



20 new European patents on conventionally bred seeds

Patents destroy the basis of plant breeding

14 October 2024 / *No Patents on Seeds!* is today publishing a new report on patents covering conventionally-bred plants. Although Europe only permits patents on genetically engineered plants, the European Patent Office (EPO) has already granted hundreds of patents on conventionally-bred plants, affecting over 1.300 European plant varieties. The development threatens to block conventional plant breeding in Europe.

“The EPO and the industry are destroying the basis of European plant breeding by granting these kinds of patents. Access to conventionally-bred plant varieties has never been so severely restricted by patents as it is at present”, says Johanna Eckhardt from *No Patents on Seeds!* “These patents endanger the right to freely use conventionally-bred varieties for further breeding for European breeders.”

One example is a patent held by the German company KWS, which claims maize that can be grown in northern regions because it is tolerant to lower temperature. The corresponding gene variants were originally discovered in existing plant lines. According to the patent, the company used random mutagenesis and also mentions the possibility of imitating the trait by genetic engineering. However, such procedures are not needed to breed the desired plants.



Opposition against the patent was filed by *No Patents on Seeds!*. A decision will be taken tomorrow in a public hearing at the European Patent Office. If the patent is upheld, it is likely to impact conventional plant breeding.

Grietje Raaphorst-Travaille from the Dutch company, Nordic Maize Breeding, warns: “We have been successfully breeding new maize varieties for many years, some of which are also cultivated in organic farming in Europe. Patents, such as the one held by KWS, are jeopardising both our future operations and diversity in plant breeding. We now might be affected by patents and litigation even if we only continue to work with conventionally-bred varieties.”

A total of around 80 patents on plants granted in 2023 were detected by the research of *No Patents on Seeds!*. Around 20 of these cover conventional breeding. The plant varieties concerned include cucumbers, maize, melons, peppers, rapeseed, spinach, tomatoes and wheat. The patent holders are companies, such as Nunhems/BASF, Enza Zaden, KWS, Rijk Zwaan, Seminis/Bayer and ChemChina/Syngenta.

“Patents on plants are currently the subject of fierce debate in the EU. However, so far, the EU Commission has refused to look for a solution that would establish legal certainty. Clearly, EU Patent Directive 98/44 could be used to prohibit patents on conventional breeding, the existing prohibitions would only have to be interpreted correctly,” says Dagmar Urban from the Austrian NGO, Arche Noah, a member of *No Patents on Seeds!*. “In a further step, patents on plants and animals should be prohibited completely.”

New genetic engineering (NGT) is currently playing a central role in these developments, as CRISPR/Cas gene scissors are often used to copy the characteristics of conventional plants, thus making the plants patentable. These kinds of patents are often not limited to plants obtained from technical processes, they also extend to randomly generated mutations and plants inheriting the specific traits. Furthermore, they also frequently claim the use of naturally-

occurring gene variants for the selection of plants. This gives companies extensive control over plant breeding both with and without genetic engineering.

„The EU must end patents on conventional breeding, including random mutations and on the use of naturally occurring gene variants. Legal certainty has to be provided to ensure breeders can continue accessing and using plant genetic resources needed for food production. They must not be forced to sign license contracts or threatened by litigation. We cannot allow our seed and food systems to be controlled by a handful of companies who hold patents on our food crops,“ says Nout van der Vaart from Oxfam Novib.

Contact

- Grietje Raaphorst-Travaille, Nordic Maize Breeding, nmb.graaphorst@gmail.com, +31617345947
- Dagmar Urban, Seed policy advisor, ARCHE NOAH, dagmar.urban@arche-noah.at, +43 676 9318180
- Roos Groen, press officer Oxfam Novib, roos.groen@oxfamnovib.nl, +31651287965
- Christoph Then, spokesperson *No Patents on Seeds!*, info@no-patents-on-seeds.org, +49 151 54638040
- Johanna Eckhardt, project coordination, *No Patents on Seeds!*, johanna.eckhardt@no-patents-on-seeds.org, + 43 680 2126 343

Further information

The new report can be downloaded here: <https://www.no-patents-on-seeds.org/en/report-2024>

Information on the opposition against the maize patent:

<https://www.no-patents-on-seeds.org/en/maize-cold-resistance>

Material of the Online talk on 14 Oct. <https://www.no-patents-on-seeds.org/en/talk>

New video by Oxfam Novib about patents on seeds with Grietje Raaphorst:

https://www.youtube.com/watch?v=sLX_gNnknMw (5min, Dutch with English subtitles)

Blog article by Oxfam Novib (Dutch):

<https://www.oxfamnovib.nl/blogs/dilemmas-en-oplossingen/waarom-we-geen-patenten-op-zaden-moeten-willen>

You can share our posts about this press release on [Facebook](#) and [X](#) or share the direct link to this press release:

<https://www.no-patents-on-seeds.org/en/20patents>