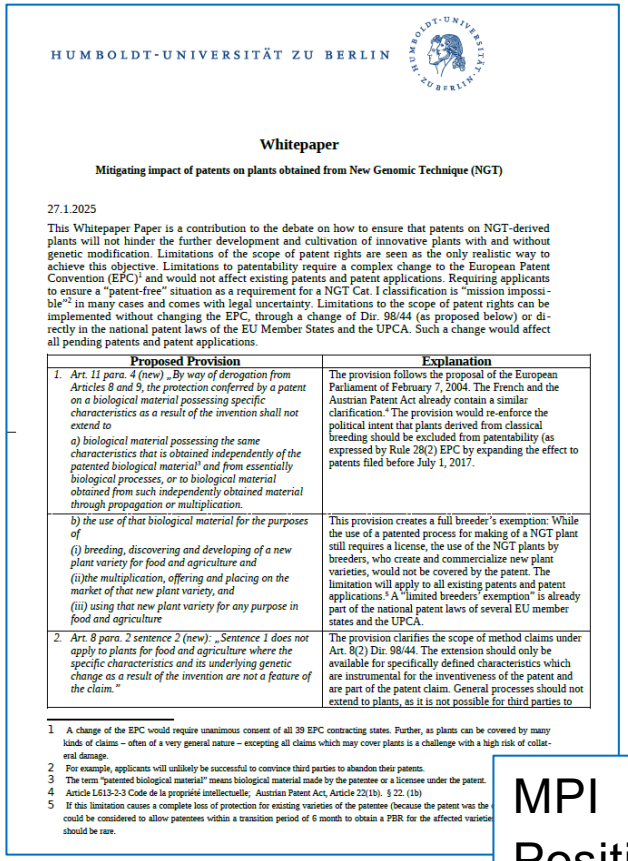
Metzger/Zech/Kock 2025


HUMBOLDT-UNIVERSITÄT ZU BERLIN

Whitepaper

Mitigating impact of patents on plants obtained from New Genomic Technique (NGT)

27.1.2025

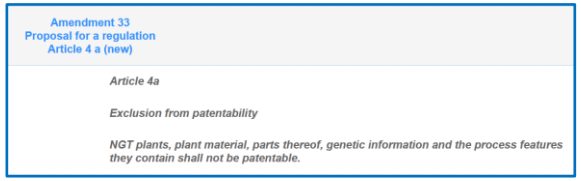
This Whitepaper Paper is a contribution to the debate on how to ensure that patents on NGT-derived plants will not hinder the further development and cultivation of innovative plants with and without genetic modification. Limitations of the scope of patent rights are seen as the only realistic way to achieve this objective. Limitations to patentability require a complex change to the European Patent Convention (EPC)[1] and would not affect existing patents and patent applications. Requiring applicants to ensure a "patent-free" situation as a requirement for a NGT Cat. I classification is "mission impossible"[2] in many cases and comes with legal uncertainty. Limitations to the scope of patent rights can be implemented without changing the EPC, through a change of Dir. 98/44 (as proposed below) or directly in the national patent laws of the EU Member States and the UPCA. Such a change would affect all pending patents and patent applications.

Proposed Provision	Explanation
1. *Art. 11 para. 4 (new) „By way of derogation from Articles 8 and 9, the protection conferred by a patent on a biological material possessing specific characteristics as a result of the invention shall not extend to* *a) biological material possessing the same characteristics that is obtained independently of the patented biological material[3] and from essentially biological processes, or to biological material obtained from such independently obtained material through propagation or multiplication.*	The provision follows the proposal of the European Parliament of February 7, 2004. The French and the Austrian Patent Act already contain a similar clarification.[4] The provision would re-enforce the political intent that plants derived from classical breeding should be excluded from patentability (as expressed by Rule 28(2) EPC by expanding the effect to patents filed before July 1, 2017.
b) the use of that biological material for the purposes of *(i) breeding, discovering and developing of a new plant variety for food and agriculture and* *(ii)the multiplication, offering and placing on the market of that new plant variety, and* *(iii) using that new plant variety for any purpose in food and agriculture*	This provision creates a full breeder's exemption: While the use of a patented process for making of a NGT plant still requires a license, the use of the NGT plants by breeders, who create and commercialize new plant varieties, would not be covered by the patent. The limitation will apply to all existing patents and patent applications.[5] A "limited breeders' exemption" is already part of the national patent laws of several EU member states and the UPCA.
2. *Art. 8 para. 2 sentence 2 (new): „Sentence 1 does not apply to plants for food and agriculture where the specific characteristics and its underlying genetic change as a result of the invention are not a feature of the claim."*	The provision clarifies the scope of method claims under Art. 8(2) Dir. 98/44. The extension should only be available for specifically defined characteristics which are instrumental for the inventiveness of the patent and are part of the patent claim. General processes should not extend to plants, as it is not possible for third parties to

