NO PATENTS ON SEEDS!

2021-01-14 Conference call NPOS

Minutes

Participants

1. Erling Frederiksen / Danish Seed Savers
2. Martha Mertens / FOE Germany (BUND, BN)
3. François Meienberg / ProSpecieRara
4. Dagmar Urban / ARCHE NOAH
5. Ruth Tippe / No patents on life
6. Christoph Then / No patents on seeds!
7. Johanna Eckhardt / No patents on seeds!

excused
Matthias Juhas / GeN

Chair: Christoph
Minutes: Johanna

1. Updates

1.1. Updates from the countries / organisations

1.2. Germany / Christoph

- German government proposed in writing the conference in June 2021. Another phone meeting is scheduled on Friday, 15 January. We'll ask them to get active in the first half of 2021. If they are not planning to do anything until the end of the year, at least they have to ask for a moratorium. We'll ask for a change in German law.

1.3. Austria/Dagmar

- We were in contact with the Austrian Greens. They want to wait for the UPC. But there is a fast track to the changes in the Austrian patent law. We plan to prepare the concrete demands in Jan/Feb. And then do more public work in the early months of this year.
- ARCHE NOAH will share a draft of the proposed changes in the Austrian law with the group.
- With the support of the gen-ethical foundation ARCHE NOAH organised a patent workshop at the end of last year. There will be 3 more online workshops in the first half of 2021 and (hopefully) a workshop in Brussels in the second half.
- ARCHE NOAH will be more active again on patents this year.

1.4. Switzerland/François

- Still no answer from the patent office, they might meet with us on a later date.

1.5. Update on meetings with countries

- Johanna: We met with 15 countries or received written answers from them. Since our last conference call we had meetings with UK, Luxembourg, Sweden and Hungary:
  - UK: They didn't comment on their position, they didn't know many details about the discussion yet, but they were keen to hear our arguments. They were interested in the Carlsberg cases. It was a constructive talk. We didn't talk about UPC/Brexit.
  - Luxembourg: They can support our position, they can support an initiative, if other delegations/countries start something, but will not start something themselves. They don't have breeders, no pressure from NGOs from Luxembourg. So it would help if NGOs from Luxembourg got active.
  - Sweden: In Sweden there was a high administrative court decision from 15 years ago that said that they should follow EPO practice if it is not against Swedish law. So they should follow G3/19. They have very few applications in this field. They didn't have patents in that field granted in the last 20 years. They don't have breeders. But they are interested in having a patent system that is functioning.
  - Hungary: They cannot say anything yet. But they have been inclined to follow the EPOs interpretation in regards to random mutagenesis. But it is not set in stone that they change their opinion. They don't have any patent cases in this field, they have no practice.

- Christoph: The contact to the countries is a good tool for us. We'll think about how to continue with that.

2. Strategy / Next steps

2.1. The petition

- Johanna: We currently have only 800 signatures and 34 organisations as supporters (including our own member organisations). But it is never NPOS who collects a lot of signatures from individuals, we need partner organisations who support us.
- Umweltinstitut will start collecting signatures in January.
- Martha will ask if BN/BUND will support the petition
- François: The decision to start a petition was not taken in the conference call, member organizations were not involved in the decision making.
- Christoph: Yes, that is true, the idea about the petition came up after our last conference call. We then had to move quickly to organise everything before the Meeting of the Administrative Council in December.

2.2. Germany: Patent conference (June 2021), open letter to German ministry / public action?

- See point 1.2. Germany

2.3. Melon patent

- Christoph has no update. We are waiting for the written decision.
- Ruth: Usually when we had a staying, it took years until the proceedings were picked up again.
- Dagmar: We prepared a draft press release (in German) for the moment when we have a decision on the melon patent. We will share it with the group. Please do not circulate the draft beyond this group. Of course, it has to be adapted once we have the decision, for now it's just for inspiration!

2.4. other steps?

New report

- Christoph: Anne-Charlotte and Ruth provided me with lists of patent applications – except the results from December -, some are mixing GE and non-GE. Patents from Dow, Bayer, Syngenta, but as well KWS, Rijk Zwaan (the European smaller ones), etc. Not too many cases, 2-3 dozen cases, some are purely GE.
- We should use it for public work. But it will be a challenge to make it interesting.
- We could highlight the strategy to include GE as a way to patent non-GE. There is as well a mix with new breeding techniques.
- Martha: Maybe we should as well include something on GMO, because a report by the EU COM will get published this year and there will be discussions.
- Dagmar: We got positive feedback on the report as well from other stakeholder, they are mostly interested in numbers, graphs, etc. Could be difficult to mix it with GE.
- François: Yes, important to separate the topics. Maybe have two parts of the report. If it should go into the discussion of the Admin. Council, it would at least have to be published 1-2 months before, so that we can discuss it with the countries beforehand. – So April might be a good deadline to publish the report to have it published on time for the Admin. Council in June.
- Christoph: Maybe we use the petition for the March meeting and try to get as many signatures and supporting organisations as possible until then. Admin. Council in March should make a decision to have the Committee on Patent Law meet before June and they should decide for a staying of procedures.

DRAFT TIMELINE

mid-February		publication report? (short timeline, probably too late)
23.3.2021	Administrative Council	End of NPOS petition?
27.3. – 5.4.	Easter holidays	
April		publication report?
29./30.6.2021	Administrative Council	
13.10.2021	Administrative Council	
24.11.2021	Committee on Patent Law	
14./15.12.2021	Administrative Council	

2.5. Long term strategy to be discussed at Meeting of Members – see draft document attached

- Today is just a feedback on the preparatory document, not a discussion of the strategy itself.
- François: The third option needs more details. NPOS is an expert in patents, it makes no sense to make it a broad coalition (option 1) – there are already other organisations doing that.
- Dagmar: For the discussion, it would be good to have the position of our member organisations before our meeting of members. ⇨ Please prepare about ½ page with the position of your organisation in regards to the long term strategy (How do you think that NPOS should move

forward? What are the goals of your organisation in regard to the focus of NPOS? Would you like to continue working together?). **Please send your position to Johanna until 2 February.** The texts will then be sent to the members with the documents for the meeting.

- We might not take final decisions at the meeting.
- We still have funding from Salvia for 2022, that gives us time for some months of transformation.

3. Other

3.1. Communication from NPOS / make email list easier to handle for more passive members (Proposal from SWISSAID)

- For some organisations it is difficult to follow the communication from NPOS since they cannot read all emails.
- Johanna will prepare a short guideline to label emails that are sent to the group (urgent, decision, etc.) so that it is clearer which email should be read to be up to date with the important issues.
- It will be a compromise between transparency and clear communication.

3.2. Next conference call

- Beginning of February