Short report on the No Patents on Seeds stakeholder meeting and filing of an opposition against a patent on cold tolerance in early maize granted by the EPO.

On May 16, 2023, Oxfam Novib, the SD=HS program together with *No Patents on Seeds!* handed over a new patent report to the European Patent Office (EPO) in The Hague. A broad stakeholder meeting was co-hosted the same day, where new findings were presented and discussed with Dutch member of parliament and sectoral stakeholders like Plantum, the trade association for Dutch companies in the breeding sector, and Bionext, representing the Dutch organic value chain from farmer to consumer.

According to the current rules of the European Patent Office, plants obtained through conventional breeding cannot be patented in Europe. However, the report shows that large seed companies still find loopholes in the law to get around the ban. That is the case with the German seed multinational KWS, that claimed a patent on a cold-resistant variety of maize. As it happens, cold-resistant maize is a naturally occurring trait that is already in use by breeders like Grietje Raaphorst from Nordic Maize Breeding. 'With patents like this, no breeder can freely develop new maize varieties, the freedom to breed comes to an end'. *No Patents on Seeds!* filed an opposition to this patent by KWS: their patent creates a monopoly on all corn varieties that thrive in a cold climate, while this specific trait simply also occurs in nature. This patent causes a lot of legal uncertainty for Grietje and other breeders and sets a precedent for future claims on naturally occurring traits in plants.





This is just one example of one patent directly affecting a breeder in the Netherlands. Patents also pose a problem for food security in poorer countries as farmers there also need free and open access to genetic material to adapt to a rapidly changing climate. SD=HS issued a publication on the Status of Patenting Plants in the Global South, showing that alarming trends go beyond borders and multinational monopoly seeds extends worldwide.

Political action

Oxfam Novib and No Patents on Seeds ask Dutch members of Parliament to remove the current uncertainty farmers and breeders face due to the continued practice of the granting of patents on plant varieties gained from conventional breeding methods by the EPO. Responding directly to Grietje's closing words "I do not feel protected by the government.". The Netherlands and the other member states of the European Patent Convention must ensure the Administrative Council of the EPO formulate a clear and broad definition of conventional breeding practices and close any loopholes in the current regulations. The Netherlands can also follow Austria's example by being very clear and tightening existing legislation on patents.



"If we don't end patents on seeds now, seed companies will soon employ more lawyers than breeders." As expressed by Maaike Raaijmakers from Bionext. That's why we say, loud and clear: No to patents on Seeds!

In the same week, some media outlets reported about the NPOS report and the issue of patenting of plants more broadly. Here is the Trouw article, and here's the article Nieuwe Oogst wrote about it. A Twitter thread on the event and its outcomes can be found here. On June, 13, a parliamentary resolution was adopted that called for the Dutch Minister of Agriculture to raise the issue with his European colleagues.

The presentations from Oxfam Novib, *No Patents on Seeds!*, Nordic Maize Breeding and Bionext are available through this download link. Further information on this past event can be obtained with nout.vandervaart@oxfamnovib.nl