NO PATENTS ON SEEDS!

17 November 2021 Conference call NPOS

Minutes

Participants

1. **Erling Frederiksen / Danish Seed Savers**
2. **Martha Mertens / FOE Germany (BUND, BN)**
3. **Axel Grunt / ARCHE NOAH**
4. **François Meienberg / ProSpecieRara**
5. **Johanna Eckhardt / No patents on seeds!**
6. **Giulio Carini / WeMove**

excused

- Gabi Pichlhofer / biorespect
- Dagmar Urban / ARCHE NOAH
- Magdalena Prieler / ARCHE NOAH

Chair: Christoph
Minutes: Johanna

Agenda

1. Updates

1.1. Fish patent

- Christoph: I still don't know where the invention lies. Maybe CSIRO will file an appeal for the decision. In that case it may be good for us for technical reasons to file an appeal as well.
- We don't know yet exactly, why the EPO took this decision. We have to wait for the written decision. After that we have still two months to file an appeal. So we'll wait for the written decision.

1.2. from countries / member organisations

- Switzerland/ François: The Swiss organisations will have a meeting about the petition tomorrow.

2. Next steps

2.1. Carlsberg patents

- Christoph: We still have to research the current state of the other Carlsberg patents. There is a new patent on barley from another company – so even if Carlsberg would drop all its patents, we would have another barley case.
- We don't have any feedback from Carlsberg. Journalists didn't receive any feedback. The German brewers don't have any contacts neither.
- Erling will call Carlsberg.

- Giulio: We shared the video on Facebook/Twitter. It is normal, that there is not a lot of interaction yet. We will share the video this week via our mailing list – then usually things get moving. We will still share more videos about the activity in front of the EPO, but we are short on time at the moment.

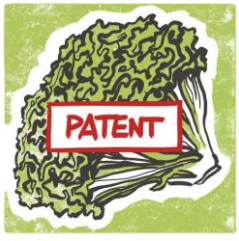
2.2. Petition

- Johanna: NPOS and Arche Noah will start the petition on 25 November.
- Giulio: WeMove will start the petition asap, too.
- The Austrian breweries support the petition and will as well support our general demands.
- The German breweries still support us, but some of their members still need more information to understand the Carlsberg patents before they want to go online with their own petition. They proposed that Christoph informs them at their annual assembly on 10 March. They would then only start their petition mid/end March. They offered to support us before that, f.e. by press releases about the NPOS petition. They support the text of our petition.
- → Johanna will propose them an earlier meeting, we'll see if they accept.
- It would be good to have breweries from other countries, too.
- Giulio: I can check for Italian breweries.
- Johanna will set up a meeting for external partners in the campaign for mid-December (WeMove, breweries, etc.). NPOS members will be informed about the petition in our NPOS calls, but are welcome to join the meeting with external partners as well.
- Christoph will send the final text of the petition asap.
- Martha: I will forward the final text of the petition to BUND Bavaria. They should then join the petition.
- Christoph will send a draft media release asap.
- Message from ARCHE NOAH via Johanna: We should ask the breweries if they want to take quotes in the press releases and if they can name a contact person for interview requests from journalists.
- → For the start of the petition next week the timeframe to ask them for feedback is too short. But we can include them in further press releases – this way we have as well something new to report ("German breweries support the petition").
- Proposal for a visual for the campaign: Use the beer visual we already have, make the beer mug smaller, include pictures from lettuce, melon and pepper we already have. The colour of the melon would be adapted so it looks more like the bushy melon. The graphic designer from ARCHE NOAH will make a visual for them. If we agree, we can then as well use it – and make as well proposals to change the NPOS visual.









2.3. Melon patent

- Bushy melon: https://www.no-patents-on-seeds.org/en/patent-cases/bushy-melon
- We could file the opposition and send out the press release a day before the meeting of the Administrative Council (14 / 15 December).
- Christoph will propose that via the list.
- We will not use the melon for mobilisation, but just send out the press release.

3. Other

3.1. Annual planning and budget

- see Document sent via Proton
- François: Not ideal if we discuss annual planning in this very small round.
- → We'll exchange first comments now, but will discuss it again in the next conference call mid-December. The final decision on the annual planning will be taken at the Meeting of Members
- Messages from ARCHE NOAH via Johanna:
    - If we are planning to meet the ministers next year, we should allocate around 10.000€ - 15.000€ for travel expenses.
    - We should plan for resources/time to intensify the contact to partner organisations in other countries so that they can support the petition / get active on a national level.
    - The role of Austria can be to be an example on EU level, change national patent law.
    - We should talk about the long term strategy. Why do we now plan for 2 more years for our campaign instead of one?

- Johanna: If we ask for a Conference of Ministers in 2023, we would need 2 more years to finish the current campaign. We will discuss the long-term strategy at the Meeting of Members in March.
- Christoph: In March we will not know yet how our petition in regards to Article 4a goes. It will be a lot of work to achieve this goal. But if we see that 4a doesn't lead us anyway, we would have to discuss other long-term strategies.
- François: In this big petition we are not fighting against patents on genome editing. If we decide in our long-term strategy to broaden our demands, we would have to be careful not to confuse people.
- Christoph: We are still focusing on goals that can be achieved without changing the law. – We say that we are against patents on genome editing. But we don't see any way how to achieve that. Impossible goal to change the law, because there is no support for that at all.
- François: But we could show what kind of mess we would have, if we have so many patents on CRISPR, etc.
- CT: If we can restrict it to CRISPR patents, it would be bad for CRISPR. But if the scope can not be restricted to CRISPR, it would be bad for anyone. – Testbiotech does this research. There is already a cartel by Corteva. At least this chaos should not sweep over to conventional breeding. They are using CRISPR patents to imitate conv. breeding.

3.2. "Disclaimer": Explain and discuss

- Maybe explain again in a bigger round.

- François: The broad wording was good: “The disclaimer is not enough”. – But we still need the explanation open for now. – We would need to discuss that further.

3.3. Question from ARCHE NOAH on patentability of processes AND PRODUCTS from technical processes

- François: Maybe include it in our strategy discussion.
- CT: But it is as well part of our petition, so we should sort it out now.
- There should be no product patents in plant and animal breeding.
- If you only grant the technical process, only products that derive directly from this process would be protected.
- The solution we propose to this is within the EPC. I asked experts, I didn’t get an answer. We proposed them our research – it is now their job to deliver an answer. If there are new findings, we could present them again, but I think they just try to stay silent and not give us any idea on how to overcome this problem.
- → The issue has been explained in the NPOS report 2018 (English), p. 35/36, “*4. The way forward: Patenting technical applications, not turning living beings into patentable ‘products’*.” This paragraph is part of the Annex and only available in English, not in German.

3.4. Next conference call

- mid December, Johanna sends out a doodle