

European politicians

Time for action – NOW!

As a first step, Member States of the European Patent Office (EPO) should **take initiative in the Administrative Council**, which is the assembly representing the Member States of the EPO. It is the only institutional body that can change the current rules of interpretation by amending the Implementing Regulation of the European Patent Convention.

National laws such as in Germany and the Netherlands show that **patents on plants and animals derived from conventional breeding can be prohibited on national level**.

Further, the European Parliament adopted a resolution on 10 May 2012 on the patenting of essential biological processes, in which “the European Parliament calls on the EPO also to exclude from patenting products derived from conventional breeding and all conventional breeding methods, including SMART breeding (precision breeding) and breeding material used in conventional breeding”.

European governments must follow this line and prohibit patents especially on plants and animals derived from conventional breeding, including breeding material and genetic resources in a first step.

On the midterm, the **European Patent law needs to be changed** to exclude all breeding processes and breeding material, plants, animals, genetic resources, native traits and food derived thereof from patentability.

Farmers and consumers

Civil society

It is also time to act for the civil society to **mobilise politicians and governments** to prohibit such patents. Support and distribute political measures against patents on plants and animals.

Sources and further information can be found in the report “Patents on plants and animals – time to act for European politicians” (No patents on seeds, 2016): http://no-patents-onseeds.org/sites/default/files/news/report_patents_on_seeds_time_to_act_2016.pdf

About No patents on seeds

The *No Patents on Seeds!* coalition campaigns for a clear regulation in patent law.

The organisations behind *No Patents on Seeds!* are **Arche Noah** (Austria), **Bionext** (Netherlands), **Public Eye** (Switzerland), **GeneWatch** (UK), **Greenpeace**, **Misereor** (Germany), **Development Fund** (Norway), **NOAH** (Denmark), **No Patents on Life** (Germany), **ProSpecieRara**, **Red de Semillas** (Spain), **Rete Semi Rurali** (Italy), **Reseau Semences Paysannes** (France) and **Swissaid** (Switzerland).

Their initiative is supported globally by over 300 NGOs and farmers’ organisations, and has collected about 320.000 signatures against patents on plants and animals. The coalition now urges the institutions of the EU to go for clear legal regulation to exclude from patentability plants and animals, genetic material and processes for breeding of plants and animals and food derived thereof.

We’ll be happy to offer **further support** and provide you with **more information!**

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Visit our website to stay informed about ongoing actions: <https://no-patents-on-seeds.org>

no patents on seeds



Patents on plants and animals: time to act for European politicians

Short summary of a detailed report about patents on plants and animals in Europe

Provided by NO PATENTS ON SEEDS! in October 2016

www.nopatentsonseeds.org

no patents on seeds

Outline of the problem

Plants and animals evolved over millions of years by natural selection and adaptation. Breeders make use of the existing biodiversity. But especially bigger companies started to patent plants. **These patents put at risk the access to seeds and plants for traditional breeders, farmers and consumers.**

On 25 March 2015, the Enlarged Board of Appeal of the **European Patent Office (EPO)** confirmed an unacceptable interpretation of the current patent law: while **processes for conventional breeding cannot be patented, plants and animals stemming from these processes are patentable.** This is not only contradictory in itself, but it also **undermines the prohibitions in European patent law:** "Plant and animal varieties or essentially biological processes for production plants and animals" are excluded from patentability (Art 53 b, EPC).

Because the Enlarged Board of Appeal would be binding for all other EPO decisions in this context, now the rules for the interpretation of the European Patent Convention have to be changed, to strengthen the current prohibitions in European Patent Law.



Impacts of patents

The whole of the food chain (breeders, farmers, processors, retailers, consumers) could be affected if patents are granted on seeds, plants, fruits and derived products.

Seed market - Control by a few international corporations

Because of eliminated competition, only a few corporations control the proprietary seed market and thus the basis of our food (e.g. because of high costs in relation to patents application). **Today, only 10 corporations own about 75 % of the international seed market. The three largest, Monsanto, DuPont and Syngenta, control over 50 % of the market.**

Increased prices for farmers and consumers

Through the monopolisation of the seed market, corporations are free to determine the prices for their seeds, at the costs for farmers, and ultimately, consumers. **We should not allow a few seed giants to decide what is grown in the fields, what will be bred and which price we all have to pay for our daily food.**



Patent industry

The patent system has evolved over the years into what is now essentially a "closed shop", governed by interest groups, vested commercial interests and mostly without any institutional representation of broader civil society.

The European Patent Office (EPO) has already granted several thousand patents on plants and seeds, with a steadily increasing number of patents on plants and seeds derived from conventional breeding.

Around 2.400 patents on plants and 1.400 patents on animals have been granted in Europe since the 1980s. More than 7.500 patent applications for plants and around 5.000 patents for animals are pending, most of them are genetically engineered. However, also **the number of patents on plants and seeds derived from conventional breeding is steadily increasing - more than 180 patents have been already granted** (e.g. tomatoes and broccoli - content of healthy compounds, wild pepper - insect resistance, soy beans - higher yields) and about 1.000 such patent applications are pending. The scope of many of the patents that have been granted is extremely broad and very often **covers the whole food chain from production to consumption.** These patents are an **abuse of patent law**, designed to take control of the resources needed for our daily living.



Patented food products that are already on the market e.g. patented broccoli introduced in the UK as "Beneforte" by Monsanto in 2011.

Legal problems and current status

Less innovation

Contrary to the intended purpose, **patents on seeds substantially hinder innovation.** These patents can be used to block access to biological diversity needed to breed and to grow plants. Breeders and farmers are not allowed to breed using patented varieties without the permission of the patent holder. If permission is granted at all, a licence fee must be paid to the patent holder. And also in following generations no further breeding can take place without permission of the patent holder.

Less biodiversity & less variety

The diversity of agricultural varieties and wild crops are the main resources for breeders/farmers to develop new varieties. If access to this diversity is hindered, there will be less innovation. Less innovation leads to less new varieties thereby decreasing biodiversity in agriculture and the choice for consumers.

Endangered food security

Given reduced diversity, crops are less capable of adapting to diseases or changing environmental conditions (such as climate change). Therefore high agricultural biodiversity is essential for our food security.

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