



No patents on fish, chickens, pigs and cows!

European Patent Office grants patent on salmon

9 May 2019 / The European Patent Office (EPO) has granted a patent on salmon fed with certain plants (EP1965658). The feedstuff was patented along with the rearing and feeding of the fish, the fish itself and the fish oil. The fish can be fed with either conventional or genetically modified plants. Foods derived from the salmon supposedly have an increased content of omega-3 fatty acids. Such fatty acids are typically referred to as having health benefits. This idea is by no means new: it is known, for example, that the milk of pasture-fed cows has a higher content of these fatty acids.

The patent led to public protests in 2016 when the EPO first announced it was granting the patent. At that time, the European Patent Office received hundreds of letters of protest and stopped the approval process. However, in October 2018 the patent was granted after all. *No patents on seeds!* believes that the patent violates the prohibition of patents on plants and animals from conventional breeding.

"If animals become an invention just because they are fed a specific feedstuff, we will soon have pastured cows and pigs being patented," says Erling Frederiksen for *No patents on seeds!* Denmark. "Such patents can affect agriculture very directly. Farmers would then not be allowed to milk a cow without permission from the patent holder, or to slaughter a pig, or sell chicken eggs."

Legal chaos currently prevails at the European Patent Office: in December 2018, a decision made by the 38 contracting states that conventionally bred plants and animals could no longer be patented, was retracted by the Board of Appeal because legally it had too many loopholes. As a result, in March 2019, the President of the European Patent Office suspended some application approval processes. However, it seems that this did not apply to all cases. At the same time, the President of the EPO appealed to the highest judicial body of the EPO, the so-called Enlarged Board of Appeal, and requested clarification. When and how the Board will provide this is completely unclear.

No patents on seeds! is calling for politicians to take responsibility and to change the law if necessary. In future, it should be made impossible to grant patents on conventionally bred plants and animals. It is feared that these patents will primarily serve the interests of large corporations, such as Bayer, who will ultimately take control of agriculture and food production.

"If politicians fail to set clear limits, then new facts will be constantly created for patent attorneys, companies and the EPO to make even more profit with such patents," says Johanna Eckhardt for *No patents on seeds!*. "In the near future even food and drink may be patented as an invention."

An opposition is currently being prepared against the salmon patent. A text to support the opposition (via online form or post) has already been published.

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Further information

[Text of the patent](#)

[Text to support the opposition](#)

[Background: Patents on animals](#)