1 A change of the EPC would require unanimous consent of all 39 EPC contracting states. Further, as plants can be covered by many kinds of claims – often of a very general nature – excepting all claims which may cover plants is a challenge with a high risk of collateral damage.
2 For example, applicants will unlikely be successful to convince third parties to abandon their patents.
3 The term "patented biological material" means biological material made by the patentee or a licensee under the patent.
4 Article L613-2-3 Code de la propriété intellectuelle; Austrian Patent Act, Article 22(1b). § 22. (1b)
5 If this limitation causes a complete loss of protection for existing varieties of the patentee (because the patent was the [illegible] could be considered to allow patentees within a transition period of 6 month to obtain a PBR for the affected varieties should be rare.

MPI Position Statement 2024

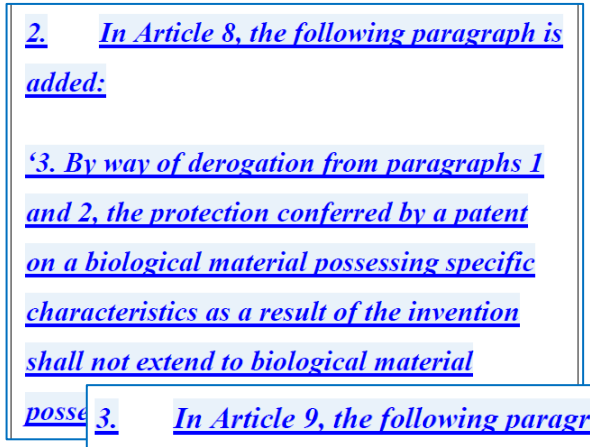
EP-Proposal March 2025


Amendment 33
Proposal for a regulation
Article 4 a (new)

Article 4a

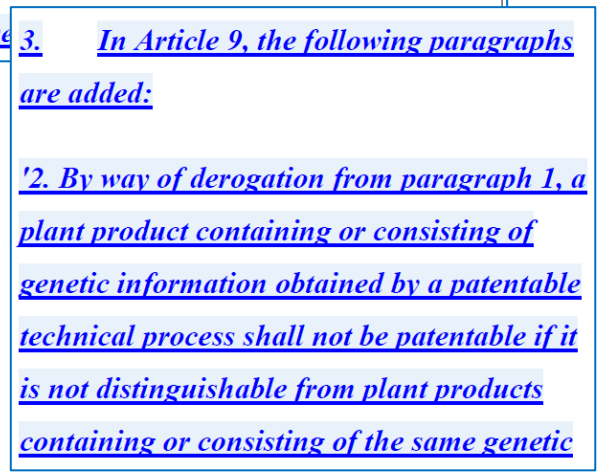
Exclusion from patentability

NGT plants, plant material, parts thereof, genetic information and the process features they contain shall not be patentable.


2. In Article 8, the following paragraph is added:

'3. By way of derogation from paragraphs 1 and 2, the protection conferred by a patent on a biological material possessing specific characteristics as a result of the invention shall not extend to biological material

posse


3. In Article 9, the following paragraphs are added:

'2. By way of derogation from paragraph 1, a plant product containing or consisting of genetic information obtained by a patentable technical process shall not be patentable if it is not distinguishable from plant products containing or consisting of the same genetic

Metzger 2024


Rechtliche Möglichkeiten zur Änderung
des Patentschutzes von Pflanzen
in Deutschland, Europa und im internationalen Recht

