By Carl Collen

Wednesday 12th July 2017, 14:55 GMT

Copa Cogeca makes plant patent point

Group sends letter to MEPs urging them to prevent the use of patents on plants bred via essentially biological processes

European farmer and agri-cooperative representative Copa Cogeca has sent a letter to MEPs calling on them to act against the use of patents on plants bred via essentially biological processes, saying the current Community Plant Variety Right (CPVR) system works well.

The move comes after the EC issued a notice in November which underlined that plants that are obtained by means of "essentially biological processes" are not patentable.

According to Copa Cogeca, the recommendation works against the practices of the European Patent Office (EPO) which has already authorised many patents using essentially biological processes like patents on tomatoes and broccoli.

Speaking to MEPs in European Parliament in Brussels, Thor Kofoed, chairman of the Seed Working Party, said: "The current Community Plant Variety Right (CPVR) system has worked well for 50 years, giving farmers access to a good choice of plant varieties. As long as EPO does not accept entirely the breeder's exemption, Copa Cogeca cannot accept any kind of patent in plants."

The EPO decided to follow the EC's approach and it will help to avoid the use of patents on plants, seen as a crucial first step towards re-establishing the balance in Intellectual Property Rights.

But even with this rule change by the EPO, Copa Cogeca said that farmers were still concerned about the potentially negative impact of patents on their work as it could prevent them from having access to plant breeding genetic material and make them pay additional royalty payments.

"We are of the view that a breeders' exemption that allows breeders to freely use any variety that contains a patented element for further breeding must be implemented in patent laws all over Europe," noted Kofoed. "It is also essential that farmers cannot in any way violate possible patents when using certified seed."