

**Meeting report of a public discussion on seed patenting organized by Oxfam Novib and No Patents on Seeds!
May 2025**

Wednesday May 28, Oxfam Novib and No Patents on Seeds! followed up on the [submission of an official seed patent opposition](#), by organizing an expert discussion on this matter in Centrum Nieuwspoor, in The Hague, the Netherlands. With a relatively small but dedicated and informed group of people from civil society, seed industry, medium and small seed companies, researchers, political representatives, plant variety protection office representatives and people from the ministry of Agriculture, we came to some interesting conclusions.



Patents on seeds (more precisely: on naturally occurring plant traits) are considered undesirable by most actors, as they hamper innovation and disregard international agreements and fundamental rights (to access to seeds, food, etc.). Exceptions aside, there is a general agreement that plant genetic material needs to be broadly accessible for breeders and farmers (and anyone else) to continue developing new varieties that can withstand challenges like pests, diseases, changing climatic circumstances, etc.

The topic of patentability of conventional seeds has been discussed in the Netherlands, Europe and on a global level for at least 20 years, however, the issue is still on the table. In recent years, the debate has broadened in the EU, with the proposed deregulation of

(patentable) technical breeding/New Genomic Techniques. To clarify and strengthen the *existing prohibition* on patents on *plant varieties and essentially biological processes* (article 53 (b) of the European Patent Convention, EPC), the Administrative Council of the European Patent Office (EPO) added a new rule 28 (2) in 2017. Ever since, seed companies in their patent applications have tried to blur the lines between conventional (non-patentable) and technical (patentable) breeding techniques. To overcome this, Oxfam Novib and No Patents on Seeds! have been advocating for a change in the Implementing Regulations of the EPC. More specifically: for the EPO to *include non-targeted and randomly generated mutations in plant cells* in its interpretation of the prohibition of patents on plant varieties and essentially biological processes (article 53b and rule 28.2). Such change in the Implementing Regulations can be achieved by a 75% majority vote of the EPO member states. The EU, representing 27 out of 39 EPO member states, could take the lead and propose the change envisioned.



Whereas this remains the solution Oxfam Novib and No Patents on Seeds stand for, other options were discussed that could potentially solve the problem of seed patenting, for both conventional and technical breeding. Introducing a *full breeders' exemption* into European

patent law, as recently proposed in a [Humboldt University white paper](#) and since long the main position of Plantum, for example, would limit the scope of, or even rule out, patents.

On a national level, (European) countries like the Netherlands could revise their national patent law (which is currently happening in the Netherlands) and integrate both above-described changes in their national legal framework. Although a solid solution on a European level would be necessary, amending national legislation for the better ([as Austria did in 2023](#)) would have a direct impact and provide precedents of how to address the issue of seed patenting.

Claiming naturally occurring plant traits for restricted use through patents currently is the main driver of the accelerating consolidation of European and global seed markets, forcing small and medium-sized breeding companies out of the market and weakening the resilience of the European food system. Introducing seed licensing platforms, as proposed by some major actors from within seed industry, is in the opinion of Oxfam Novib and No Patents on Seeds! Neither a fair, acceptable nor sustainable solution. These platforms would make smaller breeding companies and society at large dependent on the plant genetic material that a handful of major seed corporations would own. Or to put it differently: allowing for patents on seeds and introducing seed licensing platforms would be a successful final step in the definite establishment of an oligopolist seed market. It doesn't take a long time for anyone to conclude this very much is a dystopic outlook, which needs to be actively avoided.