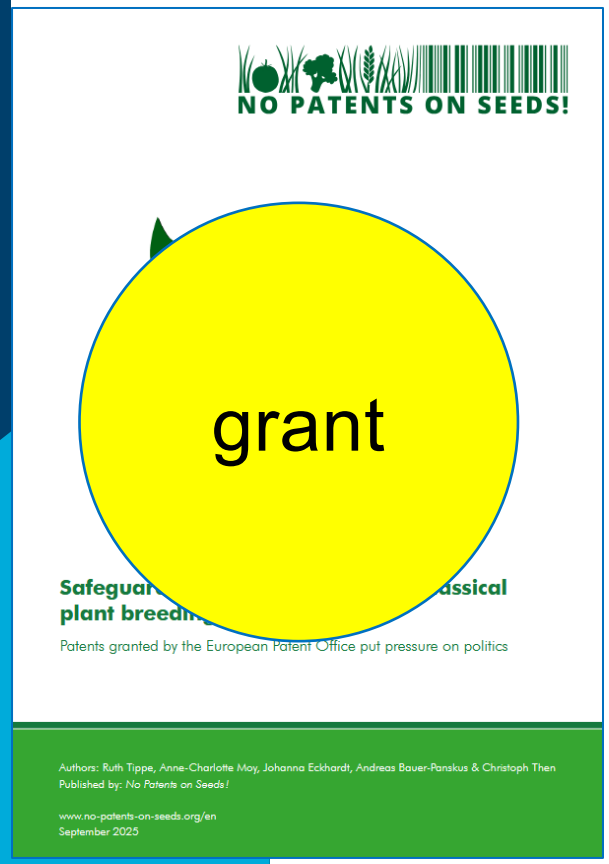
Gutachten im Auftrag der Bundestagsfraktion Bündnis 90 /Die Grünen
vorgelegt von

