

no patents on seeds



MEDIA RELEASE

A new wave of patents on plants

President of European Patent Office asked to step down

Munich, 13.3. 2013 The European Patent Office (EPO) has restarted to rush for patents on plants derived from conventional breeding, although a precedent case is pending in front the Enlarged Board of Appeal concerning a patent on tomatoes (G2/12). This new development is evident from a report of the coalition of *No Patents on Seeds* that is published today. Within a few weeks, around a Dozen new patents will be granted, covering species such as broccoli, onions, lettuce, cucumber and melons. Just today two patents, one on salad and one on cucumber, are granted. This new practise of patenting is very likely influenced by the opinion of the President of the EPO, Mr. Benoît Battistelli, which very recently gave a clear statement in favor of these patents.

The organisation behind the international coalition of *No Patents on Seeds* are alleging Mr. Battistelli to take the position of companies like Monsanto and Syngenta. They are warning if Battistelli's interpretation of the current patent law would be applied, the prohibition of patents on plant varieties and animal races as well as on conventional breeding would become meaningless.

"Mr Battistelli should step down as the President of the EPO. The report shows that Mr. Battistelli has to take responsibility for the new patents being granted while the precedent case is still pending. By doing so, he is ignoring the position of the majority of European plant breeders and European farmers organisations, as well as the interests of European consumers and developing countries," says Christoph Then which one of the coordinators of *No Patents on Seeds*. "This patents are also a setback for the European Parliament which in May 2012 called upon the EPO to stop granting these patents due to them being in contradiction with current European Patent legislation."

Normally a pending case in front of the Enlarged Board of Appeal has effects on the further grants of new patents which will be affected by the upcoming decision. The President of the EPO can request that the examiners take into account a pending precedent case. But while indeed only very few patents were granted on plants derived from conventional breeding last year, now the EPO is about to grant a dozen patents just in a few weeks.

The organisations behind the coalition of "No Patents on Seeds" are extremely concerned because for example in the case of the seed varieties of tomato, paprika and cauliflower being registered in the EU, only two companies - Monsanto and Syngenta - are owning more than 50% already. They are worried that patents on seeds will foster further market concentration and making farmers and others stakeholders of the food supply even more dependent just on a few big international companies and giving finally less choice to the consumers. *No Patents on Seeds* is demanding the EPO to stop patenting of plants and animals, and legal clarification of European Patent laws to exclude patents on plants and animals completely. The Coalition "*No Patents on Seeds* " is organised by Bionext (Netherlands) the Berne Declaration (Switzerland), GeneWatch (UK), Greenpeace (Germany), Misereor (Germany), Development Fund (Norway), No Patents on Life (Germany), Réseau Semences Paysannes (France) and Swissaid (Switzerland). These organisations are calling for a revision of European Patent Law to exclude breeding material, plants and animals and food derived thereof from patentability. The coalition is supported by several hundred other organisations (www.no-patents-on-seeds.org).

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The report: www.no-patents-on-seeds.org/en/information/background/green-light-for-patents-on-plants-and-animals