



Re: Patentability of plants and animals (G03/19)

Dear Members of the Enlarged Board of Appeal

The two questions raised by the President of the European Patent Office (EPO) should be answered with YES for the following reasons:

Democratically legitimized political control of the correct interpretation of European patent law should not be undermined by EPO decision-making. In this case, the power of the Administrative Council, based on the support of all 38 contracting states, cannot simply be overruled by decisions taken by a technical body at the EPO.

Consequently, the European Patent Office has to make sure that all processes used in conventional breeding and all plants and animals derived thereof are not subject to any patent claims.

Genetic engineering enables direct technical interventions in the genome. This is profoundly different from conventional breeding which starts from and works with a high level of genetic diversity, using all kinds of variations and mutations through further crossing and selection.

Genetic diversity as used in conventional breeding may be derived from native traits, existing plant varieties or from induced random mutations. If patents are granted on processes of genetic engineering, such patents clearly have to be restricted to technical and targeted processes. Access to genetic material as well as plants and animals derived from conventional breeding should not be hampered by patents.

Contact: Christoph Then, No patents on seeds!, Frohschammerstr. 14, 80807 Munich,
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With kind regards,

Aktion Agrar – Landwende jetzt e.V.

Arbeitsgemeinschaft bäuerliche
Landwirtschaft e.V.

Arbeitsgemeinschaft der
Umweltbeauftragten der Gliedkirchen der
Evangelischen Kirche in Deutschland

ARCHE NOAH

Asociación Vida Sana

BioForum Vlaanderen

Bioverband Erde & Saat

BUND Naturschutz in Bayern e.V.

Bundesverband Naturkost
Naturwaren(BNN) e.V.

Compassion in World Farming

Coalition against BAYER-Dangers

COPA-COGECA

Corporate Europe Observatory

Die Freien Bäcker – Zeit für
Verantwortung e.V.

European Consortium for Organic plant
breeding

FIAN Germany e.V.

FOUR PAWS International

Frøsamlerne – Danish Seed Savers

Fundacji AgriNatura – Foundation
AgriNatura for Agricultural Biodiversity

GAIA – Grupo de Acção e Intervenção
Ambiental

Gen-ethical Network

IFOAM EU

Inštitut za trajnostni razvoj / Institute for
Sustainable Development

Katholische Landvolk Bewegung Freiburg

Kein Patent auf Leben

Københavns Fødevarefællesskab

Landbauschule Dottenfelderhof e.V. –
Forschung/Züchtung

NO PATENTS ON SEEDS!

OpenSourceSeeds – AGRECOL

Österreichische Berg- und
Kleinbäuer_innen Vereinigung – Via
Campesina Austria

Oxfam

Peliti – Alternative Community

Pesticide Action Network UK

Plataforma Transgénicos Fora

ProSpecieRara

Public Eye

Saat:gut e.V.

Sambucus e.V.

Sativa Rheinau AG

Save our Seeds (SOS)

Sinergia Animal

Slow Food Europe

Spółeczny Instytut Ekologiczny / Social
Ecological Institute

SWISSAID

Umweltinstitut München e.V.

Verband Katholisches Landvolk e.V.

WeMove Europe

Yeryüzü derneği / Earth Association

Zukunftsstiftung Landwirtschaft