Prof. Dr. Axel Metzger, LL.M. (Harvard), Humboldt-Universität Berlin

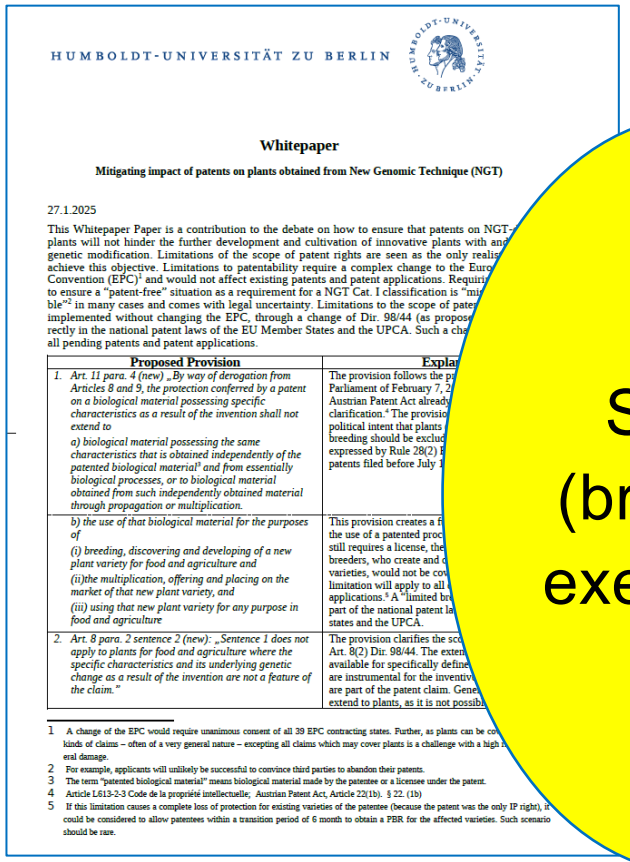
Dec. 2024

3. Possible Solutions

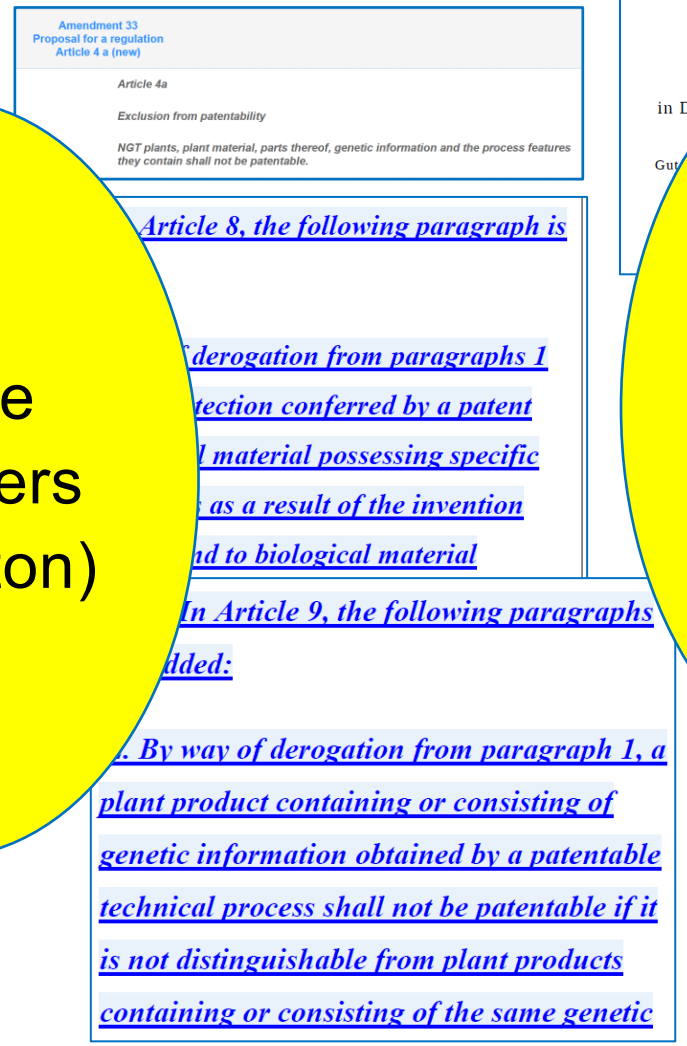
No Patents on Seeds



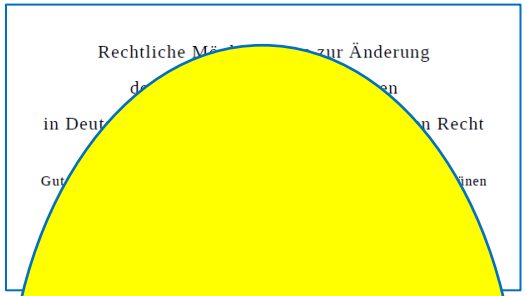
Metzger/Zech/Kock 2025



EP-Proposal March 2025



Metzger 2024



grant

Scope (breeders exempton)

claims

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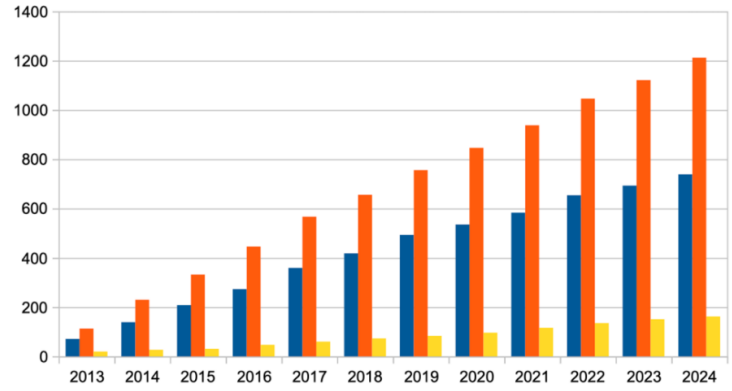

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Update: "Inventions which concern plants or animals or their genetic material shall only be patentable if the genetic material is changed directly and in a targeted way, and to an extent previously not available for breeding, and if the technical feasibility of the invention is not confined to a particular plant or animal variety.

p. 20

We propose adding the following clarification to Rule 27 of the Implementing Regulations of the European Patent Convention (EPC):

„Inventions which concern plants or animals shall be patentable if their genome is changed directly and in a targeted way, and to an extent previously not available for breeding, and if the technical feasibility of the invention is not confined to a particular plant or animal variety."

p. 21

Article 4 (1) of EU patent directive 98/44/EC would be replaced by:

"The following shall not be patentable:

(a) plant and animal varieties,

(b) plant material and parts thereof, as well as genetic information contained therein, which have been obtained by plant material and parts thereof, as well as genetic information contained therein, which have been obtained by non-targeted mutagenesis.

(c) essentially biological processes for the production of plants or animals as well as plants or animals exclusively obtained by means of an essentially biological process and the genetic information contained therein.

