



WS 8: Plant variety protection, NGTs and patents

Updates on political debates and cooperation
amongst organic breeders, growers and NGOs

15th LLD Forum in Scandicci, 24 May 2026

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NO PATENTS ON SEEDS!



- 2007: start of a European coalition
- Since 2018 Non profit organisation based in Munich
- 18 member organisations from Austria, Belgium, Denmark, Germany, the Netherlands, Portugal, Switzerland and the UK.





What we do

- patent research, publish reports
- exchange with experts (EPO, EU, national ministries & patent offices)
- oppositions on patent cases
- public campaigns, media work, mobilisation
- build a network between European organisations

GOAL: Clear regulations that exclude plants and animals derived from conventional breeding from patentability!





Publications



Safeguard the patent-free zone of classical plant breeding in Europe!

Patents granted by the European Patent Office put pressure on politics

Authors: Ruth Tippe, Anne-Charlotte Moy, Johanna Eckhardt, Andreas Bauer-Panskus & Christoph Then
Published by: No Patents on Seeds!

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September 2025



European Patent Office versus the EU

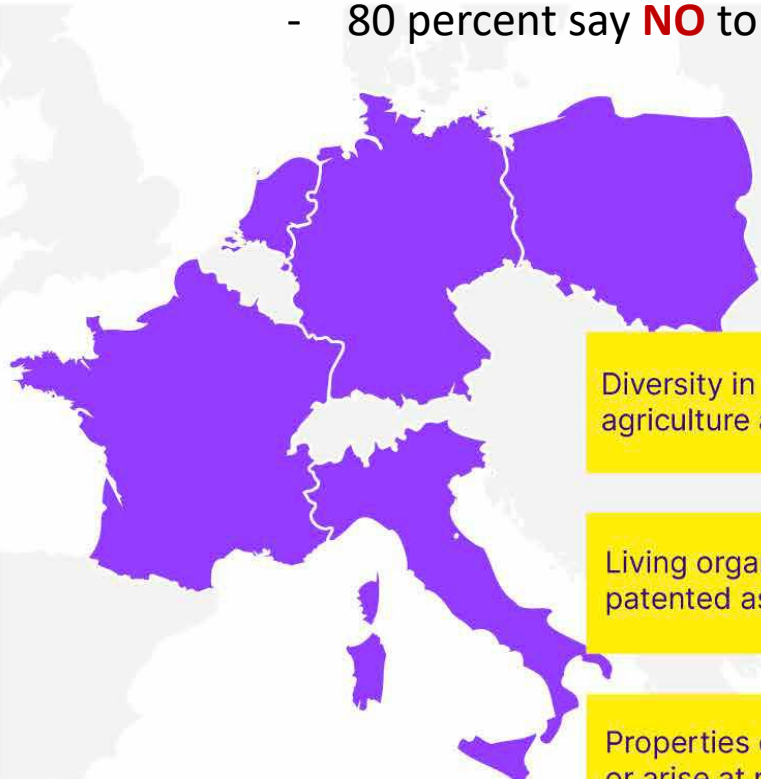
Despite prohibitions:
Patents continue to be granted on natural genes and plants selected for breeding

Published by: No Patents on Seeds!
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Survey about patents on seeds

- Survey conducted in DE / FR / IT / NL / PL
- 80 percent say **NO** to patents on seeds



Diversity in plant breeding is important for agriculture and our food supply.

93 % agree

Living organisms (plants and animals) may not be patented as technical inventions for ethical reasons.

83 % agree

Properties of plants that occur naturally or arise at random may not be patented.

75 % agree

When granting patents on genetically modified plants and approving them for the market, particular consideration must be given to protecting humans and the environment.

88 % agree



Legal background - EU

EU Biotech Directive 98/44/EC

„plant and animal varieties“ and „essentially biological processes for the production of plants and animals“ are excluded from patentability (Art. 4)

„A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.“ (Art. 2)

<https://www.no-patents-on-seeds.org/en/background/legal-framework>

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





Legal background - EPO

European Patent Convention, Article 53 (b)

European patents shall not be granted in respect of: [...] (b) plant or animal varieties or essentially biological processes for the production of plants or animals.

Implementing Regulations, Rule 26 (5)

A process for the production of plants or animals is essentially biological if it consists entirely of natural phenomena such as crossing or selection.

