



No Patents on Seeds!

Annual report on activities 2023

The organisation

No Patents on Seeds! (Keine Patente auf Saatgut e.V.) is a non-profit organisation registered in Germany and founded in 2018. The NGO continues the activities against patents on seeds of the previous international coalition.

Its statutes can be found here: <https://www.no-patents-on-seeds.org/en/about-us/statutes>.

The members of the organisation in 2023 were: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL), ARCHE NOAH, Beyond GM, Biorespect, Bund Naturschutz in Bayern (BN), Corporate Europe Observatory, Dachverband Kulturpflanzen- und Nutztiervielfalt e.V., Danish Seed Savers, Gene-ethical network (GeN), IG Nachbau, IG Saatgut, Kein Patent auf Leben!, Munich Environmental Institute, Oxfam, Plataforma Transgénicos Fora, ProSpecieRara, Public Eye and SWISSAID (<https://www.no-patents-on-seeds.org/en/about-us/member-organisations>).

EU Transparency Register TR ID: 562793946026-60

The team

Dr. Christoph Then is the executive director of the organisation. Mag. Johanna Eckhardt coordinates public outreach (responsibility for the website, social media, organisation of media releases, newsletters) and contact to the experts of EPO member states. Johanna is based in Vienna and is supported through the infrastructure of the ARCHE NOAH organisation. Dr. Ruth Tippe, Anne-Charlotte Moy (LLM) and Andreas Bauer-Panskus conduct ongoing patent research and are organising a database of relevant patents.

The initial situation

The Administrative Council of the European Patent Office (EPO) decided in 2017 that patents could no longer be granted on plants and animals derived from “essentially biological processes” of breeding. New Rule 28(2) was subsequently added to the Implementing Regulations of the European Patent Convention (EPC). This was an important success for the previous international coalition of *No Patents on Seeds!*. However, this decision does not completely exclude patents on plants and animals derived from conventional breeding. Although the Enlarged Board of Appeal of the EPO confirmed the validity of the new Rule 28 (2), the definition of “essentially biological processes” remains problematic. Currently, more than 1000 conventionally bred varieties are already impacted by patents.

Activities

Amendments of national patent laws

In April 2023, the Austrian Parliament (Nationalrat) has passed an amendment to the national patent law which excludes, in particular, random genetic mutations (mutagenesis) from patent protection. Even though the law is not binding for future EPO decisions, it sends a Europe-wide signal for the general prohibition of patents on conventional breeding.

Patent research and publication of the annual report

We published our new report in July 2023. Besides recent figures and individual examples we also gave an overview on the development in the last 10 years, the differences to NGT patents and the Austrian model law. The report was published in English, German and Danish (<https://www.no-patents-on-seeds.org/en/report2023>). It was presented at an event on 6 July in the EU Parliament (<https://www.no-patents-on-seeds.org/en/eu-conference>). The patent research also was the main content of our workshops in The Hague (16 May) and Copenhagen (27 November). The workshop in The Hague resulted in a resolution by the Dutch parliament asking the minister to take action on EU level against patents on seeds.



Recent political developments in the EU

In the context of the debate about future regulation of New GMOs (NGTs), the issue of patents became 'a hot topic'. Our activities such as in the Netherlands and Brussels contributed to get the issue on the political agenda of the EU. Also, other NGOs (such as Global 2000) became active, therefore, we had the chance to present our demands to a broader audience within the EU. In reaction, the EU Commission announced activities within next years.



We also had to deal with the attempt to abuse the debate about patents to speed up the deregulation: Some expectation was raised that, if the plants would be deregulated and equated to conventionally bred plants, they also would escape patentability. To avoid these misunderstandings, we wrote letters to the Commission, the Parliament and the Council and started a new online activity (<https://www.no-patents-on-seeds.org/en/campaign>). The EU Commission announced to come up with a report till 2026.

Oppositions and legal arguments

We opposed two patents of company KWS (<https://www.no-patents-on-seeds.org/en/maize-cold-resistance>, <https://www.no-patents-on-seeds.org/en/maize>). We lost public hearings on patent cases on the 'wild pepper' and the 'bushy melon' (appeal filed for the melon patent). We still follow our developed line of legal arguments which is based on the fact that the prohibitions under Article 53b are only limited in regard to genetically engineered plants (history and wording of the EU Directive 98/44). This line of arguments may help us to overcome the limitations with Rule 28 (2).

Our campaign work

In 2023, we visited the Netherlands (public activity in front of the EPO and workshop with stakeholders and politicians), Copenhagen (online workshop), Brussels (workshop with and in Parliament), Ireland (seed savers workshop) and Munich (public activity in front of the EPO on its 50th anniversary).



We started a new online activity (<https://www.no-patents-on-seeds.org/en/campaign>) which also involves mobilisation via stickers and flyers. We expect more than 30.000 stickers and 20.000 flyers to be distributed via these channels. Since these stickers will guide the public to our website, we expect to create synergies with our activities.

Income and expenses

The development of income and expenses was more or less as planned. New applications were successfully submitted to Salvia and the Gene-ethical foundation for 2024.