(d) the use of naturally occurring gene variants for screening and selecting of plant and animal varieties."

DIRECTIVE 98/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 6 July 1998
on the legal protection of biotechnological inventions

Article 4

1. The following shall not be patentable:

(a) plant and animal varieties;

(b) essentially biological processes for the production of plants or animals.

EP position
Jan./April 2024

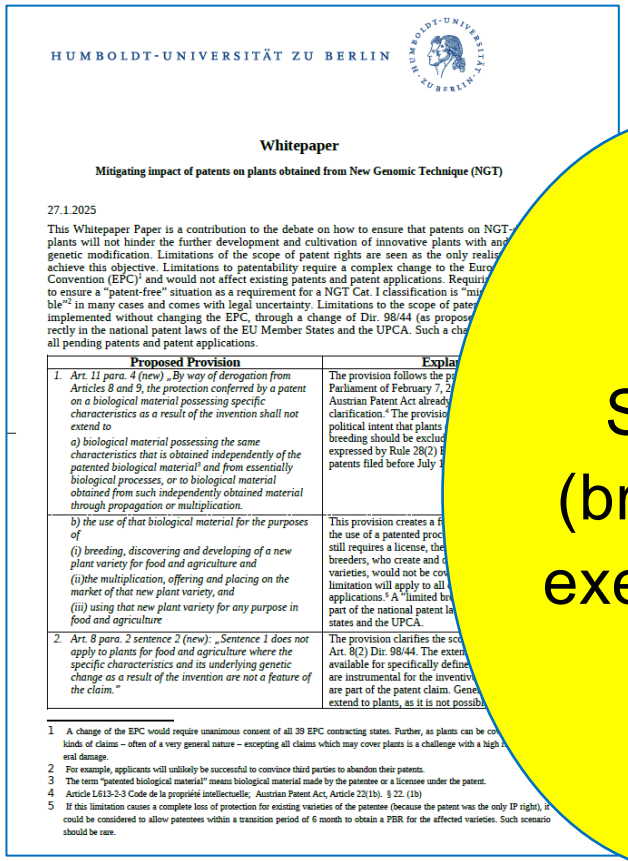
a) NGT →

b) Random mutagenesis →

'(c) NGT plants, plant material, parts thereof, genetic information and process features they contain, as defined in Regulation (EU) .../... [O.J. please insert the number of this Regulation];

(d) plants, plant material, parts thereof, genetic information and process features they contain that can be yielded by techniques excluded from the scope of Directive 2001/18/EC as listed in Annex I B to that directive.'

Metzger/Zech/Kock 2025



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Proposed Provision	Explan
1. *Art. 11 para. 4 (new) „By way of derogation from Articles 8 and 9, the protection conferred by a patent on a biological material possessing specific characteristics as a result of the invention shall not extend to* *a) biological material possessing the same characteristics that is obtained independently of the patented biological material[3] and from essentially biological processes, or to biological material obtained from such independently obtained material through propagation or multiplication.*	The provision follows the pr Parliament of February 7, 2 Austrian Patent Act already clarification.[4] The provisio political intent that plants breeding should be exclud expressed by Rule 28(2) E patents filed before July 1
b) the use of that biological material for the purposes of *(i) breeding, discovering and developing of a new plant variety for food and agriculture and* *(ii)the multiplication, offering and placing on the market of that new plant variety, and* *(iii) using that new plant variety for any purpose in food and agriculture*	This provision creates a fi the use of a patented proc still requires a license, the breeders, who create and c varieties, would not be cov limitation will apply to all applications.[5] A "limited bre part of the national patent la states and the UPCA.
2. *Art. 8 para. 2 sentence 2 (new): „Sentence 1 does not apply to plants for food and agriculture where the specific characteristics and its underlying genetic change as a result of the invention are not a feature of the claim."*	The provision clarifies the sc Art. 8(2) Dir. 98/44. The exten available for specifically define are instrumental for the inventiv are part of the patent claim. Gene extend to plants, as it is not possibl