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More info



European patents on classical breeding

between 2009 to 2024:

- around 1.500 **patent applications** on classical breeding
- around 340 patents on classical breeding **granted** by the European Patent Office

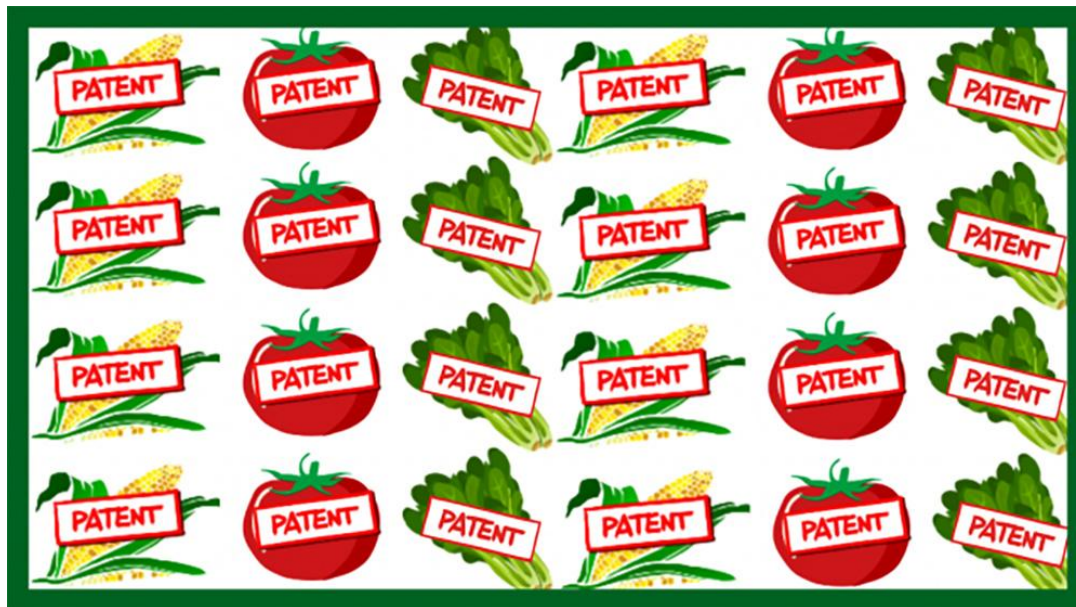
Pinto database by European Seed Association:

- lists 100 European patents on classical breeding affecting more than 1.000 plant varieties belonging to almost 40 species



Patents granted in 2025 on plants derived from classical breeding

In 2025, the European Patent Office (EPO) granted around 40 patents that are derived from classical breeding.





Patents granted in 2025 on plants derived from classical breeding

patent number company	species	number of affected varieties
EP3376853 Rijk Zwaan	spinach	5
EP3054766 Bayer / Seminis	spinach	1
EP3419414 Bejo Zaden	carrots	3
EP3373723 Vilmorin	squash	1
EP3975697 Bejo Zaden	spinach	8
EP2464213 ChemChina / Syngenta	maize	125
EP3442325 BASF/Nunhems	cucumber	2

7 patents =
145 affected
varieties



Patents on virus resistance in tomatoes



- more than **20** pending international **patent applications** for tomato plants with resistance to tomato brown rugose fruit virus (TBRF virus)
- **companies**: BASF, Bayer, Rijk Zwaan, Enza Zaden, Syngenta, etc.
- **patent granted, joint opposition** against patent by Vilmorin (May 2025)
- **patent granted** in July 2025 (EP3911147, Enza Zaden)
- **patent granted** in February 2026 (EP3720272, Rijk Zwaan)



