



## KEIN PATENT AUF LEBEN!

Frohschammerstr. 14,  
80807 München

Tel.: +49 (0) 172 896 38 58  
e-mail: [rtippe@keinpatent.de](mailto:rtippe@keinpatent.de)

Internet: <http://www.keinpatent.de>

Dr. Ruth Tippe

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## Syngenta Reis-Gen-Patente – die Liste

Anlässlich der Syngenta-Generalversammlung 2005 haben Swissaid, Greenpeace und die Erklärung von Bern vier „Mega-Gen-Patente“ von Syngenta publiziert (Patente 1,2,3 und 13) und vom Konzern die Rücknahme der Patentanträge gefordert.

Die nachfolgende Aufstellung zeigt, dass der Konzern noch viele weitere Patente der selben Art eingereicht hat. Die Patentanträge wurden bei der World Intellectual Property Organisation (WIPO) in Genf beziehungsweise beim Europäischen Patentamt (EPA) und in den USA eingereicht. Die Patente 1-6 gehören alle zu einer „Patentfamilie“, da all diese Patente auf einer Prioritätsschrift beruhen, die zwar als bescheidene 115 Seiten lange Schrift in der Akte liegt, aber in Wirklichkeit 12.529 Seiten umfasst (Application Number: 60/300,112). In dieser Schrift werden rund 30'000 Gensequenzen (praktisch das ganze Reisgenom) als die Erfindung von Syngenta bezeichnet. Zusätzlich dazu sind bei jedem Patent eine oder zwei weitere Prioritätsschriften angegeben, die nur für das betreffende Patent gelten. Die eingereichten Patente (WO, bzw. EP) sind auch entsprechend umfangreich. Die Prüfberichte des Europäischen Patentamtes (EPA) (siehe jeweils „State of procedure“), der bereits geprüften Patente, räumen Syngenta schlechte Chancen ein die Patente in dieser Form zu erhalten. Es wird vom EPA vorgeschlagen, die Patente und insbesondere die Claims völlig zu überarbeiten, gegebenenfalls Teilanmeldungen anzumelden. Auf diese Vorschläge gibt es für die ersten sieben Patente auf dieser Liste noch keine offiziellen Antworten von Syngenta, es wurden bisher nur Fristen verlängert.

Syngenta hat die oben erwähnten NGOs an einem Treffen vom 9.8.2005 darüber informiert, dass einzelne der kritisierten Patente aus finanziellen oder juristischen Gründen nicht weiter verfolgt, oder verkleinert werden. Diese Informationen von Syngenta werden nachfolgend bei den einzelnen Patenten erwähnt (kursiv). Greenpeace, die Erklärung von Bern, Kein Patent auf Leben! und SWISSAID fordern von Syngenta den Widerruf aller erwähnten Patente.

1. EP 1399561 A WO 03/000906 299 pages

**Title: Plant disease resistance genes**

Applicant: Syngenta

Claims: 413 DNAs, 413 peptides; transgenic plant, disease resistant; plant, seed, progeny; plant as wheat, rice, corn, sorghum, rye,..; computer-readable medium

State of procedure: first examination report is very negative: lack of novelty, inventive step cannot be acknowledged. No function of peptides is given

*Syngenta: entered the national phase only in EU and US. Under (internal) review.*

2. EP 1402038 A2 20040331 WO 2003000905 260 pages

**Title: Identification and characterization of plant genes**

Applicant: Syngenta (US)

Claims: 71 plant DNAs (rice), 71 peptides; transgenic plant cell (maize, rice, banana, sorghum,...); method of modulating carbohydrate, protein, fatty acid composition; method of plant breeding using trait marker; computer-readable medium.

State of procedure: first examination report is very negative: lack of unity, not new, no inventive step.

*Syngenta: entered the national phase only in EU and US. Both existing applications will be allowed to lapse.*

3. EP 1402042 A2 20040331 WO 2003008540 177 pages

**Title: Abiotic stress responsive polynucleotides and polypeptides**

Applicant: Syngenta (US)

Claims: Plant DNA (2303 or even 4606 sequences); peptide; transgenic plant, seed, progeny, hybrid plant; method wherein abiotic stress is saline, cold, osmotic stress or any combination; computer readable medium; antibody.

State of procedure: first examination report very negative: one or more divisional applications may be submitted.

*Syngenta: Entered the national phase only in EU and US. All other possible designations have been abandoned. A Divisional application will be filed in the US relating to a specific sequence the function of which has been experimentally proven. A similar approach will be taken in Europe.*

4. EP 1409696 A2 20040421 WO 2003000904 323 pages

**Title: Identification and characterization of plant genes**

Applicant: Syngenta (US)

Claims: Plant DNA involved in control of flowering time in rice, 70-99% identity; peptide; transgenic plant (maize, wheat, rice, sorghum, banana,...), seed; method of modulating flowering time; computer readable medium.

State of procedure: first examination report was very negative. Actions of ETC. Loss of rights 10.05.2005. *Patent is dead.*

5. WO 03/000897 235 pages

**Title: Identification and characterization of phosphate transporter genes**

Applicant: Syngenta

Claims: DNA mediating phosphate uptake; protein; transgenic plant, cereal; maize, soybean, sorghum, wheat, rice,...; method of modulating phosphate uptake; method of breeding, selecting, detecting (genes); computer-readable medium

State of procedure: *dead 06.04.2005*

*Syngenta: entered the national phase only in the US. The application is pending.*

6. WO 03/007699 A2 20030130 125 pages

**Title: Transcription factors of cereals**

Applicant: Syngenta Participations AG (US)

Claims: DNA from plant, polypeptide; plant, dicot, monocot, including cereal, rice, sorghum; computer readable medium, method for altering resistance, abiotic stress, expression of genes; progeny; hybrid plants, seeds; uniform population of plants.

