

FOR IMMEDIATE RELEASE

CropLife Statement on European Patent Office Decision on the Patentability of Plants Obtained by Essentially Biological Processes (Case T 1063/18)

Brussels — 14 December 2018 — CropLife welcomes the decision of the European Patent Office (EPO) in case T1063/18 declaring Rule 28(2) as not applicable because it is in conflict with Art 53b) of the European Patent Convention. Rule 28(2) in the Implementing Regulations of the European Patent Convention excludes from patentability of plants exclusively obtained by means of an essentially biological process. CropLife also notes that the Board of Appeal also decided to remit the case to a first instance for further examination of remaining patentability requirements.

Well-balanced, clearly defined and pragmatic intellectual property rights, including plant variety protection rights and patents, help drive innovation for more productive and sustainable seeds by providing an incentive to innovators to take entrepreneurial risks that benefit breeders, farmers and consumers. All innovators need a stable and predictable framework of intellectual property protection to ensure legal clarity and safeguard legal certainty for agricultural innovation in the EU.

Patents must remain available as a tool for the protection of plant-based inventions in Europe. The absence of patent protection for a technical invention, which could include breeding steps, discourages plant breeders from research, development and investment to foster innovation costing Europe jobs and solutions for agricultural challenges impacting global agriculture.

CropLife International hopes that this ruling will ultimately result in the legal clarity and certainty so badly needed in this area to continue to enable agricultural innovation.

In any case, CropLife International and its member companies engage themselves to address the concerns of certain stakeholder groups which initially led to the introduction of Rule 28(2). CropLife is committed to enter into a constructive dialogue in order to discuss alternative solutions which ensure legal certainty for all stakeholder groups.

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Note to Editor:

CropLife International is the voice of the global plant science industry. It champions the role of agricultural innovations in crop protection and plant biotechnology in supporting and advancing sustainable agriculture; helping farmers feed a growing population while looking after the planet; and progressing rural communities. The world needs farmers, and farmers need plant science. CropLife International is proud to be at the heart of helping farmers grow.