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2 For example, applicants will unlikely be successful to convince third parties to abandon their patents.
3 The term "patented biological material" means biological material made by the patentee or a licensee under the patent.
4 Article L613-2-3 Code de la propriété intellectuelle; Austrian Patent Act, Article 22(1b). § 22. (1b)
5 If this limitation causes a complete loss of protection for existing varieties of the patentee (because the patent was the only IP right), it
could be considered to allow patentees within a transition period of 6 month to obtain a PBR for the affected varieties. Such scenario
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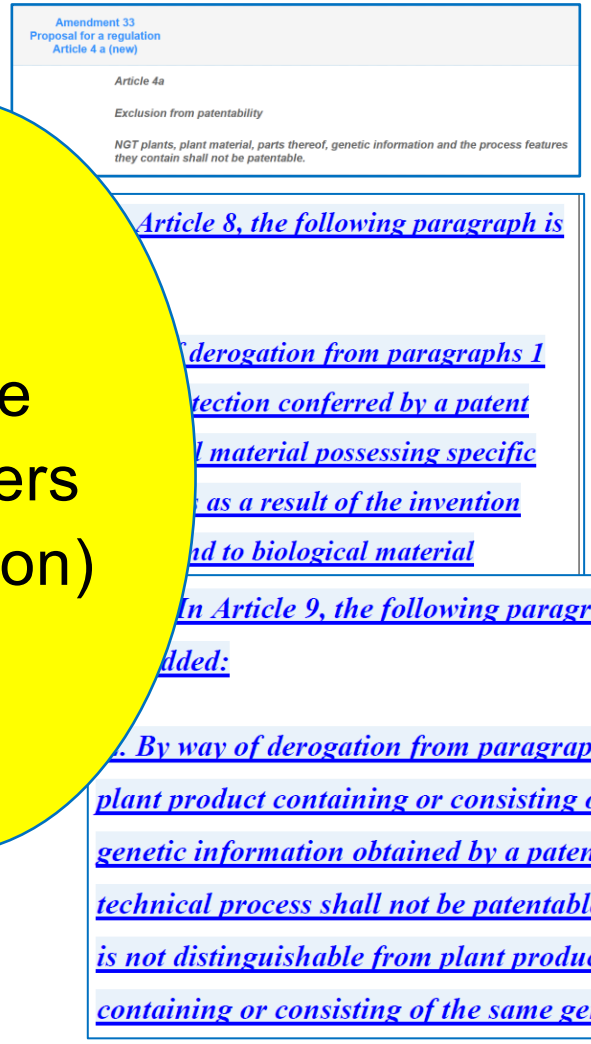
EP-Proposal March 2025



Amendment 33
Proposal for a regulation
Article 4 a (new)

Article 4a

Exclusion from patentability

NGT plants, plant material, parts thereof, genetic information and the process features they contain shall not be patentable.

Article 8, the following paragraph is

derogation from paragraphs 1
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as a result of the invention
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In Article 9, the following paragraphs
dded:

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Scope (breeders exempton)

Carl von Ossietzky
Universität
Oldenburg

Scope

– *proposed* Art. 8 **sec. 3** Dir. 98/44 and Art. 9 **sec. 2-4** Dir. 98/44/EC

2. In Article 8, the following paragraph is added:

'3. By way of derogation from paragraphs 1 and 2, the protection conferred by a patent on a biological material possessing specific characteristics as a result of the invention shall not extend to biological material possessing the same characteristics that is obtained independently of the patented biological material and from essentially biological processes, or to biological material obtained from such material through propagation or multiplication.'

3. In Article 9, the following paragraphs are added:

'2. By way of derogation from paragraph 1, a plant product containing or consisting of genetic information obtained by a patentable technical process shall not be patentable if it is not distinguishable from plant products containing or consisting of the same genetic information obtained by an essentially biological process.

3. By way of derogation from paragraph 1, the protection conferred by a patent on a product containing or consisting of genetic information shall not extend to plant material in which the product is incorporated and in which the genetic information is contained and performs its function but which is not distinguishable from plant material obtained or which can be obtained by an essentially biological process.

