

European Patent Office to grant Monsanto a new patent on tomatoes Seed monopolists increasingly gaining market control

Munich, 9 March 2011. The European Patent Office (EPO) in Munich is intending to grant further patents on seed, plants and food derived from conventional breeding. This is shown by recent research commissioned by the No Patents On Seeds coalition initiated by organisations from Germany, Switzerland and Norway. The EPO's Examination Division in January 2011 wrote a letter to the Seminis seed company to tell them that there are no fundamental objections to a patent application on tomatoes. Seminis, a subsidiary of the US company Monsanto, applied for a patent on conventionally-bred tomatoes that have less core (EP1026942). The EPO has been sending similar examination reports to other applicants too.

"If this development is not stopped, within a few years there might be no more seeds on the market that are not covered by patents. Corporations such as Monsanto, Syngenta and Dupont will then decide what plants are grown and which food is sold in Europe and how much it will cost," says Christoph Then, one of the spokespersons of the No Patents On Seeds coalition.

The outcome of the research is surprising because in December 2010, in a case setting a precedent concerning patents on broccoli and tomatoes, the EPO decided that in general processes for conventional breeding can not be patented. A final decision in the broccoli case is expected within the next few weeks. But as the recent research now shows, it has to be expected that patents on plants and animals, seed and food derived from these are still getting granted in Europe. Only the processes for breeding will be exempted.

"The existing legal prohibition on patents on conventional plant breeding is eroded by the current practice of the European Patent Office," says Tina Goethe at SWISSAID. "Even before the final decision on the broccoli patent is taken, the EPO continues to push ahead in favour of the multinationals. These corporate companies will be allowed to continue systematic abuse of patent law to get control on all levels of food production. This also will impact people in development countries that are already suffering from rising prices for food."

According to the recent research that was conducted by Ruth Tippe from No Patents On Life!, at least 250 patent applications on genetically engineered plants were filed at the EPO in 2010. A further 100 patent applications that cover conventional plant breeding were identified. Patents on conventional breeding are filed in increasing numbers, especially by Monsanto, Syngenta and Dupont. In addition about 25 patents concerned with animal breeding were applied for at the EPO. In 2010 about 200 patents on seed with and without genetic engineering were granted at the EPO.

The German government as well as members of all parties in the German Parliament have spoken out against patents on plants and animals recently. Criticism was also raised by breeders in the Netherlands and Germany and by many farmers' organisations around the world. The organisations behind No Patents On Seeds are now planning to lobby for a change in European patent legislation. A call for a petition to be signed has been started on today at www.no-patents-on-seeds.org. The European branch of the small farmers organisation Via Campesina is amongst the first signing organisations.

The report can be downloaded at <http://www.no-patents-on-seeds.org/en/information/background/seed-monopolists-increasingly-gaining-market-control>. questions can be directed to Christoph Then, Tel +49 151546380, info@no-patents-on-seeds.org, Tina Goethe, SWISSAID, +41-31-350 5375 and mobil: +41-76-516 5957 t.goethe@swissaid.ch, Ruth Tippe, Tel + 49 1728963858, rtippe@keinpatent.de