Euroseeds
Embracing Nature

Fostering innovation and access: Euroseeds' vision for intellectual property in plant breeding

"Plant breeding innovations are crucial for developing high-yield crops, requiring heavy investments in research. A strong and enforceable IP protection system is necessary for plant breeders to secure returns on these investments."

What are the main guiding principles of the Euroseeds' view on IP?

Effective protection and practical enforcement possibilities of intellectual property (IP) rights are a precondition for the continuous innovation in plant breeding – fair return on investment.

Access to all forms of plant material, including commercially available plant varieties, is indispensable for the breeding of new varieties.

No single IP system can cover all the relevant innovations and needs from breeding technologies over trait development to final plant varieties.

IP in European Plant Breeding

For decades, European plant breeders have mainly relied on the sui generis IP system of plant breeders' rights (PBR) based on the UPOV Convention which provides effective IP protection for new plant varieties.

Next to the PBR system, other forms of IP protection related to plants exist, such as patents for biotechnological inventions. In the EU, this form of IP is provided by the European Patent Convention and EU Directive 98/44. Over the past two decades, the interaction between these two IP systems has continuously evolved. The increasing diversity of innovative breeding methods (e.g. gene editing), and the increased diversity of business models within the sector led to different needs when it comes to an effective IP system. The European plant breeding sector is united in a set of concrete objectives and demands in relation to IP protection and management.

Which are our demands on the topic of Intellectual Property?

Plant Breeders' Rights (PBR)	1991 Act of the UPOV Convention as the ideal sui generis IP system for protecting plant varieties as such. Strengthening of the PBR system (enforceability).
Initial breeder	Strengthen the Essentially Derived Varieties (EDV) concept and sequence-based markers covered by patent protection.
Limited breeders' exemption	Further implementation of the limited breeders' exemption in national laws and further extension to the use of molecular and sequence-based markers covered by patent protection.
Confirming and extending the restriction to patentability	Already existing exclusion of essentially biological breeding methods from patentability – covering products and traits derived from natural variability and conventional breeding methods. Extending this exclusion to include non-repeatable methods like random mutagenesis and protoplast fusion, along with their products.
Scope of patents	Limit and clarify the scope of patents. New Genomic Techniques (NGTs) and other technical breeding methods can create mutations that might also occur spontaneously or result from random mutation breeding. The effect of a product patent on biological material must not extend to any biological material which has the same properties but has occurred naturally or results from undirected and thus not repeatable processes like random mutagenesis and protoplast fusion.
Raising the bar	Application of strict quality/novelty criteria in the assessment of plant-related patent claims.
Improving transparency	Full transparency in patent protection for plant varieties (use of private databases like PINTO) and mandatory transparency through the inclusion of the patent status of any variety in public databases such as the European Common Catalogue of Varieties.
Mandatory licensing	Mandatory licensing obligation for the patent holder to provide access for all relevant stakeholders on FRAND (fair, reasonable, and non-discriminatory) terms.

Visit our website to know more about intellectual property'

As the voice of Europe's plant breeding and seed sector, we are committed to advocating for an IP system that balances effective protection with broad access. This balance is essential for the continued innovation and competitiveness of Europe's agri-food sector with its diverse business models.