NO PATENTS ON SEEDS!

11 May 2021 Conference call NPOS

Minutes

Participants

1. Erling Frederiksen / Danish Seed Savers
2. Martha Mertens / FOE Germany (BUND, BN)
3. Katherine Dolan / ARCHE NOAH
4. François Meienberg / ProSpecieRara
5. Ruth Tippe / No patents on life
6. Christoph Then / No patents on seeds!
7. Johanna Eckhardt / No patents on seeds!

Chair: Christoph
Minutes: Johanna

1. Updates

1.1. from organizations

- no updates from Switzerland
- DK: contact in the parliament, but they are very busy working on other issues; they promised to come back to Erling next week.

1.2. on German Symposium

- We have the save the date. The aim of the symposium is to have a discussion amongst all European countries. As soon as we have the invitation, we can send it around in our network to invite other organisation.

1.3. on membership applications

- Biorespect: We now have 10 members in favour, that is a 2/3 majority. We will thus accept Biorespect as a member of NPOS.
- WeMove: They agree to become a member as a supporter. They don't want to pay annual financial contributions, but prefer to pay for specific activities, like campaigns, setting up a website for an activity, etc. In the application form they will explain what possible financial contributions could look like.
- Umweltinstitut München: We started the application process. Deadline to vote: 3 June 2021

2. Hearing on beer patent on 8 June

- Christoph has a list of people from us who want to participate at the hearing. He will still need further details to forward to the EPO. He will come back to us.
- The EPO as well provides an email address where anybody can mail to to ask to participate at the hearing. Info from EPO Website: "Members of the public can always follow oral proceedings held by VICO [videoconference] remotely upon giving prior notice by email to reception-haar@epo.org. " When looking up the hearing in the Oral proceedings calendar, there is a link to the info about the

VICO mentioned above – so the info should still be valid, although it is already from December 2020. To look for our hearing in the calendar: Appeal number T0420/19-3.3.04

- G3/19 is wrong to say that the new rule 28 (2) should only be applicable after June 2017. The Enlarged Board of Appeal argues that the EU COM came up with a new interpretation – but that is not true. The EU since 1998 never allowed for patents on conventional breeding. So it does not make sense, that rule 28 (2) only applies for patents after June 2017. We will use this argument in the Carlsberg hearing, but as well in our communication with the experts of the countries.
- During the hearing we can propose that they raise a question again to the EBoA.
- We still have to figure out how we will consult / discuss amongst us during the hearing.

- The new Carlsberg application that affects the German breeder has been withdrawn. We can nevertheless say that it is a success for us, because we pointed out those patents in the past.
- But we have to think how we continue with our communication.
- Katherine: We still wait for feedback from the Austrian breweries. We were planning for a press conference in Austria, we could do a joint conference for Austria and Germany.
- We could either organise a press conference with the breeder and Austrian/German breweries or at least ask them to take a quote in our press release. Good for journalists if they can as well talk to brewers/breeders.
- We will announce it to the media before – whether if we have a press conference or if they can participate at the hearing.

3. BASF Bushy melon

- We could use the bushy melon until the end of the year, start a campaign to have an opposition.
- We could present it on 8 of July at the German Symposium.
- François: Critics could argue that it makes no sense to fight against this patent, because this is a kind of patent that has been filed in the past (before June 2017), but will not be granted anymore.
- Ruth: There are quite a lot of patents, that can be still granted and that will still be decided on. About a few hundred.
- We will need exact numbers.

4. Handover petition end of June

- The Administrative Council might meet in person in Munich. We could organise to be present in front of the EPO. We can take a final decision at the beginning of June, when we know more. WeMove and Umweltinstitut München will most probably join us, too.

5. Other

- Budget of the first quarter of 2021 was presented to the board. We are in the budget. We sent the minutes of the meeting of members of 2021 and the annual report 2020. So we will now send a formal letter asking the member organizations to pay their financial contributions.
- Testbiotech is working on a report on patents granted on new GE. Christoph will send the draft to the NPOS group. It is as well relevant for NPOS, you should have the opportunity to comment.

5.1. Next conference call

- Second half of June