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European Patent Office
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Third party observation against patent EP1965658
(According to Article 115, European Patent Convention, EPC)

Animals are not an invention of the feed industry!

Dear Sir or Madam

I am filing this observation to prevent patent EP1965658 from being granted since it claims the feed, the rearing of the salmon, the salmon and fish oil derived thereof as an invention. The so-called invention is to feed specific plants to the salmon to increase the concentration of Omega-3-fatty acids in products such as fish oil. As described in the patent, the feed for the salmon can be derived from conventionally bred plants as well as from genetically engineered plants.

The patent must not be granted or, if it is, revoked, in particular for the following reasons:

- The patent is not inventive: For example, it is known that cows grazing on grasslands have a higher concentration of the above fatty acids in their milk. If the animals were to be declared a patented invention just because they are given a specific feed, then cows and pigs reared on grasslands could be patented as well.
- The patent is in conflict with Article 53b of the EPC, which prohibits patents on plants and animal varieties as well as on conventional breeding. Accordingly, the salmon as described cannot be patented and the feed as derived from conventionally bred plants is also not patentable.
- The patent is in conflict with Article 53a of the EPC, which prohibits patents that would be an exploitation of basic ethical values. If animals used for food production become patented inventions then animal welfare is likely to suffer from strategies devised by companies seeking to maximise profits before the patent expires.

In conclusion, I urge you to respect existing prohibitions in patent law and to stop granting patents on plants and animals.

Place, date, signature