State of procedure: first examination report is negative; *dead 16.02.2005.*

7. WO 03/027249 163 pages

**Title: High-protein-phenotype-associated plant genes**

Applicant: Syngenta

Claims: 18 DNAs from maize, rice, arabidopsis, wheat, hordeum; transgenic plant, monocot, dicot; seed, progeny; method to confer altered nutritional qualities to a plant; method of marker-assisted selection; product, food or feed product; method for producing peptide for therapy or industry

State of procedure: not yet in European phase

*Syngenta: entered the national phase only in EU and US. Both existing applications are pending.*

8. EP 1127143 WO 0026389 A2 20000511

**Title: DNA comprising rice anther-specific gene and transgenic plant transformed therewith**

Applicant: Novartis AG

Claims: DNA from Oryza, specific for anther, to disrupt formation of viable pollen. Plant, male-sterile plant: rice, wheat, maize, sorghum, orchardgrass.

State of procedure: will soon be granted at EPO.

*Syngenta: The application is pending in US and Europe. Under internal Syngenta Review.*

9. EP 1261715 WO 0166755 A2 20010913

**Title: Novel monocotyledonous plant genes and uses thereof**

Applicant: Syngenta Participations

Claims: Genes from Triticum or Oryza homologous to NIM1 gene leading to systemic acquired resistance (SAR). DNA, transgenic plant (rice, wheat,...vegetables as carrot, bean cabbage,...berries and fruits as strawberry, grape, banana....sorghum, tobacco,...)

State of procedure: *dead 27.07.2005*

10. EP 1294914 WO 2001098480 A2 20011227

**Title: Promoters for plant gene expression**

Applicant: Syngenta (US)

Claims: Plant DNA, root specific expression; 567 sequences, 80% identity; transgenic plant, dicot, monocot, maize, soybean,...sorghum, rice, wheat; seed, fruit, vegetable, progeny; method to alter phenotype of plant (regulatory, insect, stress resistance, nutrient uptake).

State of procedure: beginning of examination (Search report positive for Syngenta).

*Syngenta: entered the national phase in Europe, US, Canada, Australia. The applications are pending.*

11. EP 1313867 A2 20030528 WO 02/016655

**Title: Stress-related genes of plants, transgenic plants containing same, and methods of use**

Applicant: The Scripps Research Institute; Syngenta (US)

Claims: Method of identifying stress condition and producing transgenic plant (resistant to abiotic stress); transgenic plant, seed, cDNA; plant exhibiting increased tolerance, improved nutritional or ornamental value; computer readable medium.

State of procedure: first examination report is very negative: application is in the main part not new, not inventive, no clarity and unity

*Syngenta: the application is pending in Europe, US, Canada, Australia*

12. EP 1379659 WO 02081696 A2 20021017

**Title: Oryza sativa nuclear cap binding protein 80**

Applicant: Syngenta Participations AG (US)

Claims: Abiotic stress, water deficit or dehydration. DNA from rice, polypeptide, transformed plant (cereal, potato, wheat, rice, corn, oat, barley, rye, dicot), producing a product (seed, fruit, vegetable, progeny); plant, seed, progeny; mutagenesis cassette.

State of procedure: beginning of examination (Search report is negative for Syngenta)

*Syngenta: entered the national phase in Europe, US, Canada, Australia. The applications are pending.*

13. EP 1453950 A2 20040908 WO 2003048319

**Title: Nucleic acid molecules from rice encoding proteins for abiotic stress tolerance, enhanced yield, disease resistance and altered nutritional quality and uses thereof**

Applicant: Syngenta Participations AG (US)

Claims: DNA from rice; transgenic plant, progeny, seed; plant showing stress tolerance, enhanced yield, altered nutritional content, disease resistance; plant which is rice, wheat, corn, potato, bean, vegetables, fruit trees, pepper, apple, sorghum,..

State of procedure: request for examination: 30.06.2004

*Syngenta: entered the national phase only in EU and US. Both existing applications will be allowed to lapse.*

14. EP 1539949 WO 2003048339 A2 20030612

**Title: Nucleic acid molecules from rice encoding RAR1 disease resistance proteins and uses thereof**

Applicant: Syngenta (US)

Claims: DNA from rice; transgenic plant, progeny, seed, rice, wheat,..., vegetables, fruit trees, spices, berries,...; method of enhancing pathogen resistance (nematode, bacteria, fungus, virus, viroid).

State of procedure: beginning of examination (preliminary international examination asked)

*Syngenta: The applications are pending in Europe and US*

15. WO 2005021723 20050310

**Title: Nucleic acid molecules from rice controlling abiotic stress tolerance**

Applicant: Syngenta (US)

Claims: 98 peptides, 60% identity and 98 DNA sequences; transgenic plant, monocot (rice, maize, wheat, millet, sorghum, triticale, secale, einkorn, spelt,...), dicot (potato, vegetables, fruits, pepper, banana); plant being stress, drought tolerant; progeny, seed.

State of procedure: not yet in European phase.

*Syngenta: The application is pending in the US*

Ruth Tippe, 10/08/05