



Petition to the governments of the contracting states of the European Patent Office:

Call for a ministerial conference to stop patents on seeds!

The European Patent Office (EPO) has been discussing ways of effectively implementing the prohibition of patents on conventional plant and animal breeding for over ten years. The wording of the prohibition in the European Patent Convention (EPC) is not sufficiently precise. Its meaning needs further interpretation: the wording in the EPC reads as follows: “essentially biological processes for the production of plants or animals” shall not be patented (Article 53b, EPC).

Even though a new rule (Rule 28 (2), EPC) for the interpretation of the prohibition was adopted in 2017, patents are still being granted not only on genetically engineered plants but also on those derived from random mutagenesis and conventional methods. Recent examples include patents on barley, bush melons and salad. So far, neither the EPO nor officials representing the contracting states, appear to be willing to solve this problem despite regular meetings at the Administrative Council of the EPO.

The use of new genetic engineering techniques is exacerbating the problem: tools such as CRISPR/Cas gene scissors can be used to imitate conventional breeding. At the same time, many companies are intentionally blurring the differences between conventional breeding and genetic engineering in their patent applications. If these patents are granted, they can also cover plants (or animals) derived from conventional breeding and inheriting random mutations. This is a way for large companies, such as Bayer, Corteva (previously DowDuPont), BASF and Syngenta, to gain more and more control of conventional breeding. To prevent the existing legal prohibitions from becoming meaningless, we need effective legal instruments to limit the scope of patents.

We are calling for the governments of the contracting states to take their responsibilities seriously and organise an international ministerial conference. According to the EPC (Article 4a), such conferences should take place every five years to discuss questions relating to patent law. However, it seems that there have been no such conferences within the last 20 years. In any case, after many years of legal uncertainty, high level decisions now have to be taken. The prohibition of patents on conventional breeding can only be made effective by further political initiative of the national governments.

Sign the petition now: <https://www.no-patents-on-seeds.org/en/petition>

