NO PATENTS ON SEEDS!

4 November 2020 - Conference call NPOS

Minutes

Participants

1. Erling Frederiksen / Danish Seed Savers
2. Bram de Jonge / Oxfam
3. Martha Mertens / FOE Germany
4. Katherine Dolan / ARCHE NOAH
5. François Meienberg / ProSpecieRara
6. Maria Raidl (intern ARCHE NOAH / NPOS)
7. Ruth Tippe / No patents on life
8. Christoph Then / No patents on seeds!
9. Johanna Eckhardt / No patents on seeds!

excused

1. Anne-Charlotte Moy / No patents on seeds!

Chair: Christoph
Minutes: Johanna

1. Updates

1.1. Updates from the countries / organisations

- **Christoph / DE**: We received a letter from Germany and will have an online meeting in November. They want to organise a conference in 2021 where we are asked to contribute.
- We will have an online meeting with the EPO on 4 December.
- **Katherine / AT**: After the meetings in autumn we now have good contacts to the Austrian Patent office. The decision G3/19 was discussed by the Working group of the EU Council. The member states welcomed the decision, but there was a general critical view in regards to random mutagenesis.
- The EPO put the issue on the agenda of the Committee on Patent Law. But there will just be an information, no discussion.
- Austria is very keen to keep up the conversation, because they want to settle this issue now. But we differ in our argumentation. The Austrian Patent Office still keeps up the argumentation that G3/19 doesn't say anything about random mutagenesis and that we should rather focus on "reproducibility". AT wants to wait until the next patent on random mutagenesis under the new rule 28 (2), that is an application after 2017. – This would take too long.
- **Christoph**: The argument of "reproducibility" usually does not work, we already tried that in the past. The Monsanto melon and the Carlsberg cases are examples. We already tried to include several arguments in the current report. NL has the same position.
- **Bram / NL**: No direct contact with the government, but the signals are similar to the ones in Austria – Let's wait and see what is happening with G3/19. – Plantum follows the reproducibility argument. – Bram will try to talk to Plantum to find out what they criticize about our argumentation.

- **Erling / DK:** We'll have a meeting with the DK Patent Office on 5 November. I wrote some politicians in the parliament, one politician said I should send him questions for the minister. I'll wait for the feedback.
- **François / CH**: We have a hearing in senate on 9 November about the Patent Law revision in CH. Ministry, Intellectual property Office and industry are against us. We have farmers and breeders on our side. It is about transparency, license and freedom to operate (similar to the French article). The process is at the very beginning, it is about giving the task to the government to get started.
- They will meet us after the Committee on Patent Law.
- François participated at a conference with partners who want to start a campaign in the US against patents on seeds. He'll keep us updated.

1.2. Letters to representatives of the Administrative Council

- **Johanna**: We sent the letter to the representatives of the Admin. Council of 15 countries. We received a reply from Lativa, we'll have meetings with DK and Norway on 5 November. A few letters have only been sent out this week, so we might get further feedback.
- **Christoph**: Good timing that we sent the letters before the Committee on Patent Law meeting (on 10/11 November). We will most probably send a letter to all countries after the meeting.

2. Melon hearing 12 November

- The hearing was cancelled. No more detailed info. Probably because of Corona.
- The other parties (Bayer/Monsanto and BASF) did not want to join the hearing.
- News at the end of our conference call: There will be a written decision. – There will be no clear timeline. So we can't really plan our communication ahead of time. Probably a back and forth in writing.

3. Public action in December

- 15 / 16 of December Administrative Council, most probably an online meeting.
- We can take pictures with the figures of the screaming vegetables in front of the EPO with a small group of people. Journalists will not show up, but we can use the pictures for our press release and media work.
- We could later on go to Berlin and Vienna with the vegetables.
- We will wait for the outcome of the Committee on Patent Law to discuss options for public activities, maybe an online press conference with Vandana Shiva, breeders, etc. or an activity on social media. But it is difficult if we can't communicate clear demands and don't have a good patent case as example to mobilize. Good ideas are welcome!

4. Other

- A board meeting is scheduled for 9 December. The budget looks ok for 2020/2021.
- Johanna will send out a doodle for the meeting of members for beginning of March. We'll decide later on if the meeting will be physical or online.

4.1. Next conference call

Johanna will send out a doodle for a next conference call end of Nov. / beginning of Dec. to discuss next steps in regards to public activities in December.