



EU Parliament, national governments and civil society organizations against patents on plants and animals

Handover of 25,000 statements to the European Patent Office

1 October 2019 / Today is the last day for filing statements at the European Patent Office (EPO) against patents on conventionally bred plants and animals. In the frame of a collection campaign, around 25,000 people and 50 organisations used the opportunity to take up a position. The organisations include the development aid organisation Oxfam and the umbrella organisations of European farmers (Copa/Cogeca, IFOAM EU). At the same time, the EU Parliament has recently adopted a resolution requesting that such patents are stopped. Similar statements to the EPO were filed, amongst others, by the German, Portuguese and Spanish responsible authorities. Indeed, European Patent Law already prohibits the patenting of conventional breeding. Nevertheless, the EPO has granted an increasing number of these patents covering broccoli and tomatoes, barley and lettuce. Even fish are patented as 'invention' just because they are fed with selected plants.

Already in 2017, the 38 contracting states of the EPO took the decision to stop patents on conventionally bred plants and animals. In March this year, the EPO started a procedure (G3/19) involving its highest legal decision-making body, the Enlarged Board of Appeal, to clarify whether this decision was in accordance with the rules and statutes of the European Patent Convention (EPC). The statements filed today have to be taken into account by the Enlarged Board of Appeal. It is likely that the decision will be made next year.

“The EPO has to stop its current practice of only serving the interests of industry and patent attorneys. Political decisions and existing law have to be fully respected. We cannot accept any patent monopolies on the conventional breeding of plants and animals. Otherwise the basic resources for our daily food will be controlled by Bayer & Monsanto, DowDupont and Syngenta”, says Christoph Then for *No Patents on Seeds!*.

No Patents on Seeds! is demanding a change in the rules for interpreting patent law in order to close these loopholes. It is also calling for the more effective implementation of current prohibitions. However, if a change in the interpretation of current law does not provide sufficient legal certainty and clarity, the European patent law itself needs to be changed accordingly.

“European governments and the new EU Commission have to set the right priorities: it has to be ensured that the EPO no longer ignores demands from the wider public, breeders, farmers and consumers. We need legal clarity and certainty to safeguard access to agrobiodiversity in the future”, Bram de Jonge, Seed Policy Advisor for Oxfam, says. “The EU should also be aware that this issue is of huge relevance for countries of the Global South and global food sovereignty.”

The following organizations joined the activity:

• Aktion Agrar – Landwende jetzt e.V. • Arbeitsgemeinschaft bäuerliche Landwirtschaft e.V. • Arbeitsgemeinschaft der Umweltbeauftragten der Gliedkirchen der Evangelischen Kirche in Deutschland • ARCHE NOAH • Asociación Vida Sana • BioForum Vlaanderen • Bioverband Erde & Saat • BUND Naturschutz in Bayern e.V. • Bundesverband Naturkost Naturwaren (BNN) e.V. • Compassion in World Farming • Coalition against BAYER-Dangers • COPA-COGECA • Corporate Europe Observatory • Die Freien Bäcker – Zeit für Verantwortung e.V. • European Consortium for Organic plant breeding • FIAN Germany e.V. • FOUR PAWNS International • Frøsamlerne – Danish Seed Savers • Fundacji AgriNatura – Foundation AgriNatura for Agricultural Biodiversity • GAIA – Grupo de Acção e Intervenção Ambiental • Gen-ethical Network • IFOAM EU • Inštitut za trajnostni razvoj / Institute for Sustainable Development • Katholische Landvolk Bewegung Freiburg • Kein Patent auf Leben • Københavns Fødevarefællesskab • Landbauschule Dottenfelderhof e.V. – Forschung/Züchtung • NO PATENTS ON SEEDS! • OpenSourceSeeds – AGRECOL • Österreichische Berg- und Kleinbäuer_innen Vereinigung – Via Campesina Austria • Oxfam • Peliti – Alternative Community • Pesticide Action Network UK • Plataforma Transgénicos Fora • ProSpecieRara • Public Eye • Saat:gut e.V. • Sambucus e.V. • Sativa Rheinland AG • Save our Seeds (SOS) • Sinergia Animal • Slow Food Europe • Społeczny Instytut Ekologiczny / Social Ecological Institute • SWISSAID • Umweltinstitut München e.V. • Verband Katholisches Landvolk e.V. • WeMove Europe • Yeryüzü derneği / Earth Association • Zukunftsstiftung Landwirtschaft

Contact

- Bram de Jonge, Seed Policy Adviser, Oxfam, Bram.de.Jonge@oxfamnovib.nl, Tel. +31 (0)70 342 1 717
- Christoph Then, Spokesperson *No Patents on Seeds!*, Tel +49 (0) 151 54638040, info@no-patents-on-seeds.org
- Johanna Eckhardt, Project coordination *No Patents on Seeds!*, Tel + 43 (0) 680 2126 343, johanna.eckhardt@no-patents-on-seeds.org

Further information

[Statement filed at the EPO by civil society organizations](#)

[Pictures of handover](#)

[Resolution of EU parliament](#)

[Statements in regards to case G3/19 at the EPO website](#)