24 January 2023 Conference call NPOS

Minutes

Participants German Conference call 23 January 2023

1. Georg Janßen
2. Verena Schmitt
3. Ruth Tippe
4. Christoph Then
5. Johanna Eckhardt

Participants English Conference call 24 January 2024

1. Erling Frederiksen / Danish Seed Savers
2. Nout van der Vaart / Oxfam
3. Dagmar Urban / ARCHE NOAH
4. Axel Grunt / ARCHE NOAH
5. François Meienberg / ProSpecieRara
6. Andreas Riekeberg / Dachverband Kulturpflanzen- und Nutztiervielfalt
7. Ruth Tippe / No patents on life
8. Anne-Charlotte Moy / No patents on seeds!
9. Christoph Then / No patents on seeds!
10. Johanna Eckhardt / No patents on seeds!

Chair: Christoph
Minutes: Johanna

Agenda

1. Updates

1.1. DK / Erling

- we had elections, now government of social democrats and right-wing liberals
- The Minister responsible for patents is from the same party as Thor Gunnar Kofoed (Copa Cogeca). But the minister wouldn't go against Carlsberg or big companies.
- Christoph: The minister doesn't have to work against Carlsberg, but work on a general solution. The Carlsberg patents are from the past, in the future we have to focus on the new patents (after the new rule 28(2) came into force). We could try to get a meeting with the minister, visit him with our sculptures. Northern countries - DK, NO, maybe Sweden - could be interesting.
- Francois: ESA has a quite critical position. Maybe you can get support from Danish breeders.

1.2. Christoph

- No news from the EU parliament, no signs that they are working on a resolution.
- No news from KWS, Christoph will contact them again.
- Christoph is working on the accounting and on the preparation for the reports for the Meeting of Members. It is still unsure if WeMove can financially support us. Oxfam can't tell yet if they

will be able to continue to support us financially in 2023. They have to see how the renewal of a grant goes on which depends their work on seeds and the contribution to NPOS. The intention is to keep the commitment.

- CT: Besides the funding, political support from Oxfam is very important. – When contacting Plantum you could use the new position of German plant breeders.
- Nout: Our resources to be active are very limited. But we aim to follow up with Plantum soon/in spring.
- There was a meeting of the research team (Ruth, Anne-Charlotte, Andreas), they coordinated their tasks and the work on the database. They agreed on a raise of Anne-Charlotte's salary.

1.3. Georg

- We recently demonstrated on the occasion of the conference of the agricultural ministers in Germany (meeting of 70 ministers from all over the world), together with Bread for the World, Fian. We had a banner "Access to seed diversity instead of dependence from gene tech companies" and a declaration in which patents were mentioned, too. They handed it over to the German minister of agriculture Özdemir
- In Germany, the regional ministers of the individual states meet on a regular basis. There is f.e. a conference of the Minister of Agriculture, Environment and Justice. NPOS could use the Justice Ministers' Conference ('Bund-Länder Justizministerkonferenz") to remind the Ministry of Justice that they have to take action – they take place in May and November 2023 in Berlin. – Good idea, we will do so.

1.4. Austria / Dagmar

- Katherine and Fulya have drafted a letter for breeders. Katherine has already sent it to a few people for feedback. Should be finished in the coming month.
- Katherine and Francois met with the board of the Umbrella organisation of organic plant breeders (Dachverband ökologischer Pflanzenzüchtung, https://www.dv-oekopz.org/) – 10 organic breeders from DE and CH. So far the German breeders are not very aware of the negative impacts. In CH (Sativa) they are more aware.
- Questions if we should draft a letter that we ask breeders to sign or if they should rather draft their own letter.
- Dagmar: Some wouldn't have the resources to draft their own letter, but they would sign. Others may draft their own letter.

1.4.1. Update on Austrian patent law

- A public consultation of the Austrian patent law started at the end of last year, resistance from business players, we expect a government proposal mid-March – we hope that the proposal will be good. If not, we can still change something when it comes to the parliament.
- On cells we might get what we demand as NPOS
- On the definition of ess. biol. it is difficult. They don't want random mutagenesis as an essentially biological process.
- Some stakeholders want no patents on Cripsr/new gmo. The statement of the German breeders should be critically read in this light. Maybe they want to integrate no patents on new GMO.