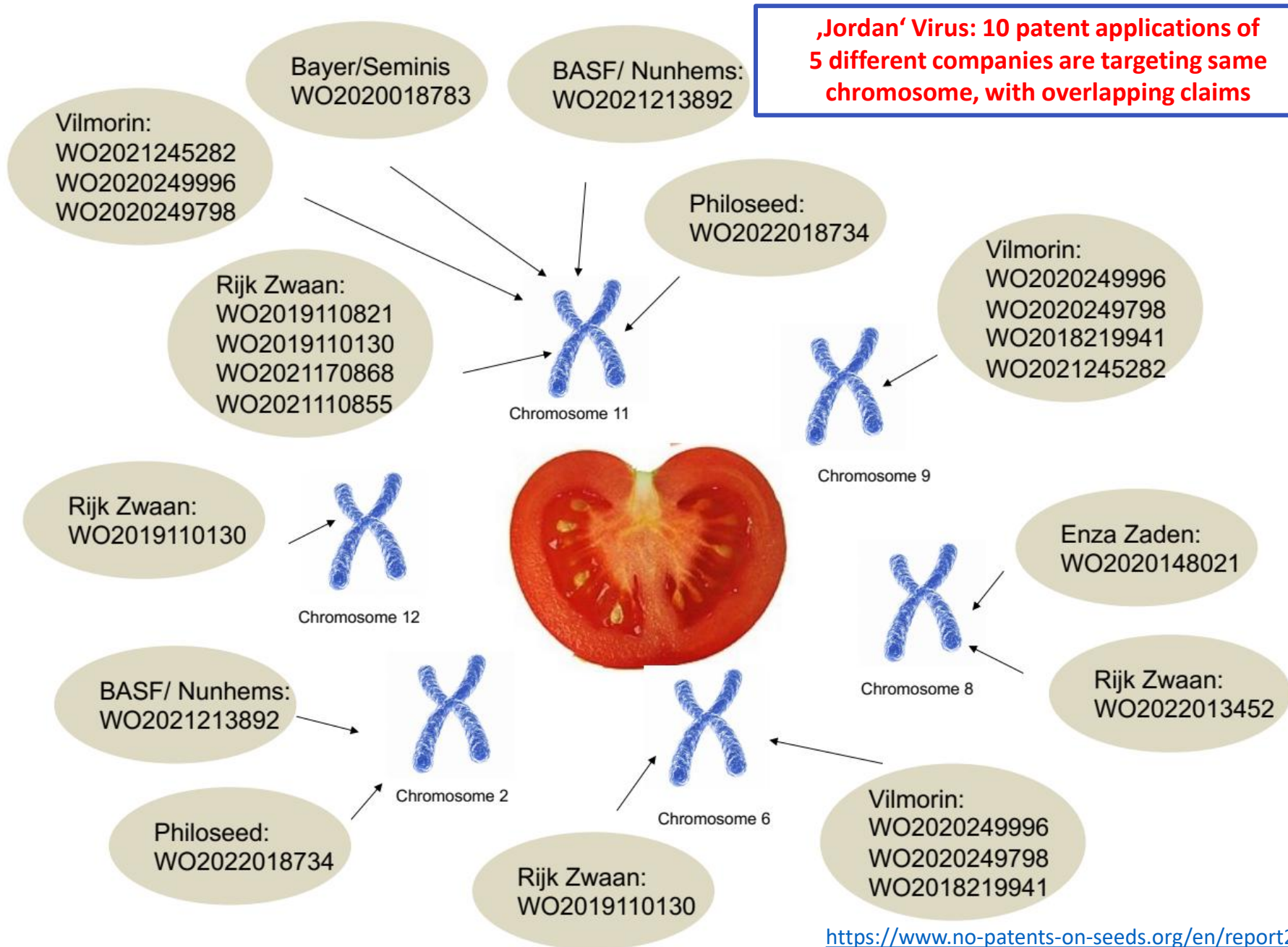
Patents on virus resistance in tomatoes

- **naturally occurring gene variants** – no need for genetic engineering
- **biopiracy**: traits found in wild tomatoes – f.e. from Peru, Ecuador (EP3911147, Enza Zaden)
- patent applications include examples of **NGTs as toppings** that raise the impression of technical inventions
- applications cover genetically engineered and conventionally bred plants
- freedom to operate for European breeders under threat



International patent applications on resistance against TBRF-Virus in tomato

Jordan' Virus: 10 patent applications of 5 different companies are targeting same chromosome, with overlapping claims





Frans Carree – De Bolster





Frans Carree – De Bolster

- Euronews, August 2024:
<https://www.euronews.com/2024/08/18/europes-seeds-are-being-privatised-by-patents-and-it-could-threaten-food-security>
- „In order to develop his own virus-resistant tomato, Carree would need to read all patent applications to understand which traits the companies have filed a patent application for. The patent applications are written in such complicated language, however, that he sometimes struggles to understand them. ”
- Inf’OGM: [*De Bolster: another Dutch SME under patent threat*](#)



Solutions

- **EU has to clarify that classical breeding is excluded from patentability**
 - EU Biotech Directive 98/44/EC
 - Implementing Regulations the European Patent Convention (European Patent Office)
- **EU Commission's proposal for the future regulation of plants obtained from new genetic engineering**
 - question of patentability of seeds has to be answered
 - NGT patents affect as well classical breeding

More detailed recommendations in our publications:

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



Thank you!