4. The protection conferred by a patent on a technical process that enables the production of a product containing or consisting of genetic information shall not extend to plant material in which the product is incorporated and in which the genetic information is contained and performs its function but which is not distinguishable from plant

contained and performs its function but which is not distinguishable from plant

Full support!
(the result is the reversal of proof)
(judicial argumentation is published 2021)

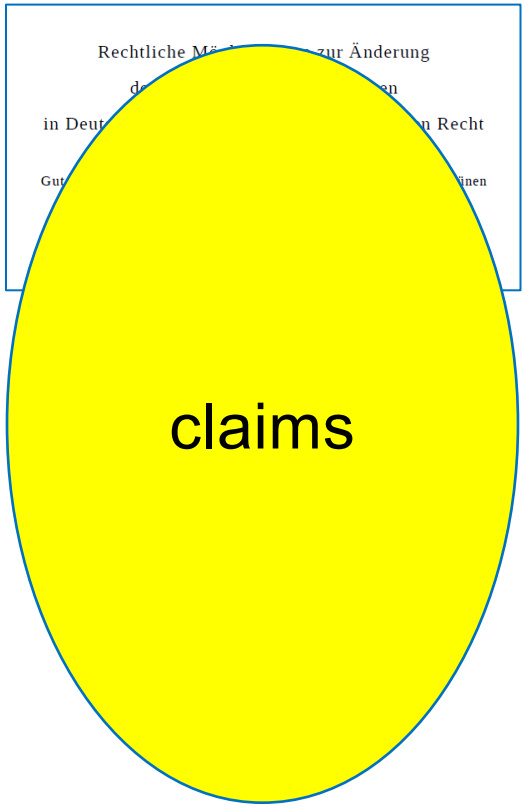
Carl von Ossietzky
Universität
Oldenburg

Limit scope of method claims!

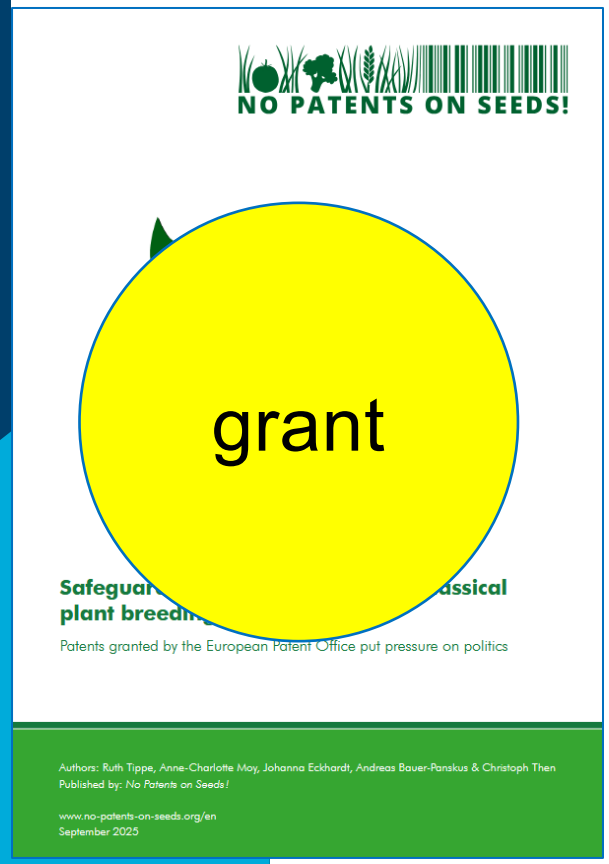
Qualify as „working methods“
which do not extend to the material

(amend Art. 8 sec. 2 Dir. 98/44).

