



Patent on barley and beer upheld

European Patent Office maintains its absurd legal practice

10 May 2022 / Today the European Patent Office (EPO) rejected oppositions against a patent on barley and beer granted to Carlsberg and Heineken (EP2575433). The reasons the EPO gave for the decision mean that they will continue to grant similar patents in future. According to the decision, random mutations are absurdly regarded as technical inventions.

“This is a bad day for brewers, breeders, food producers and consumers. The EPO decided that random genetic variations are still considered to be technical inventions. The decision shows the need for political decision-makers to take action,” says Johanna Eckhardt for *No patents on seeds!*.

Barley plants derived from conventional breeding and the beer produced with the barley are claimed by Carlsberg and Heineken as their invention. The characteristics of the plants are based on random genetic variations that were combined in the barley by crossing and selection.



“It is evident that random genetic variations do not meet the conditions of a technical invention. If patents on conventional breeding are granted, the patent holders can block or hamper access to biological diversity in a way that will make traditional breeding impossible. There will be associated consequences for plant breeding, food production and consumers,” says Christoph Then for *No patents on seeds!*.

The EPO granted some similar patents in 2021. This is why *No Patents on Seeds!* is demanding that political decision-makers take action and make sure that no patents on conventionally bred plants and animals can be granted in future. An ongoing petition for this demand has already gained more than 200.000 signatures.

The opposition against the patent was filed by broad coalition of around 40 organisations, involving

Germany: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), Arbeitsgemeinschaft der Umweltbeauftragten der Gliedkirchen der Evangelischen Kirche in Deutschland (AGU), Bioland, Brot für die Welt - Evangelischer Entwicklungsdienst, Bündnis gentechnikfreie Landwirtschaft, Bund Naturschutz Bayern (BN), Bund für Umwelt und Naturschutz Deutschland (BUND), Bundesverband Naturkost Naturwaren (BNN), Campact, Die Freien Bäcker, Evangelischer Dienst auf dem Land in der EKD (EDL), Erzeugergemeinschaft für ökologische Brauohstoffe (EZÖB), Erzeugergemeinschaft Bördeland und Diemeltal, FIAN, Gäa e.V.- Vereinigung ökologischer Landbau, Gene-ethical network (GeN), IG Nachbau, Katholische Landvolkbewegung (KLB), Pro Regenwald, Sambucus, Slow Food Germany, Munich Environmental Institute, Verband Katholisches Landvolk (VKL), Zivilcourage Miesbach, Zivilcourage Rosenheim, Zukunftsstiftung Landwirtschaft (Save our seeds!), **Austria:** ARCHE NOAH, ARGE Schöpfungsverantwortung, Horizont3000, IG Milch, Welthaus Diözese Graz-Seckau, **Switzerland:** ProSpecieRara, SWISSAID, **Denmark:** Kopenhagen Food co-operative, **Europe:** WeMove.EU, **Portugal:** GAIA, Plataforma transgénicos fora

In addition, the CulturBrauer - an umbrella organisation of private breweries in Austria - have filed an opposition of their own against the patent.

Contacts:

- Christoph Then, spokesperson *No Patents on Seeds!*, info@no-patents-on-seeds.org, +49 151 54638040
- Johanna Eckhardt, Project Coordination *No Patents on Seeds!*, johanna.eckhardt@no-patents-on-seeds.org, +43 680 2126343

Further Information:

More about beer patents:

www.no-patents-on-seeds.org/en/patent-cases/beer

Background on new patent applications on barley (March 2022):

www.no-patents-on-seeds.org/en/patents_barley

The ongoing *No Patents on Seeds!* petition:

www.no-patents-on-seeds.org/en/petition