

PRESS RELEASE

Organic farmers urge Commission to ban patents on seeds

Brussels, 17 May 2016 – Tomorrow, a symposium on patents and plant breeders' rights will be hosted by the Dutch Minister for Agriculture. IFOAM EU welcomes the Dutch Presidency initiative and urges the Commission to take concrete, legal action to put an end to patents on seeds. This comes in the context of a new resolution by the European Parliament calling for a ban on conventionally bred products (1); a groundswell against a patent requested by Syngenta for a conventionally bred tomato (2); and recent revocation of a patent that had been issued by the European Patent Office for a conventionally bred melon from Monsanto (3).

Thomas Fertl, IFOAM EU Board Member and Farmers' Representative, said: *"The European Commission should urgently clarify that seeds and genetic traits that can be found in nature and obtained through conventional breeding cannot be patented. The patent legislation has increasingly been used to grant patents on natural traits, which is a complete misuse of the patent system. This kind of patents fosters further market concentration in the seed sector and hamper competition and innovation. Today, only 5 companies control 75% of the seeds sold throughout the world and own most of the patents. This is corporate control over farming and the food chain at its most dangerous."*

Maaïke Raaijmakers project leader at the Dutch organic association Bionext, said: *"We are cooperating with conventional farming associations, NGOs and many concerned citizens to put an end to patent claims on our food. Farmers constantly need new varieties, as growing conditions on the fields and market demands change rapidly. Climate change makes it even more urgent for farmers to have access to a wide range of adapted varieties. Patents on seeds hinder the development of new varieties, reduce choice and increase prices for farmers and consumers. This threatens our food security in the long term."*

Eric Gall, IFOAM EU Policy Manager concluded: *"Patents on seeds hinder innovation in breeding and block the circulation of genetic resources. Access to genetic biodiversity is essential for creating new varieties and should not be blocked by patents. Organic and smallholder farmers are particularly at risk of losing the varieties they need to farm. The Commission must issue a legal interpretation that clearly prevents these types of patents, and should revise the biotech inventions Directive 98/44 in order to protect farmers from intellectual property rights claims regarding the plants and animals they save and breed."*

Background

Although the European Patent Convention from 1973 states that essentially biological processes are excluded from patentability, since the adoption of Directive 98/44 on the patentability of biotech inventions, the European Patent Office has granted more and more patents de facto covering several plant varieties, and not necessarily linked to genetic engineering. The EPO is not an EU institution, there is no independent legal supervision of its decisions, and it directly benefits from the patent system having turned from an instrument for society into an instrument for private companies.

According to the No Patents on Seeds coalition (4), over 1,000 patent applications on conventional breeding are pending at the EPO (on wheat, carrots, potatoes, maize, melon, pepper, rice, spinach, etc.), filed by companies like Bayer, Dupont/Pioneer, Monsanto or Syngenta. Over 100 have been granted since 2000.

With these patents, companies get monopoly rights over all seeds, plants and fruits with the same trait. Even if it concerns traits from varieties that are made by classical crossing and selection. A single patent can de facto cover hundreds of varieties. Plant varieties are normally covered by “plant variety rights”, a more flexible form of intellectual property rights, which allow a breeder to use a protected variety to create a new one.

This long-standing issue of patents on life is back on the political agenda in Brussels, and it was discussed at the Competitiveness Council on 29 February 2016. Previously the Netherlands initiated a discussion in the Agriculture Council on 13 July 2015, following the controversial decision of the European Patent Office (EPO) Enlarged Board of Appeal, on 25 March 2015, that although essential biological processes such as crossing could not be patented, the resulting products could be covered by a patent.

Despite numerous scandals over the years and calls by civil society and part of the seeds sector, the Commission has so far always refused to re-open Directive 1998/44 and to clarify the legal situation.

These concerns over patents on life are shared by the European Parliament. A new resolution (2015/2981(RSP)), following one from 2012, was adopted on 17 December 2015, carried by Dutch Liberal MEP Jan Huitema. The resolution calls on the Commission, “as a matter of urgency, to clarify the scope and interpretation of Directive 98/44/EC.”

Notes

1. [EU Parliament’s 2nd resolution of 17 December 2015](#) and the [EU Parliament’s press release](#)
2. [Mass mobilisation of more than 65,000 citizens against a patent on tomatoes](#)
3. [Recently revoked patent on melons](#)
4. [No Patents on Seeds coalition](#)

For more information please contact:

Eric Gall, Policy Manager: + 32 (0)2 280 68 43, [eric.gall \[at \] ifoam-eu.org](mailto:eric.gall@ifoam-eu.org)

Laura Ullmann, Communication Manager: + 32 (0)2 808 79 91, [laura.ullmann \[at \] ifoam-eu.org](mailto:laura.ullmann@ifoam-eu.org)

or visit www.ifoam-eu.org

IFOAM EU represents more than 160 member organizations in the EU-28, the EU accession countries and EFTA. Member organizations span the entire organic food chain and beyond: from farmers and processors organisations, retailers, certifiers, consultants, traders and researchers to environmental and consumer advocacy bodies.