

Patents on Life?

Gent, 17.9.2010

Ruth Tippe Kein Patent auf Leben! München



Gent, 17. September 2010

Ruth Tippe
No Patents on Life! Munich



Overview

- EU Patent-Directive 98/44/EC
- Plant breeders rights versus patents
- Broccoli, tomato und sunflower
- What can we do?



EU-Patent-Directive 98/44/EC

- Plants and animals are patentable inventions
- Patents on gene sequences
- Patents on parts of the human body



Exceptions from patentability

- Plant and animal varieties
- Breeding methods
- Inventions contrary to „ordre public“ or morality

Patentable are

- Plants and animals



Examples of plant patents

- Genetically engineered plants
- Normal, not-genetically engineered, bred plants
 - Broccoli
 - Tomato
 - Sunflower



Examples of animal patents

- Genetically engineered animals
 - Animal models, experimental animal
- Cloned animals
 - Sheep Dolly and others
- Normal, not-genetically engineered, bred farm animals, as pigs and cows

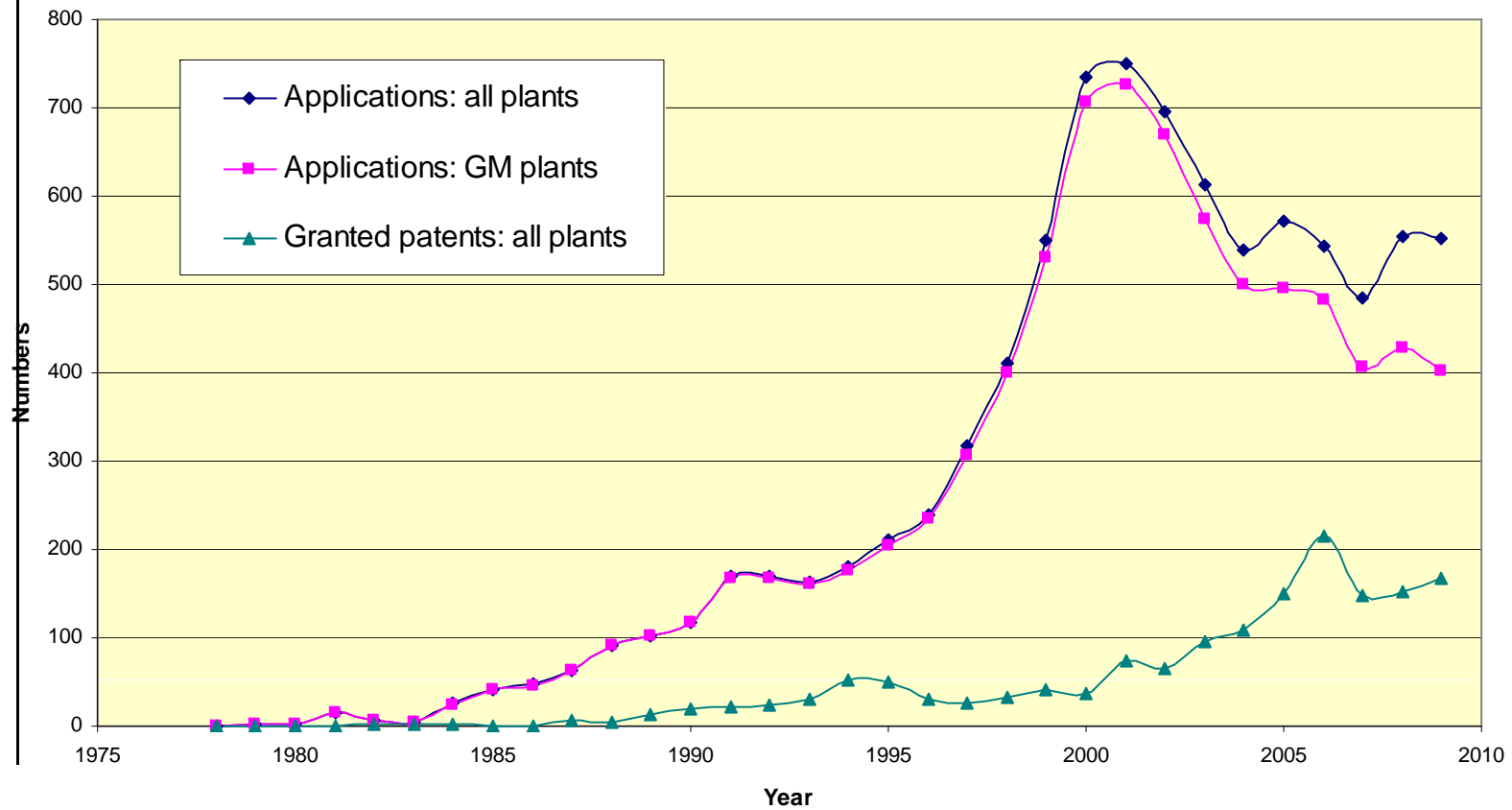


Numbers of patents

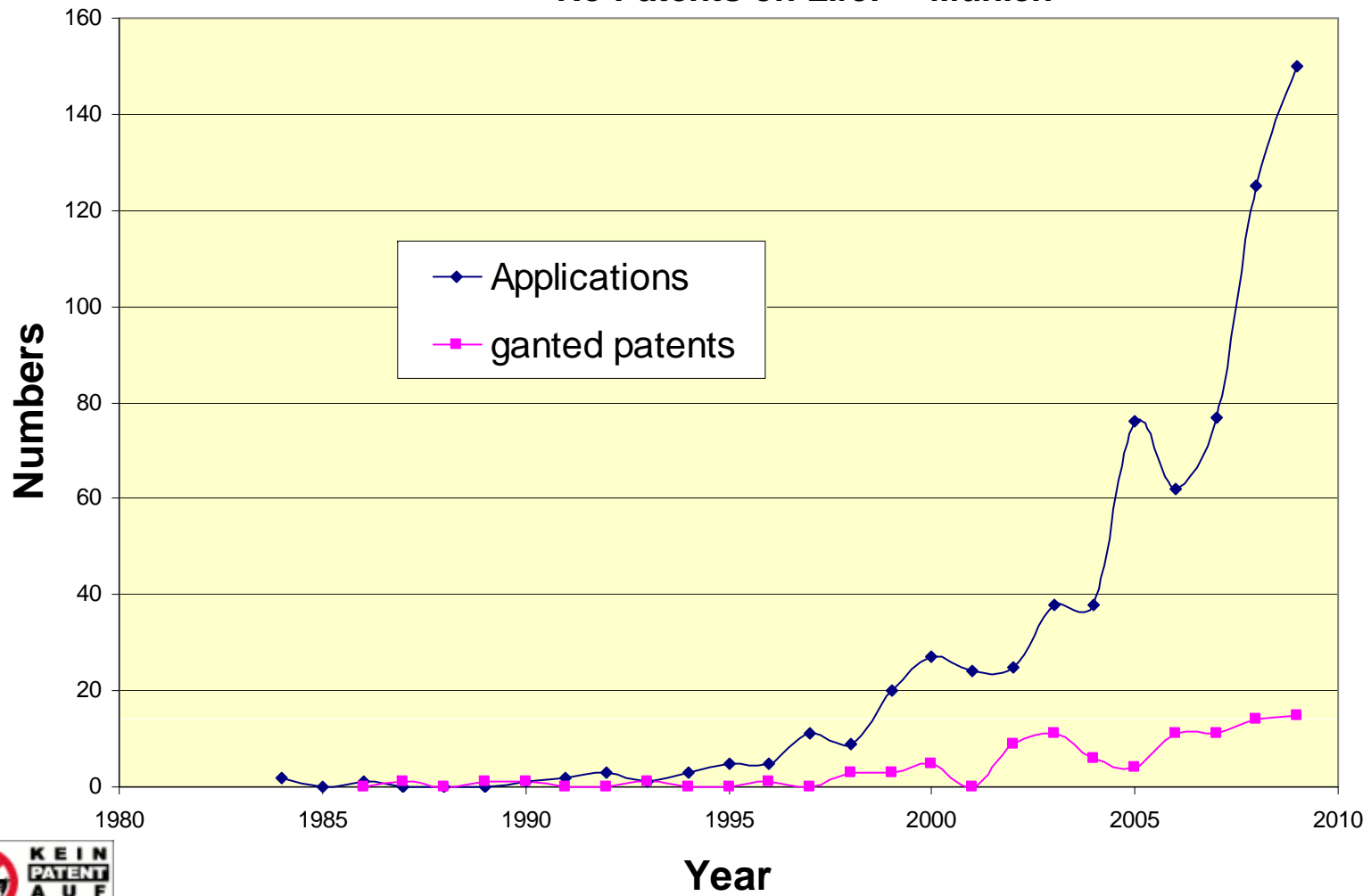
	Applications EP	Granted patents EP
Genetic engineering	50 454	15 444
Plants	6 005	1 568
Animals	4 001	911
Genes of humans and animals	10 149	3 303
Plant genes	1 383	369



