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EPA/EPO/OEB · 80298 München · Deutschland

✉ EPA/EPO/OEB
80298 München
Deutschland
☎ +49 89 2399 - 1101
Fax +49 89 2399 - 2891
e-mail council@epo.org

Dr. Christoph Then

No Patents on Seeds !

info@no-patents-on-seeds.org

Zeichen/Reference/Référence

Datum/Date/Date

22.06.2017

Dear Mr Then,

Thank you for your letter dated 29 May 2017 and the previous letter of February 2017.

As you correctly note, the patentability of conventional plants and animals in view of the EU Commission Notice of 3 November 2016 was discussed in the meeting of the Committee on Patent Law at the end of April 2017. If we correctly understand, you sent your first letter directly to certain delegations prior to this meeting. It was also available to the Office's services when preparing the analysis which served as basis for the discussions in the Committee. Delegations considered various options and comments made by different user organisations and interest groups were reflected in the deliberations. Following a thorough debate, the Committee agreed on a recommendation which will now be discussed in the Administrative Council at the end of June.

The European Patent Organisation has an established framework in place for interacting with its users and public interest organisations. In addition, as mentioned above and followed in your case, individual comments made are taken into account in the legislative process. We do not therefore believe that a meeting between an individual stakeholder and representatives of the contracting states to the European Patent Convention (EPC) would be productive.

In accordance with Article 30 EPC, the Administrative Council has a strict policy in place as regards granting observer status to organisations. It requires a direct and functional relationship with the European Patent Organisation which goes beyond an isolated interest in a specific topic discussed in the Council, as important as it may be. We therefore regret to inform you that “no patents on seeds” cannot be granted observer status for the upcoming Council meeting at the end of June 2017. This is consistent with the practice applied to a great number of other organisations which have submitted comments regarding the patentability of conventional plants and animals.

We thank you for your interest in the work of the EPO and your contribution to the current debate concerning the patentability of conventional plants and animals.

Sincerely Yours,



Jesper Kongstad
Chairman Administrative Council



Sean Dennehey
Chairman Committee
on Patent Law