



By Mike Knowles

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EPO revokes Monsanto melon patent

Pressure from coalition of NGOs results in decision to rescind seed breeder's claim to fruit's potential resistance



The European Patent Office (EPO) is understood to have revoked a patent held by Monsanto on melons, following a [hearing in Munich](#).

According to pressure group No Patents on Seeds (NPOs), which has been supported by the Indian government in lobbying for the patent to be revoked, the multinational seed breeder was wrongly awarded a [European patent on conventionally bred melons](#) back in May 2011, based on that resistance being present naturally in certain varieties.

The patent relates specifically to melon plants resistant to closterovirus, also known as cucurbit yellow stunting disorder virus, which turns melons yellow and reduces yields.

As the EPO explained, the plants can be made resistant by the introduction of a gene from another melon plant by way of a conventional breeding method involving the use of a genetic marker.

The gene responsible for this resistance was first found in a melon plant in India catalogued in 1961, the institution conceded, and plant containing that gene have been publicly available since 1966.

NPOs said in its statement: "The patent was granted by the European Patent Office even though European patent law does not allow patents on plant varieties and processes for conventional breeding."

The group added: "Essentially the application of the patent constituted an act of biopiracy - violating Indian law and international treaties."

NPOs representative Christoph Then commented: "The patent was based on essentially biological processes for breeding and claimed plant varieties. This was a clear violation of European patent law."

He described the revocation as "a huge success", but added that the problem would not be resolved simply by filing

oppositions with the EPO. "Politicians need to make sure that laws are applied properly and prohibitions are no longer ignored."

The opposition was filed by Arbeitsgemeinschaft Bäuerliche Landwirtschaft (Germany), Bund Naturschutz in Bayern (Germany), Berne Declaration (Switzerland), Gesellschaft für Ökologische Forschung (Germany), Greenpeace (Germany), No Patents on Life! (Germany), Verband Katholisches Landvolk (Germany) and Foundation for Future Farming.

<http://www.fruitnet.com/americafruit/article/1474/parts-of-san-diego-quarantined-as-psyllid-count-mounts>

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