

no patents on seeds



Media Release

The EU Unitary Patent: A 'One Stop Shop' for Monsanto & Co

European Parliament just before decisive vote

Munich/ Brussels, 10 December 2012. This week the European Parliament is supposed to vote on a new *EU Unitary Patent* that also foresees the establishment of a *Unified Patent Court*. The new EU regulation aims to accelerate the granting of patents within the EU. The international coalition of *No Patents on Seeds!* and other institutions are warning that adopting the EU Unitary Patent would not be in line with the interests of civil society.

“Multinational companies like Monsanto are the most likely to profit from the Unitary Patent as a 'one stop shop' to gain fast track monopolies within the EU. *No Patents on Seeds* demands that the proposal is rejected. The interests of civil society and especially those of consumers, farmers and traditional breeders must not be sacrificed for the sake of big industry”, says Christoph Then from the coordination of *No Patents on Seeds!*

No Patents on seeds! is aware that inside the EU Parliament the necessary legal clarity is missing about the new patent system. Apparently, much more time would be needed to discuss the proposal and bring it line with the interest of the public. However the decisive Committee on Legal Affairs within the EU Parliament is dominated by Members of Parliament that are in favour of adopting the legislation quickly. The reasons for that can be seen as highly questionable. For example Mr. Klaus-Heiner Lehne, who is the chair of the Committee, is also deeply involved in the new draft legislation. In parallel he is also working for Taylor Wessing which is an international law company acting for industry in the field of patents.

Mostly problematic is the planned new *Unified Patent Court*. For this specific part of the new legislation, Mr. Lehne is acting as rapporteur for the European Parliament. The new patent court will not be under control of the EU but will be based only on an agreement between EU Member States. This means special rights that overlap with existing law and according to many observers will not render sufficient legal certainty:

The new patent legislation would exclude the Court of Justice of the European Union (ECJ) from taking final decisions. There is no possibility to bring any appeal to the ECJ concerning the decisions of the *Unified Patent Court*.

Further, in comparison to the procedures at the European Patent Office (EPO), the costs for non-profit organisations that bring oppositions on behalf of the public interest will be increased dramatically.

Finally, the current draft only provides a limited breeders' exemption for the breeding of plants that does not enable a breeder to sell his own seeds independently from any patent holder. Also a farmer could not sell his animals for breeding purposes without consent from patent holders.

The coalition “No Patents on Seeds” is warning that large corporations such as Monsanto, Dupont, Syngenta and Bayer are abusing current patent laws in order to gain monopolistic control over global food production chains. The coalition is driven by several civil society organisations aiming to protect the environment, developing countries and agriculture. Several hundred organisations have signed the petition at www.no-patents-on-seeds.org.

Contact: Christoph Then, Tel 0049 151 54638040, info@no-patents-on-seeds.org

Briefing from No Patents on Seeds! on the Unified Patent Court:

<http://www.no-patents-on-seeds.org/en/information/background/critical-analysis-draft-agreement-unified-patent-court>