



Will politics now stop patents on seeds in Europe?

German Ministry of Justice conference considering patents on conventional breeding

7 July 2021 / Tomorrow the German Federal Ministry of Justice and Consumer Protection will hold a conference on the “Patentability of Plants and Animals: Scope for Action and Need for Reform?”. Participants include the EU Commission, the European Patent Office (EPO) and experts from the contracting states of the EPO. Representatives from industry, lobby organisations and other institutions as well as *No Patents on Seeds!* are also invited to take part.

“We very much appreciate that this conference is being held, and we are hoping for a strong political signal that patents on conventionally bred plants and animals will be stopped in Europe. This is a problem that has been discussed for more than ten years. Besides the German government, several other European governments have taken clear positions against these patents. Nevertheless, patents are still being granted, for example on barley, melons and peppers,” says Johanna Eckhardt for *No Patents on Seeds!*.

No Patents on Seeds! is warning that especially stakeholders from industry and the patent lobby might use the conference to propose pseudo-solutions, such as easier access to licences. This would only serve to strengthen the position of companies that have submitted the highest number of patent applications. It is these companies that stipulate conditions in the contracts that other breeders are required to sign up to. Until now, breeders can use conventionally bred varieties to freely and independently improve breeding. Therefore, *No Patents on Seeds!* is demanding the complete prohibition of patents on conventional breeding.



Photo: Jörg Farys

“It doesn’t make any sense to just introduce single mitigation measures or pseudo-solutions. Political decisions are needed to ensure that these prohibitions are implemented to prevent conventional breeding and non-GMO farming from becoming dependent on patent holders,” says Christoph Then for *No Patents on Seeds!* who also will participate in the conference.

No Patents on Seeds! is also warning that the introduction of genome editing will cause new problems: many characteristics derived from conventional breeding can, in theory, also be reproduced with tools such as the gene scissor CRISPR/Cas. Many patent applications therefore include ‘technical toppings’ which create the impression that genetic engineering methods were used even if they were not. This is one of the ways in which the differences between genetic engineering and conventional breeding is blurred, thus allowing the scope of patents to be extended to conventionally bred plants and animals. Therefore, *No Patents on Seeds!* is demanding strict limitations to the scope of patents claiming genetic engineering methods.

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Further information

The conference on the homepage of the Ministry of Justice:

https://www.bmjv.de/DE/Ministerium/Veranstaltungen/Anmeldung/Mehr-Info-zb3_node.html;jsessionid=2351F2800C0CF4BD45235AFBB9BA2CB9.2_cid324?cms_eventid=15992706

Press release on patents on barley and beer (June 2021):

https://www.no-patents-on-seeds.org/en/news/patent_on_barley_and_beer_upheld

Background report on patents on seeds from Genome Editing: <https://www.testbiotech.org/node/2772>