



No Patents on Seeds!

Annual report on activities 2024

The organisation

No Patents on Seeds! (Keine Patente auf Saatgut e.V.) is a non-profit organisation registered in Germany and founded in 2018. The NGO continues the activities against patents on seeds of the previous international coalition.

The members of the organisation in 2024 were: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), ARCHE NOAH, Beyond GM, Biorespect, Bund Naturschutz in Bayern (BN), Corporate Europe Observatory, Dachverband Kulturpflanzen- und Nutztiervielfalt e.V., Danish Seed Savers, Gene-ethical network (GeN), IG Nachbau, IG Saatgut, Kein Patent auf Leben!, Munich Environmental Institute, Oxfam, Plataforma Transgénicos Fora, ProSpecieRara, Public Eye and SWISSAID (<https://www.no-patents-on-seeds.org/en/about-us/member-organisations>).

EU Transparency Register TR ID: 562793946026-60

The team

Dr. Christoph Then is the executive director of the organisation. Johanna Eckhardt coordinates public outreach (responsibility for the website, social media, organisation of media releases, newsletters) and contact to the experts of EPO member states. Johanna is based in Vienna and is supported through the infrastructure of the ARCHE NOAH organisation. Dr. Ruth Tippe, Anne-Charlotte Moy and Andreas Bauer-Panskus conduct ongoing patent research and are organising a database of relevant patents.

The initial situation

The Administrative Council of the European Patent Office (EPO) decided in 2017 that patents could no longer be granted on plants and animals derived from “essentially biological processes” of breeding. New Rule 28(2) was subsequently added to the Implementing Regulations of the European Patent Convention (EPC). This was an important success for the previous international coalition of *No Patents on Seeds!*. However, this decision does not completely exclude patents on plants and animals derived from conventional breeding.

The reason: there is no sufficient definition for the term ‘essentially biological processes’. Although the Enlarged Board of Appeal of the EPO confirmed the validity of the new Rule 28(2), the problem of defining ‘essentially biological processes’ remains unresolved. In addition, the Enlarged Board of Appeal also introduced a new ‘cut-off date rule’: According to this, the rule will only be applied to patents filed on or after 1 July 2017. This could lead to hundreds more patents being granted on conventional breeding and it could take more than 10 years for the EPO to develop a corresponding case law.

The activities

In 2024, the organisation's activities focussed on the following:

- **Patent research and publication of a report on current patent applications**

For this purpose, patent applications for plants filed at the EPO (or WIPO) in 2023 were analysed and divided into categories. In particular, patents granted after July 2017 were analysed. The report was published in English and German (<https://www.no-patents-on-seeds.org/en/report-2024>). It was published on the occasion of the hearing of the opposition against a patent of the company KWS (maize with tolerance for low temperatures) (<https://www.no-patents-on-seeds.org/en/20patents>). On 9 December 2024, it was also presented for discussion at an event organised by the Greens in the EU Parliament.



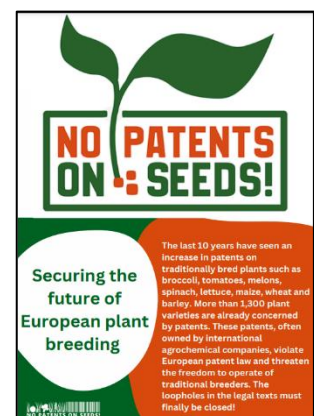
- **Political work**

The focus of our activities has shifted to the EU. Here, patents in connection with the planned deregulation of plants from new genetic engineering (NGT) were a key issue, as was a new directive on plant propagation material (seeds). Both legislative projects have not yet been finalised. The EU Parliament has spoken out against patents on seeds (NGT and random mutagenesis), particularly in connection with the regulation of NGT. Many EU member states are also leaning in this direction. In April 2024, we took part in a Testbiotech conference for MEPs, media and other experts on patents and NGTs.

A legal opinion by the Greens was presented in December 2024, proposing changes to the scope of patents. With regard to patent bans, the opinion is negative (with regard to NGT plants) and very cautious with regard to random mutagenesis.

- **Realisation of public activities to create images and occasions for reporting**

The campaign for our appeal to the EU Commission (<https://www.no-patents-on-seeds.org/en/campaign-info>) was launched in January. Around 12,000 flyers and 45,000 stickers were sent out over the course of the year. On 20 January, our vegetable figures were part of the *Wir haben es satt* demo in Berlin. In February, we published a background to patents on lettuce (<https://www.no-patents-on-seeds.org/en/lettuce>) to coincide with the hearing on our opposition. In April, we took part in a workshop in the EU Parliament (<https://www.no-patents-on-seeds.org/en/ngt>) and presented a new background on patents on tomatoes (<https://www.no-patents-on-seeds.org/en/news/tomato-patent>). In June, we were in Brussels to hand over a report (<https://www.no-patents-on-seeds.org/en/news/CRISPR>) and call on the EU Commission to take action (<https://www.no-patents-on-seeds.org/en/activities/commission>). In October, we organised a well-attended background discussion on the occasion of the hearing of the appeal against the KWS patent, in which Grietje Raaphorst from Nordic Maize Breeding also participated (<https://www.no-patents-on-seeds.org/en/20patents>). In December, we presented our latest report (<https://www.no-patents-on-seeds.org/en/report-2024>) to the EU Parliament. The media reported on our activities several times (<https://www.no-patents-on-seeds.org/en/background/media-reports>). Our member



organisation Oxfam Novib published a video in collaboration with the breeder Grietje Raaphorst-Travaille (https://www.youtube.com/watch?v=sLX_qNknMw).

- **Follow-up of selected patents / legal cases**

In February, our opposition against a patent on lettuce was rejected (<https://www.no-patents-on-seeds.org/en/news/lettuce-decision>); in October, our opposition against the KWS patent was also rejected (<https://www.no-patents-on-seeds.org/en/opposition>). An appeal was filed in both cases. In October, our appeal against a patent on soya beans was also rejected (<https://www.no-patents-on-seeds.org/en/patent-cases/soybean>).

- **Expansion of our alliance / our contacts in other European countries**

At a meeting with participatory breeders ('Bauernparadeiser') in Austria, we agreed to work together on appeals against patents on tomatoes with resistance to the 'Jordan virus'. Our flyers and stickers were met with great interest from growers (<https://www.no-patents-on-seeds.org/en/campaign>) and are also available in German and French.

In addition to our ongoing cooperation with breeder Grietje Raaphorst-Travaille from Nordic Maize Breeding (Netherlands), we are also in exchange with Frans Carree from the breeder DeBolster (NL) - together we took part in a panel discussion at the European Organic Congress in Budapest in Sept. 2024.

In October 2024, our member organisation Oxfam Novib organised a patent workshop together with our African partner organisation African Center for Biodiversity at the Let's liberate diversity meeting in the south of France, which took place as part of an international meeting of small farmers.

- **Income and expenses**

Income and expenses developed roughly as planned.