15 September 2021

Conference call NPOS

Minutes

Participants

1. Erling Frederiksen / Danish Seed Savers
2. Fulya Batur
3. Dagmar Urban / ARCHE NOAH
4. François Meienberg / ProSpecieRara
5. Verena Schmitt / Umweltinstitut München
6. Anne-Charlotte Moy / No patents on seeds!
7. Christoph Then / No patents on seeds!
8. Johanna Eckhardt / No patents on seeds!

excused

- Bram de Jonge / Oxfam
- Ruth Tippe / No patents on life
- Gabi Pichlhofer / Biorespect

Chair: Christoph
Minutes: Johanna

Agenda

1. Updates

- Magdalena Prieler is our new colleague in the ARCHE NOAH seed policy team. From now on she will as well work on the patent issue.

1.1. from countries / member organisations

1.2. Austria

- **Dagmar**: Austrian patent law will be adapted to the European Unitary Patent. We tried to get the demands from NPOS in. We worked with Fulya and Christoph to send them our proposals. Especially on essentially biological processes. The feedback on the first proposal was that it was too radical, we sent a second proposal. They are motivated to work on a European level. But at the moment they feel that they are the only ones working on it.
- **Fulya**: We organise a capacity building webinar on patents for Spain, Portugal, Greece & Italy on the 8 and 15 of October. On 19 November we are planning a workshop with the Brussels based organisations. We cooperate with Nina from CEO. Fulya can share the concept paper.

2. Next steps

- There is no indication when the old patent cases will be picked up again, like the Syngenta pepper patent. There is no obligatory timeline for the EPO.

2.1. 13 October: Meeting Administrative Council

- We will have 38 pots with barley plants that will be handed over to the EPO.
- We will contact the 38 member states individually and ask them to receive their barley plants.
- At this meeting we can only remind them of our demands. They have to take decisions at the meeting on 14/15 December (online).
- **Dagmar**: Would be good to have breweries there, because at the German conference it was stated that breeders and breweries don't have a problem with the current situation. Would as well be good to have a quote of them in the press release.
- **Christoph**: Yes, but not have them participate with beer, brewing horses, etc. that could take the attention off the barley plants and would be a repetition of what we already did in the past.
- UPDATE AFTER THE CONFERENCE CALL: The meeting will now take place online, so our plans will be slightly altered.

2.2. 16 November: Fish patent

- Christoph was in contact with the lawyers. They will not represent us at the hearing, they will just give input.
- They support us for a good price.
- The argument is lack of inventiveness.
- It will be an online hearing again.

2.3. Melon patent

- It is a quite stupid patent that should be easy to win.
- It was first filed by BAYER, now it belongs to BASF since Nunhems had to be sold in the Bayer/Monsanto deal.
- We could start a petition asking people to support our opposition.
- **Dagmar**: From our fundraising team I heard that people don't care that much about melons as they would about other plants.

2.4. EPO, Meeting of Ministers

- EPC, Article 4a: https://www.epo.org/law-practice/legal-texts/html/epc/2020/e/ar4a.html

Article 4a[4]

Conference of ministers of the Contracting States

Art. 4

A conference of ministers of the Contracting States responsible for patent matters shall meet at least every five years to discuss issues pertaining to the Organisation and to the European patent system.

[4]

Inserted by the Act revising the European Patent Convention of 29.11.2000.

- Start a petition to ask for a meeting of minister? Start petition in autumn or better after the meeting of the Administrative Council in December?
- We could as well ask other national organisations to ask their minister to participate at this meeting.
- **Christoph**: If the AC does not take a decision in December, by asking for a conference we will still have a political possibility for the next year.
- **Dagmar**: I like the idea to ask the ministers something. We have asked the Admin. Council a lot in the last couple of years. Autumn would be good to get moving. Unitary Patent means that ministers know about it. For me it would make sense to start with the petition after the Admin. Council meeting in October. For our Austrian patent work, it would be good to have a European petition so that we don't always just ask something from Austria, but as well from other countries.
- **CT**: Either start the petition now and have it running until December, or start the petition in December and have it running until March.
- **François**: We can not ask the AC to act / take decisions in December and at the same time say the AC does not do anything, so we will now ask the ministers.
- **CT:** Who would we hand over the petition to since there will not be another meeting?
- **Magdalena**: Would be good to meet the ministers and hand over the petition in person to explain our demands.
- **Dagmar**: Do we expect anything to happen at the AC in December? We already asked them to do something in the past.
- **CT:** The December meeting was always named as being the most important meeting since they have to wait for the Patent Law Committee in November. But after the conference in Germany I don't think a lot will happen in December.
- WeMove could probably support the petition.
- Arche Noah could bring around 25.000 signatures. Would be interesting who of the other organisations could support the petition.
- What would be the content of the petition? Not only meeting of Ministers, but what do we ask from them? – We need demands, when we contact other supporting organisations.
- **Verena**: Umweltinstitut has a lot of work until the end of the year. We have to ask internally if we can do this on such short notice.
- **François**: For EU members I see a good opportunity to link it to Unitary Patent. Not the case for CH, but nevertheless good. – We might not start the petition in Oct, but maybe in Nov. I have to discuss it with the other organisations.
- **Erling**: both option are fine.
- Arche Noah, GeN, Swiss groups, We Move, Umweltinstitut could possibly support the petition.
- The conference has to take place in 2022, or else it is useless.
- We'll ask the other NPOS member organisations for their feedback until the end of September (or earlier if possible).

2.5. Resolution EU-Parliament

- We could use the petition as well to put pressure on the resolution and to push the EU COM since their position was very weak at the German conference.
- Christoph is in contact with some MEPs.
- **Francois**: In the former resolutions Huitema (NL, in contact with Plantum) was important to get a majority.
- **CT**: We have to be careful with Huitema and Plantum so that they don`t mix things up.

3. Plan for our strategy discussion

- We'll have a meeting of members around end of February 2022 in person (in Munich?) where we'll include time for strategy discussions.
- **CT**: We'll see how the petition goes and then assess at the beginning of next year how to proceed.
- **Dagmar**: We could try everything in autumn with our current strategy and then assess next year if we should change our strategy.
- Christoph will send draft documents of the budget, probably during September so that member organisations can include that in their planning. In regards to the financial situation it should stay the same.
- We might continue with very few people following the meeting.
- We will prepare a doodle for the meeting of members.

4. Other

4.1. Next conference call

- between 13 October and the possible start of the petition end of October.