

07/12/2018

## Press Release

### **Shocked by the EPO's recent decision on patenting natural traits, Copa and Cogeca call to put a stop to this practice**

On December 5<sup>th</sup>, in an oral hearing on a patent covering pepper plants, the European Patent Office (EPO) declared Rule 28(2) to be invalid. This rule clarified that all products obtained through essentially biological processes were excluded from patentability. The EPO's decision will make granting patents on natural traits in Europe possible again, resulting in an unacceptable situation for the farming community and beyond.

Reacting to the EPO Technical Board's decision, Thor Kofoed, Chairman of the Copa and Cogeca Working Party on Seeds, said: *"With its approach, the EPO is undermining the EU Biotechnology Directive 98/44/EC, opening the door to new business models based on extensive patenting of natural traits. We don't need a patent system for plant breeding in Europe as we already have Community Plant Variety Rights – the most efficient system worldwide for the past 50 years. All genetic resources must remain readily available for farmers and breeders so that they can continue to develop new varieties."*

Pekka Pesonen, Secretary General of Copa and Cogeca, added: *"Copa and Cogeca have constantly stressed that patent law is an inappropriate instrument for the EU agricultural sector. It's time the EPO started listening to the farming community's concerns. Otherwise, we will have no choice but to turn to the European legal authorities."*

**- ENDS -**

---

For further information, please contact:

**Dominique Dejonckheere**  
Senior Policy Advisor  
dominique.dejonckheere@copa-cogeca.eu

**Jean-Baptiste Boucher**  
Communications Director  
Mobile: + 32 474 840 836  
jean-baptiste.boucher@copa-cogeca.eu

---

**CDP(18)9154:1**

---