European patents 1984-2009 covering all plants compared to GM plants



European Patents on "no GE plants" "No Patents on Life!" Munich



Practise at EPO

- Patents on GE plants are being applied and granted week for week.
- Besides that the part of applications on no-GE-plants are rising or at least staying at about 30-35%.
- There are about 800 applications and 70 granted patents on no-GE-plants.



PBR - Patents

Plant breeders rights

- Term 25/30 Jahre
- After that time the variety can be free
- One single variety is protected

Patents

- Term 20/21 Jahre
- After that time technology can be free
- All plants comprising a special gene sequence



PBR - Patents

Plant breeders rights

- Propagation of seeds
- On farm seed production

Patents

- **GE in the lab**
- Plant regeneration
- Production of variety
- Propagation of seeds
- On farm seed production
- **Planting**
- **Harvest**
- **International markets**
- **Processing**
- **Breeding**



General principle

Patents on plants, seeds and farm animals endanger the independence of farmers. They provide the multinationals with power and corporate control over farming and processing of the food and feed products.





„Landmark decision“ at EPO on broccoli
und tomato at the 20. July 2010

- Are breeding methods patentable?

But

- What about the breded plants? Are they patentable as they are at the moment?



Sunflower

Breedered Sunflower with a special oil content in the kernels. Opposition Greenpeace. Decision at the Technical Board of Appeal in Mai 2010

- Breeding methods are withdrawn
- Plants, kernels and oil are maintained in the patent.



