NO PATENTS ON SEEDS!

31 March 2021 - Conference call NPOS

Minutes

Participants

1. Erling Frederiksen / Danish Seed Savers
2. Matthias Juhas / GeN
3. Bram de Jonge / Oxfam
4. Fulya Batur
5. Martha Mertens / FOE Germany (BUND, BN)
6. Katherine Dolan / ARCHE NOAH
7. François Meienberg / ProSpecieRara
8. Dagmar Urban / ARCHE NOAH
9. Ruth Tippe / No patents on life
10. Anne-Charlotte Moy / No patents on seeds!
11. Christoph Then / No patents on seeds!
12. Johanna Eckhardt / No patents on seeds!

Chair: Christoph
Minutes: Johanna

AGENDA

1. Updates

1.1. new colleague Simon Degelo, SWISSAID

- Judith Reusser has left SWISSAID. Simon Degelo will now represent SWISSAID within NPOS. He is already on the mailing list.

1.2. Update from the organisations

Denmark/Erling

- The melon patent press release is out in Denmark.
- Erling has been in contact with a member of the parliament, they will try to have a discussion within the parliament, then get in contact with the patent office to advise them on what to do within the Administrative Council.
- We are still translating part of the report.
- We asked if the EPO is in contact with the ministry. So far they acted on their own, without any political control.

Austria

- We did some press work around the melon patent. It was the first time that we didn't get any attention around a decision on a patent case. Maybe the Carlsberg patent case will work better. Difficult to get attention with Corona.

Switzerland

- No updates from Switzerland

Germany

- Conference in Germany on 8 July. They want us to present our report, we and AbL (Annemarie, Georg) are invited as speakers. It looks like they want to have a discussion on expert level. We do not expect a move forward. We might achieve something with the conference, but it is not very likely. They might agree that it is ok to wait the next 10 years to see how patent cases develop.
- **Katherine**: Austrian ministry hoped that it was an international conference, where experts can get more information, where they can form alliances, the Austrian ministry is willing to attend.
- Christoph will ask for the conference to be in English and that all experts/countries are invited.

1.3. meeting with EPO 3 March

1.4. activities in Berlin (11 March) and Munich (22 March)

- Activities in Berlin and Munich. Not a lot of media coverage, but at least a little bit.
- We received a letter from the chairman of the Administrative Council.
- We offered them a short term solution, an easy way. But they are not following that road. It will probably be similar at the meeting end of June.

2. Strategy

- **What have we achieved so far? How to achieve our goals till end of the year? What are the next steps?**

- Until now we addressed the technical level, we addressed the experts, we exchanged arguments. The idea to discuss a solution with them that could work quite quickly did not work.
- So now we should find a broader audience. Be a bit more confronting and outspoken what the negative impacts of this system are.
- François: Right strategy, it is not short term, but mid-term.
- Katherine: We have given the experts some solutions, we are now giving the responsibility back to the politicians.
- Bram: Good point to have a broader audience. But nevertheless not leave the other strategy, f.e. in the Netherlands. They follow an "let's wait and see" approach.
- Bram: With Oxfam we are in contact with Zembla who want to make a new documentary. They are still discussing the topics, patents might be an option. There was already a documentary on patents in the past (note Johanna: Youtube: The Monsanto method).

- Campact might be willing to join our campaign in the second half of the year. Would be great to have such a strong ally.

Hearing on Carlsberg patent EP2373154 on 8 June

- It is an online hearing. Everyone can participate. We can invite journalists to join. We have to make sure that our points are raised and not just technical issues.
- A German breeder has raised questions on another Carlsberg barley patent - if this patent affects a barley he is working on. Christoph contacted a laboratory if they can analyse the breeders' barley and compare it to the gene sequences in the patent.
- François: Is his variety already on the market and could the patent be destroyed that way? - He is willing to go on the market. He does not have a variety registration yet.
- We could get breweries and breeders involved, we have the support of Erling in Denmark with Carlsberg, etc.
- What is the patent about? How is this patent related to random mutagenesis?
- It seems to be bases on random mutagenesis, but Christoph is not sure yet if there was already a mutant in the original barley (from Japanese breeders).
- Important point that breeders do not know if their work falls under the patent or not.
- Erling: Back then Carlsberg was very much into telling us that they didn't use gene editing, because the people didn't like to drink beer from gene editing.
- Christoph: At the moment I don't think that they used gene-editing, but I have to check.
- Fulya: What really shocked me was the reach of the claims. They are claiming any barley varieties that include that mutation. They list two paragraphs of varieties that would be covered. Patent from 2019.
- CT: The mutant most probably was already in the Japanese variety, that was publicly available.
- CT will send a summary of the patent case.

Patent case gene bank (BASF)

- Another possibility for a patent case could be the BASF patent case mentioned in our report.
- We could take an example where they take something from a gene bank and then patent it. We explained it very technically in the report, we could explain it in more detail.
- Biopiracy

3. Other

3.1. support from organisations: patent workshops ARCHE NOAH / Gene-ethical foundation (Katherine)

- We organised two workshop on patents. There is a lot of interest from the organisations to learn more about it, but the issue is very technical for them.
- When we are addressing a broader public, it might get easier for national organizations to join our activities. Our current petition was still very technical.
- Fulya: Even lawyers struggled with the technical debate and the terms we use – we have to break it down the next time.
- Which regions should we prioritize for further workshops?

- There will be 2 more workshops before the summer. And in autumn possibly a workshop in Brussels.

3.2. get in touch with GMO groups after decision of EU COM in April?

- testbiotech will publish a report on patents on new GMO. Christoph can share the report with us.
- Many of us are as well in GMO-network groups. There could be a link in the debate of patents and (new)GMO .

3.3. Improve communication strategy and materials?

- Good that we come up with stories (patent cases) that we can tell. Make the issue more approachable, easier to understand.
- Once we have a clear strategy, we can work on communication material, such as short fact sheets, info for organisations from other countries, the booklet Erling prepared, etc.

3.4. Report 2021, Opportunity to comment

- We sent an email to all companies mentioned in our 2021 report.
- Rijk Zwaan answered that they had no further comments.
- BASF proposed a meeting. – No benefit for us to meet with them.
- François: Are they still opposing the decision of the enlarged Board of Appeal? They have not changed their way of thinking in the last couple of years.
- Bram: In exchange with the industry. I can raise that question on a future occasion.

3.5. comment on new Examination Guidelines until 12 April?

- New Examination Guidelines have been published in March. We could comment, but if we would do so it would have to be quite technical. We already presented our arguments to the EPO. At our meeting with the EPO they said that they will already keep in mind our arguments.
- Plus, if the EPO changes the Examination Guidelines, they could say that they fixed the problem. But changing the Guidelines is a very weak solution.

3.6. follow up on observer status in Administrative Council?

- There are observers within the Administrative Council. Rules of Procedure will be amended, where the role of the observers is regulated as well.
- NPOS might not be an eligible candidate as an observer, because we only cover biotech. It would need an organisation, that covers a broader range of topics.
- EPO is as well working on establishing an Observatory to foster the exchange with different stakeholders, including civil society.
- We will not try to become an observer.

3.7. WeMove Europe and biorespect (www.biorespect.ch) would like to become members

- Matthias and Bram support to start the application process with biorespect. We will send the application form to the group for a vote. Members can then contact biorespect directly, if they have further questions.

- Katherine and Bram support to start the application process with WeMove Europe. We will talk to WeMove if they want to become a supporting organization (not involved in decision making and strategy).

4. Next conference call

- 2nd week of May