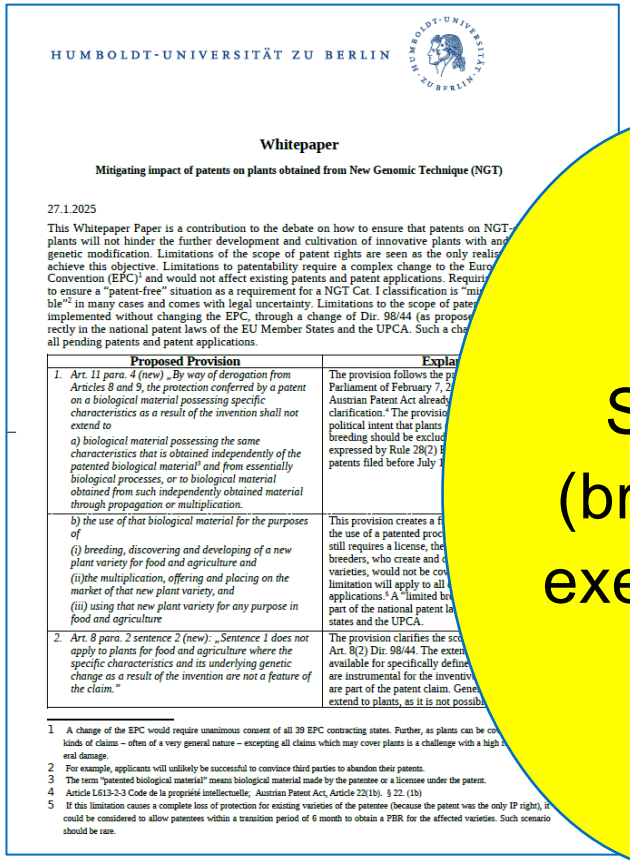
Metzger 2024



No Patents on Seeds



Metzger/Zech/Kock 2025


HUMBOLDT-UNIVERSITÄT ZU BERLIN

Whitepaper

Mitigating impact of patents on plants obtained from New Genomic Technique (NGT)

27.1.2025

This Whitepaper Paper is a contribution to the debate on how to ensure that patents on NGT-plants will not hinder the further development and cultivation of innovative plants with and genetic modification. Limitations of the scope of patent rights are seen as the only realis achieve this objective. Limitations to patentability require a complex change to the Euro Convention (EPC)[1] and would not affect existing patents and patent applications. Requiri to ensure a "patent-free" situation as a requirement for a NGT Cat. I classification is "mi ble"[2] in many cases and comes with legal uncertainty. Limitations to the scope of pate implemented without changing the EPC, through a change of Dir. 98/44 (as propose rectly in the national patent laws of the EU Member States and the UPCA. Such a che all pending patents and patent applications.

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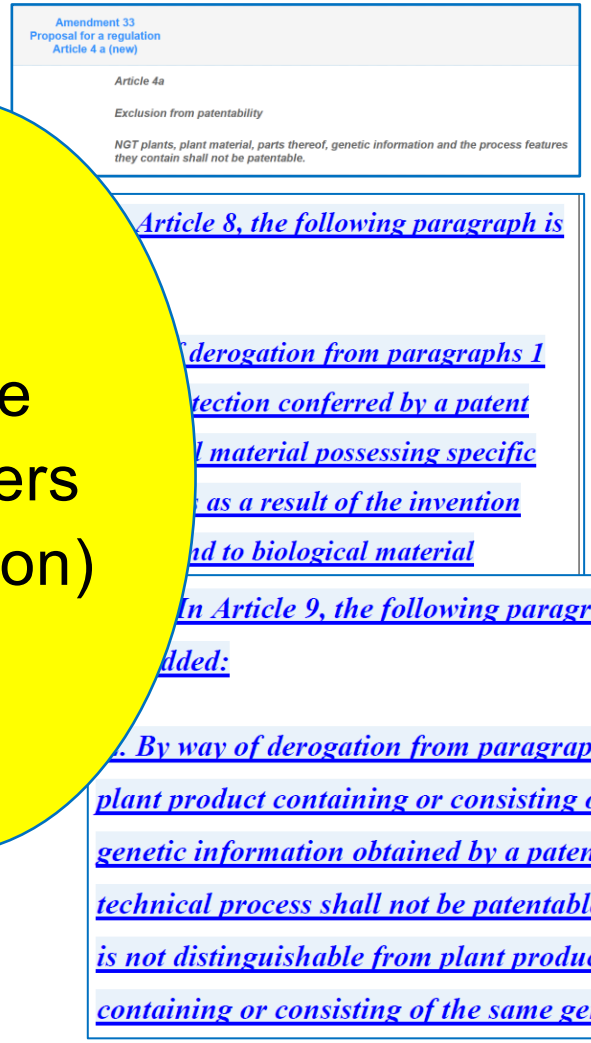
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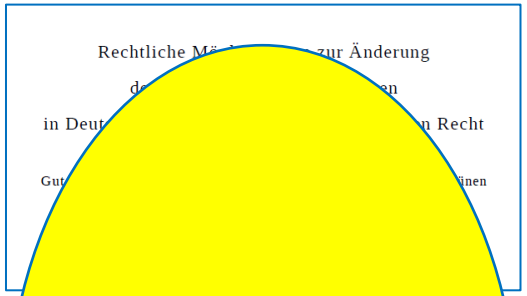
Rechtliche M zur Änderung
d en
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Scope (breeders exempton)

grant

claims