

# no patents on seeds



## European Patent Office blunder leads to grant of a new patent on conventional breeding

### Patent granted on watermelons

20 February 2014 Munich. The company, H.M. Clause, which belongs to the French co-operative group, Limagrain yesterday was granted a European Patent on watermelons (EP 1816908). The patented watermelon plant is supposedly even more multibranching and smaller fruits than usual, but this cannot be an invented trait since it is part of naturally occurring biodiversity. The patent covers the seeds, the plants and the fruits. The plants were created by crossing and selection, which are the usual standard methods used in plant breeding, and regarded as essentially biological processes which are excluded from patenting under the European Patent Convention. Last year the European Patent Office (EPO) announced – after wide public criticism - that it would stop granting such patents until cases involving broccoli and tomato were decided and legal precedents established. In this case, the EPO tried to prevent the patent from being granted, but failed due to a procedural error.

“The lack of oversight at the EPO is now so great that even procedural errors are becoming an excuse to grant such patents. Looking at the patent file, there is no doubt that the EPO wanted to grant this patent anyway since the examination had already been completed. This case shows once again that decision-making cannot be left with the EPO. European governments such as Germany and France should use their power in the Administrative Council of the EPO. These patents can only be stopped if politicians are ready to make a clear decision,” says Christoph Then for the Coalition of *No Patents On Seeds!*. “Otherwise companies holding broad monopolies will step by step take control of our daily food.”

In May 2012, a resolution was adopted by the European Parliament, which “calls on the EPO to exclude from patenting products derived from conventional breeding and all conventional breeding methods.” However, this resolution has so far been widely ignored by the EPO. A political decision to stop these patents could be taken by the Administrative Council of the EPO, which is made up of representatives of the European governments. The German government has already announced a European initiative. In January 2014, the French Senate asked the government of France to get active within the EU.

The organisations behind the coalition of No Patents on Seeds! are extremely concerned that such patents will foster further market concentration, making farmers and other stakeholders of the food supply chain even more dependent on just a few big international companies and ultimately reduce consumer choice. The coalition of No Patents on Seeds! is organised by Bionext (Netherlands), The Berne Declaration (Switzerland), GeneWatch (UK), Greenpeace, Misereor (Germany), Development Fund (Norway), No Patents on Life (Germany), Red de Semillas (Spain), Rete Semi Rurali (Italy), Réseau Semences Paysannes (France) and Swissaid (Switzerland). They are all calling for a revision of European Patent Law to exclude breeding material, plants and animals and food derived thereof from patentability. The coalition is supported by several hundred other organisations.

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