Meaning of the broccoli decision

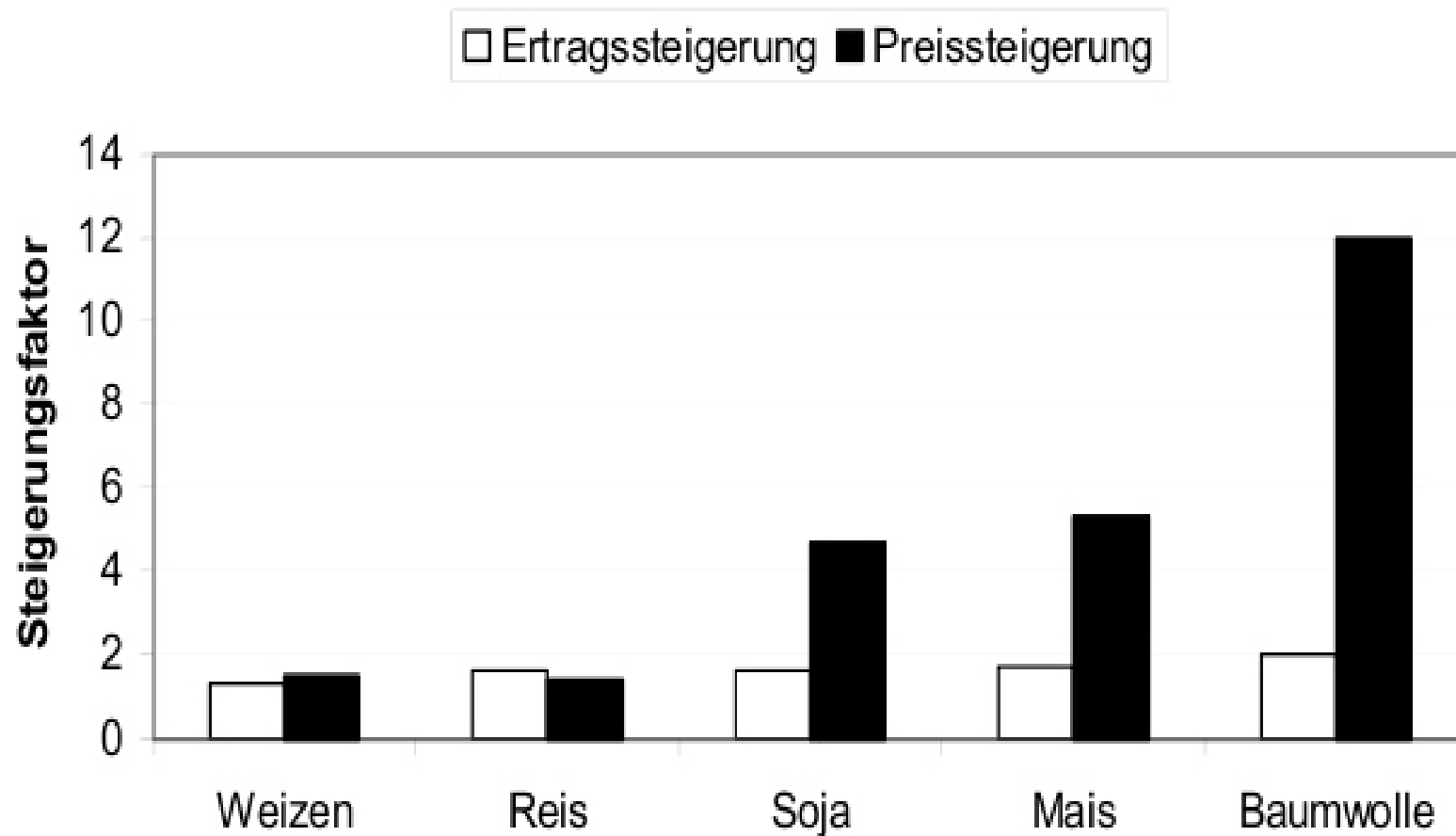
- Conventional bred plant maintained as patentable
- PBR are in danger
- Detrimental disadvantage for small and medium-sized breeders
- Plant breeding for multinationals



Further consequences of patents on seeds

- **Rising seed prices**
- Rising food prices
- **Loss of crop diversity**
- Monocultures







What's to do?

Amendment of law:

Patent directive 98/44/EC – revision

- Clarification, that conventional breded plants and animals are not patentable
- Also GE plants and animals should not be patentable
- Stop biopiracy



Germany

- Ministry of Justice and Ministry of Agriculture are responsible
- Sentence in the Agreement of the Coalition:
„Independant of the protection of intellectual rights we don‘t agree on patents on farm animals und plants.
- Motion of all parties of the parliament against patents on plants and animals



Possible activities in Europe

- EU-Commission
- Europaen Parliament
- Other national goverments



Vielen Dank!
Weiteres unter www.keinpatent.de

