Workshop:
Patents on plant genes - a lockdown for conventional plant breeding?

Wednesday, 16 November 2022, 17h – 19h CET, online

The EU Parliament has adopted several resolutions against patents on plants derived from conventional breeding (EP Resolution on the patenting of essentially biological processes, 10 May 2012 (2012/2623(RSP)), EP resolution on patents and plant breeders' rights, 17 December 2015 (2015/2981(RSP)), EP Resolution on patents and plant breeders' rights with a view to submitting a written statement to the Enlarged Board of Appeal of the European Patent Office (case G3/19 (2019/2800(RSP)).

However, the European Patent Office (EPO) still continues to grant patents which comprise plants derived from conventional breeding methods. Just recently, the first patent that was granted by the EPO under a new rule which is supposed to exclude patents on plants and animals derived from conventional breeding (Rule 28(2), European Patent Convention, EPC), but apparently opens several loopholes: The patent, EP3560330, granted to KWS, covers maize with improved digestibility. It claims plants with randomly mutated genes and their harvest. It covers, in addition, the usage of naturally occurring genetic variations for conventional breeding.

This patent was exposed by a recent report, published by the international organisation *No Patents on Seeds!* (https://www.no-patents-on-seeds.org/en/report2022). This report also shows that many further patent applications are pending. In short, the companies, to escape the new Rule 28(2), EPC, changed their strategy by no longer specifically claiming processes for breeding. Now they simply claim the usage of genes and gene variations as found in existing varieties and seed banks or caused by random mutations.



These patents cover all usages of the genes. In the end, no matter if genetic engineering (genome editing) or conventional breeding is applied, the access to the biological material needed for all kind of breeding can be controlled, hampered or blocked. If this development is not stopped, freedom to operate for traditional breeders will soon become a thing of the past.

In the workshop, an overview is given on latest developments on seed patents in Europe by *No Patents on Seeds!*.

The workshop is hosted by MEPs Maria Noichl (Social Democratic Party) & Tilly Metz (Green Group).

The language will be German and English.

Programme:

16.45h Arrival and admission into Zoom meeting room!

Introduction from inviting MEPs

Overview on recent findings from patent research
No Patents on seeds! / Mr Christoph Then

First round of statements and questions from MEPs

Input from a breeder
Nordic Maize breeding / Ms Grietje J.Raaphorst-Travaille

Input from a farmer
COPA-COGECA / Mr Thor Gunnar Kofoed

Second round of discussion and comments

Input from a brewer
Private breweries Austria, Hirter brewery / Mr Nikolaus Riegler

Input about the perspective of the global south
South Centre / Mr Carlos Correa

Final round of discussion and comments

Concluding remarks from MEPs

Registration:

Please send an email to johanna.eckhardt@no-patents-on-seeds.org until Monday, 14 November 2022. You will then be provided with a link for the Zoom meeting.

Please enter the meeting room at 16.45h so that we can admit the participants on time.

Contact:

Johanna Eckhardt, Project Coordination *No patents on seeds!*
johanna.eckhardt@no-patents-on-seeds.org
www.no-patents-on-seeds.org