1.4.2. Press release on Agricultural Crop Licensing Platform (https://aclp.eu/) – mentioned at Forum IP Conference?

- A new platform from big companies such as Corteva, Bayer, BASF, KWS, Limagrain
- Dagmar: We won't do any media work on it right now. But it is a good starting point when talking to breeders / seed companies. They already know that they won't e able to buy from big companies, but not really aware of the consequences.
- Would be good to know about the licensing fees.
- Maybe it is not so much the prices, but the administrative steps that are a hinderance.

1.4.3. ARCHE NOAH Project with Gene-ethical foundation

- Magdalena Prieler from the ARCHE NOAH seed policy team will work in Brussels from March. When we introduce AN in Brussels again, we will as well include the patents issue.
- For the elections, there is a working group for every topic. They have one MEP & experts, brainstorming, then they include civil society for feedback. This is just meant as a heads up for a discussion point at the Meeting of members.
- Do we rather want pressure on member states or on EU? – Rather question of strategy.– Yes, we have to go to EU.
- Christoph: Parliament didn't work on a resolution, the COM is currently not on our side
- ALLEA, academic working group on patents, they invited some stakeholders, f.e. Griet from Nordic Maize breeding

1.4.4. Short presentation of project with Gene-ethical foundation

- We want to do something on the Unitary Patent. Fulya can draft something "What does this mean for seeds?" We should have a factsheet in April
- The Unitary Patent comes into force at the beginning of June 2023.
- Francois: When we write about the unitary patent and seeds, it would be interesting to assess if there is still flexibility in the national law.

1.5. New positions of German plant breeders

- CT: seems to be a very useful position. We have to be careful that this can only be applied to Ess.Biological Processes. Good that we have backup from biggest breeder organisation. There is again overlap between our positions.
- https://www.bdp-online.de/de/Branche/Patentschutz/BDP_Position_Patentschutz.pdf
- more info in email from Katherine

1.6. NPOS

1.6.1. Meeting with UK

- We received an answer from the UK Ministry of Agriculture. We'll have a meeting on 1 February. Christoph, Johanna, Francois, Katherine/Dagmar will participate.

1.7. Other

- Dagmar: More press work would be great. If we have interesting activities or publish interesting information, it would be great to directly contact journalists. Maybe we could work with a freelancer.
- Christoph: Yes, if somebody can recommend a person who could do that in Germany or on a European level. We were looking for a person for the press work on the European level for Testbiotech, but haven't found anyone yet.

2. Patents

2.1. new patent on beer (Carlsberg)

- an old application from 2005, has now been granted, still valid until 2025

2.2. new patents on dandelion, melons, tomatoes

- the new patents all have been filed before 2017 / the new rule 28
- dandelion, crossing of different varieties, for rubber production
- tomatoes that don't need another plant for fertilisation, can be produced with or without genome editing (CrispR, random mutagenesis)
- a melon that has no kernels and produces more fruits
- the tomato and the melon are from a research institution from Israel

- There is no rush to communicate about these patents. We'll figure out what would be a good opportunity to raise public attention – maybe before a workshop with politicians, maybe if we publish a small report (maybe not needed, if there is not a lot of new info).

2.3. hearing Syngenta pepper 16 February 2023

- https://www.no-patents-on-seeds.org/en/patent-cases/pepper
- Francois: Coalition of 40 organisations filed the opposition. Prof. Dolder is still working with us. Public Eye has the lead. In NL we worked with Bionext / Maaike Raaijmakers.
- The patent is 10 years old, only now the 1st hearing! The patent is already used. If you go to Pinto, you see the already the varieties affected.
- Online hearing – you can join (info registration: https://www.epo.org/applying/online-services/proceedings/public-access.html application number: 08749952.1).
- There will be a press release on the 14 of February (that we'll share before with NPOS) and a short press release once we have the decision.
- Interesting that there is a third party observation from anonymous that shows that the markers used are not new.
- Case of biopiracy : Wild pepper from Jamaica from Dutch gene bank
- What makes the case less interesting is that it is still under the old jurisprudence and the argument would be that such a patent wouldn't be granted anymore.
- Dagmar: Good example that you need political law, because companies will always do what they can, even if it is outrageous.

