NO PATENTS ON SEEDS!

Public hearing held on opposition against a patent claiming sweet and hot peppers

Syngenta patent claims conventionally-bred plants that are resistant to pest insects

14 February 2023 / A public hearing will be held at the European Patent Office (EPO) to consider an opposition against a patent granted to Syngenta (ChemChina) which claims conventionally-bred sweet and hot peppers (EP2140023). The plants have a natural resistance to whitefly infestation; the insects can suck the sap of the plants, and thus cause crop losses. The natural resistance to whitefly infestation was discovered in a plant originally found in Jamaica. Syngenta is claiming the usage of the specific genetic variants for further plant breeding.



The opponents comprise a broad alliance of development, agricultural, plant breeding and environmental organizations from a total of 27 countries. Several of these organizations are also active in the *No Patents on Seeds!* coalition. They all view the granting of this patent as a violation of international rules to prevent biopiracy. Moreover, according to the wording of European patent laws, patents may not be granted on conventionally-bred plants.

The EPO's interpretation of the law has changed several times in recent years. The patent was granted in 2013, and it is only now, ten years later, that the Opposition Division is to decide on the case. The opponents are highly critical of the fact that the long duration of the proceedings has exposed many breeders to considerable legal uncertainty and, in addition, significantly hindered the breeding of new varieties. They hope that this legal uncertainty will come to an end with the revocation of the patent.

The hearing will be public. Anyone taking an interest to attend can send an e-mail to the EPO (https://www.epo.org/applying/online-services/proceedings/public-access.html) and apply to follow the proceedings online (patent application number: 08749952.1).

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