



Call to stop patents on beer

We need effective prohibitions in European Patent Law!

15 March 2017 / Today, 32 civil society organisations will start a public appeal to politicians and demand that effective prohibitions are put in place to stop the granting of patents on plants and animals derived from conventional breeding. The protest is targeted at patents granted by the European Patent Office (EPO) in 2016 (EP2384110, EP2373154 and EP2575433) to the brewing companies Carlsberg and Heineken. The patents claim barley derived from conventional breeding, its usage in brewing beer and the beer produced thereof. However, the patents are simply based on random mutations in the plant's genome. Just recently, the EU Commission and the EU Member States made it very clear that patents on plants and animals derived from conventional breeding are not allowed. Nevertheless, the EPO wants to continue to grant patents in future on random mutations. Currently, the civil society organisations are demanding that politicians ensure the loopholes in the law are closed.

The patented barley is said to simplify brewing and make it cheaper, the beer will also supposedly keep fresh for longer. The two brewing companies can profit twice over – by selling the beer and from the cultivation of the barley. At the same time, they can prevent other breeders from breeding

better barley and also extend their market dominance – to the detriment of farmers, breeders, other breweries and consumers.

“If random mutations in the genome of plants are sufficient to claim barley and beer as inventions, then there is something completely wrong with the whole patent system. Politicians now need to act to stop such patents, and make it clear that the interests of consumers come before those of big companies,” says Erling Frederiksen from Friends of the Earth, Denmark.

The EPO plainly intends to carry on granting patents on plants and animals in future if random mutations are detected or triggered. In the conventional breeding sector, around half of patents as granted are based on such 'inventions at random'.

“If patents on plants and animals inheriting random mutations are allowed, the prohibition of patents on conventional breeding will remain largely ineffective. We urgently need political action and legal clarity,” says Ruth Tippe from “No Patents on Life!”. “Our research shows that such patents represent a large share of the patents that have been granted in relation to conventional breeding.”

The patents not only cover the barley, the brewing process and the beer itself, but also all barley plants with the characteristics described in the patent, independently of how they were bred. That is why the organisations are demanding that the scope of such patents is restricted: “According to the EPO’s current practice, companies which have a patent on plants or animals derived from genetic engineering can also claim all other plants and animals as their invention if they show the same characteristics, even if these characteristics occurred in nature or through conventional breeding methods,” says Christoph Then for the coalition *'No Patents on Seeds!'*. “If we do not get legally binding boundaries to restrict the scope of patents, the EPO and big companies will continue to be able to subvert the prohibition on patents on plants and animals.”

The organisations are warning that the EPO has its own vested interests and has already tried several times in the past to circumvent the prohibition on patenting life. They are demanding that politicians no longer leave it solely up to the EPO to decide upon interpretation of the prohibition in patent law.

The following organisations are starting the appeal: Arbeitsgemeinschaft bäuerliche Landwirtschaft (AbL, Germany), Arbeitsgemeinschaft der Umweltbeauftragten der Gliedkirchen in der EKD (AGU, Germany) Arche Noah (Austria), Bioland (Germany), Bund für Umwelt und Naturschutz Deutschland (BUND) und Bund Naturschutz in Bayern (BN) (Germany), Bund Ökologische Lebensmittelwirtschaft (BÖLW, Germany), Bundesverband Naturkost Naturwaren (BNN, Germany), Die freien Bäcker, FIAN (Germany), Frosamlerne (Denmark), Gen-ethisches Netzwerk (Germany), Katholische Landvolkbewegung Deutschland (KLB, Deutschland), Kultursaat e.V. (Germany), Landesforeningen Praktisk Økologi (Denmark), IG Nachbau (Germany), IG Saatgut (Germany), NOAH – Friends of the Earth (Denmark), No Patents on Life! (Germany), No Patents on Seeds! (Europe), Plataforma Transgénicos Fora (Portugal), ProSpecieRara (Switzerland), PublicEye (Switzerland), Sambucus (Germany), Save or Seeds (SOS, Germany), SLOW (Denmark), Slow Food Germany (and Denmark regional), Swissaid (Switzerland), Umweltinstitut München (Germany), Verband Katholisches Landvolk e. V. (Germany), Zivilcourage (Germany).

The appeal aims to ensure that European governments will use their power in the Administrative Council of the EPO to render legal clarity and certainty on prohibitions in patent law. The Administrative Council, which represents the 38 Contracting States of the European Patent Organisation, will meet in Munich today and tomorrow. However, final conclusions are not expected before the next meeting in June 2017.

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The public appeal: www.no-patents-on-beer.org