2.4. KWS patent – deadline opposition 15 March 2023

- We could hand over the opposition to the EPO as we have already done a lot of times.
- Better to meet with KWS in Einbeck, ask them to withdraw the patent, since they showed themselves cooperative at their shareholder meeting. See if they follow up on what they promised.
- Christoph will contact them before the opposition, ask them what they are planning to do. If they are not doing anything, ask them publicly.
- There should at least be around 5 people in Einbeck – Christoph, Tommy, Junge AbL…
- CT has to prepare the opposition

2.5. Soybean

- There will be a hearing on the soybean opposition on 11/12 July 2023
- https://www.no-patents-on-seeds.org/en/patent-cases/soybean

2.6. lettuce Rijk Zwaan

- no hearing scheduled yet, but the patent holder sent a comment at the beginning of December
- https://www.no-patents-on-seeds.org/en/patent-cases/salad-hot-climate

2.7. Hearing bushy melon Nunhems/BASF on 12 September 2023

- https://www.no-patents-on-seeds.org/en/patent-cases/bushy-melon

3. Other

3.1. Communication plan

- What is our communication plan for 2023?
- Communicate on Jordan virus / tomatoes, would work well for ARCHE NOAH
- Dagmar: Story that the whole system is broken. We often go too much into details. It is a weird system, that patents are already enforced, even if there may be oppositions, it takes years.

3.2. Workshop for politicians in February?

- Once we have an idea of what new info we could present we could organise a workshop for ministries and / or EU parliament. Those meetings worked very well in the past.

- We can already start to think about it, we don't have to wait for the meeting of members to take decisions.
- Not decided when

3.3. Meeting of members 14 March

- Time of the meeting: 11.30h-18.00h – to better suit travel arrangements.
- Since some people will not be able to participate in person, but would participate online we will most likely provide the possibility to follow at least the part of the discussion online. – We'll have to check the technical equipment we need, microphone.

3.4. Next conference call

- Our next meeting will be at the meeting of members.

Updated calendar:

Date		Comments
?	meeting / hand-over petition in Austria?	
21.01.2023	Wir haben es satt-Demo, Germany	
20.-29.1.2023	International Green week (Agricultural Ministries)	https://www.gruenewoche.de/en/
09.02.2023	hearing on Severed broccoli	cancelled
16.02.2023	hearing on Syngenta pepper	https://www.no-patents-on-seeds.org/en/patent-cases/pepper
16.02.2023	Committee on Patent Law (hybrid / Munich)	
14.03.2022	Meeting of Members NPOS	
15.03.2023	deadline opposition KWS patent	
mid-March?	public activity KWS / Einbeck?	
22.03.2023	Administrative Council (hybrid / Munich)	
march or later?	Workshop for politicians (ministries / MEPs)	
25./26.5.2023	Conference of German Ministers of Justice in Berlin (Bund-Länder-Justizminister*innenkonferenz)	at Kulturbrauerei Berlin
01.06.2023	coming into force of Unitary Patent	
11./12.07.2023	Hearing Soybean	https://www.no-patents-on-seeds.org/en/patent-cases/soybean
12.09.2023	Hearing Nunhems/BASF patent Bushy melon	https://www.no-patents-on-seeds.org/en/patent-cases/bushy-melon
04.10.2023	Administrative Council EPC 50, venue to be confirmed	
05.10.2023	EPC 50 (all EPO sites) - Big event	https://www.epo.org/about-us/50-epc-anniversary.html
24.10.2023	Administrative Council (hybrid / Munich)	
23.11.2023	Conference of German Ministers of Justice in Berlin (Bund-Länder-Justizminister*innenkonferenz)	exact location tbc
16.11.2023	Committee on Patent Law (hybrid / Munich)	
13./14.12.2023	Administrative Council (hybrid / Munich)	