NO PATENTS ON SEEDS!

Decision on a patent on watermelons

BASF wants to defend its monopoly on 'bushy' growing plants

7 September 2023 / On 12 September, the European Patent Office (EPO) will hold a hearing and decide about the opposition against a patent (EP2814316) on watermelons of company BASF (Nunhems). The bushy growth of the plants occurred at random and, according to the patent description, the plants were just discovered. Their advantage: less land is needed to grow these plants. The EPO granted the patent in 2021. *No Patents on Seeds!* filed an opposition because the patent is not inventive and patents on conventionally bred plant varieties are prohibited. According to patent attorneys from BASF, the company will try to defend its patent.



According to European patent law, patents on plant varieties are generally prohibited. Only in case the plant characteristics are obtained by genetic engineering, patents can be granted. However, no methods for genetic engineering were necessary to achieve the bushy growth.

In Europe, the plant variety protection (PVP) law guarantees that breeders can use all conventionally bred varieties to breed and market even better varieties. In contrast, patents can be used to hamper or block access to biodiversity which is needed by all breeders. If such patents are granted, only big companies can survive on the long term and will decide what is grown and harvested, what food is sold and what prices are to be paid for it.

Regardless of the decision of the EPO next week, politicians must get active to provide legal certainty. *No Patents on Seeds!* is calling for the existing prohibitions in patent law to be implemented consistently and to stop patents on conventionally bred plants and animals. The Austrian government has already decided to amend national patent laws as a first step, other European countries may follow soon.

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Further information

Further information about the patent and the online participation at the hearing:
https://www.no-patents-on-seeds.org/en/patent-cases/bushy-melon

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