Oxfam Novib
Mr. Bram de Jonge
Via e-mail: Bram.de.Jonge@oxfamnovib.nl

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Date
08 april 2020
Contact
Linda van Veen

Subject: opportunity to comment on study No Patents on Seeds

Dear Mr. De Jonge, dear Bram,

Thank you very much for giving us the opportunity to comment on the study of No Patents on Seeds regarding recent patent applications by our company on traits in plants derived from breeding. We appreciate this gesture and consider it an expression of our good relationship with Oxfam Novib.

We have carefully read the passages in the draft report of No Patents on Seeds related to Rijk Zwaan, which you have forwarded to us. Although we disagree with No Patents on Seeds on different aspects of the conclusions drawn on the basis of the statistics which were used and on some passages quoted from our application files, we've chosen not to go into detail. Instead of contesting the substance of these passages in the draft report and the conclusions made there, we would like to shortly clarify our position in the patent discussion.

First, we value the system of open innovation as fostered and safeguarded by Plant Breeders' Rights. This system allows breeding companies to earn a return on their investment, in order to be able to reinvest in R&D activities, while not hindering further innovation by others. However, over the past decades, we have been confronted with patents entering the plant breeding arena. Although patents on technical inventions can contribute to innovative strength, extending patents to cover biological material can hinder innovation. This we consider an undesirable consequence of patents when used in plant breeding. In this respect, we do not differ much with No Patents on Seeds in their conclusion that granting patents on traits in plants *in se* should not be preferred.

Secondly, as a No. 4 player on the global vegetable seed market, we have and feel a responsibility towards our employees, our customers and consumers worldwide, to compete with other companies and to produce high quality vegetable varieties. Unfortunately, given the fact that we are being confronted with patents in plant breeding as well as companies

making use of it, we have to protect plant traits with patents, even while we are not in favour of that. We need those patents to get access to third-party patented material to ensure we can continue breeding vegetables.

Thirdly, as stated above, we firmly believe that patented biological material should remain available for use in developing new varieties, and it should also be possible to commercialise the resulting new varieties. This is why we are an initiator and member of the International Licensing Platform Vegetable (ILP), whose members give each other access to patented biological material in return for a reasonable fee. We encourage all vegetable breeding companies to join this platform, in order to avoid the negative effects of patent law on the system of open innovation which, traditionally, has always characterised the plant breeding sector.

We are committed to cooperate in a constructive way with all partners and stakeholders in supplying the world with healthy fresh vegetables, taking carefully into account all effects and side-effects of our actions.

We accept your kind offer to exchange thoughts on this topic in a conference call (at short notice) or a live conversation on location in the longer term.

Please feel free to also share this letter with No Patents on Seeds. If you have any questions or remarks, do not hesitate to get in touch with us.

Yours sincerely,

Ben Tax
Managing Director