



Patents on Seeds: Politicians and the EPO must take responsibility

Handover of signatures prior to Administrative Council meeting at the European Patent Office

22 March 2021 / On the day before the Administrative Council meeting at the European Patent Office (EPO), WeMove Europe, the Munich Environmental Institute and *No Patents on Seeds!* will be handing over 175.000 signatures against patents on the conventional breeding of plants and animals. As shown in a recent report, several legal loopholes still enable companies to evade prohibitions on patents covering conventional breeding, and allows them to claim plants, seeds and food derived thereof as their 'invention'.

“No one should be able to own the exclusive right to grow and sell fruit and vegetables,” says Giulio Carini, senior campaigner at WeMove Europe. “We demand that the European Patent Office takes immediate action to protect the common good: they must close all loopholes facilitating seed monopolies.”

As the recent *No Patents on Seeds!* report shows, industry can exploit various loopholes in patent law to evade current legal prohibitions. Several dozen patents on plants derived from random mutations and conventional breeding methods have been granted in recent years. Examples include patents on barley, lettuce, broccoli, tomatoes and peppers. Meanwhile, more than 800 European plant varieties are affected by these patents. According to European patent law, patents can only be granted on methods of genetic engineering, but not on conventionally bred plant varieties or their traits.



Foto: Jörg Farys

“If these patents are not stopped, farmers and traditional breeders will become more and more dependent on big companies that can control access to seeds for further breeding. Each year we see around 100 further patent applications covering conventional plant breeding,” says Verena Schmitt from the Munich Environmental Institute. “Seed-grabbing monopolies must no longer be granted!”

Recent EPO decisions highlight the degree of legal uncertainty: whereas the revocation of a patent on melons was recently confirmed (T1045/16), in another case, Bayer/ Monsanto successfully filed an appeal against the revocation of a patent on broccoli (T2840/18). The ‘severed broccoli’ patent (EP1597965) covers the seeds, the plants and the harvested vegetables. *No Patents on Seeds!*

initially filed an opposition and the patent was revoked in 2018. However, Bayer filed an appeal against this decision; the appeal was endorsed by the EPO. Currently, this case is being re-considered.

The signature campaign demanding an immediate stop to the granting of these patents will be continued until the end of June, when the Administrative Council meets again. The 38 contracting states of the EPO are represented in the Administrative Council and have political responsibility for the correct interpretation of patent law. Industrial representatives are allowed as observers at the meetings, whereas public and civil society organisations, such as those protesting against patents on seeds today, are excluded. The EPO appears to be giving industry preferential treatment above the interests of the wider public. In fact, the EPO is entirely financed by fees paid by companies for the examination and granting of patents. In 2021, it has a budget of 2.4 billion euros.

Photos of today's campaign will be published on our [website](#) and can be requested from [Johanna Eckhardt](#).

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Further information

The petition on the homepage of [No patents on seeds!](#), the [Munich Environmental Institute](#) and [WeMove Europe](#).

[The new No Patents on Seeds! report](#)

[The melon patent](#)

[The broccoli patent](#)