NO PATENTS ON SEEDS!

New patent granted on ‘super-broccoli’

No Patents on Seeds! preparing a protest on the 50th anniversary of the EPO

28 September 2023 / The European Patent Office (EPO) has granted a patent to Seminis (Bayer/Monsanto) covering conventionally-bred broccoli varieties with an increased content of healthy compounds (glucosinulates). The patent (EP2708115) was granted on 13 September 2023. The plants were obtained from crossings with wild broccoli originally found in Sicily, which has a naturally higher content of glucosinulates. As a result, the newly-bred broccoli has higher levels of glucosinulates, but it is neither new nor inventive.



“A patent was granted on broccoli with higher levels of glucosinulates as far back as 2002, which was also obtained from crosses with wild broccoli found in Sicily (EP 1069819). There are only minor differences between these patents. In essence, this patent was granted twice”, says Johanna Eckhardt for *No Patents on Seeds!.*

At the time when the first patent (EP1069819) was granted, Monsanto claimed the production of a ‘super-broccoli’, which was then sold in supermarkets at a higher price. This led to several years of heated political controversy and major criticism of patents on conventionally-bred plants. In response, the representatives of the (at that time) 38 contracting states at the EPO decided in 2017 that such patents would no longer be allowed in future.

“This second patent on a ‘super-broccoli’ simply ignores the decision of the governments of the EPO contracting states, who wanted to end patents on conventionally-bred plants”, says Dagmar Urban for ARCHE NOAH.

The European Patent Convention (EPC) was first adopted in 1972, and the EPO started its work in 1973. In Article 53(b) the EPC prohibits patents on plant varieties and conventional plant breeding. *No Patents on Seeds!* is now preparing protests to be held in front of the EPO building in Munich on the 5 October 2023.

“The EPO is attempting to hide this breach of the law behind complex legal arguments. However, these ‘excuses’ and ‘special rules’ are unacceptable. The prohibition which prevents the patenting of plant varieties is there to protect the interests of the general public, agriculture, food production and consumers. Therefore, these kinds of patents must be stopped”, says Nout van der Vart for Oxfam (Novib).

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Further information

- The first patent by Monsanto on broccoli (EP1069819): https://www.no-patents-on-seeds.org/en/patent-cases/broccoli
- The broccoli on bushy melon: https://www.no-patents-on-seeds.org/en/patent-cases/bushy-melon
- The latest research report of *No patents on seeds!*: https://www.no-patents-on-seeds.org/en/report2023

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