

# no patents on seeds

To the Carlsberg Group Company  
Cees 't Hart  
President and CEO  
cc  
Ole Olsen Director, Raw Materials Principle Scientist  
Albert Doderer, Carlsberg Research Laboratory Heineken Supply Chain

100 Ny Carlsberg Vej  
1799 Copenhagen V  
Denmark

25 November 2016

## **2<sup>nd</sup> Open letter: No patents on beer!**

Dear Mr. Hart, Mr Olsen, Mr Doderer,

Thank you for your response.

Please let me explain that No Patents on Seeds! has no interest whatsoever in interfering with your approach on how to develop innovations in brewing.

Our concerns are directed solely to the increasing number of patents being granted in the field of conventional breeding, and their impact on breeders, farmers and consumers. Your patents add to this problematic development. Whether or not your patents will have a huge impact on the market (at the moment), is not the decisive question in this context. Rather, our concerns lie with the long-term and overall consequences of patents being granted on plants and animals used for food production.

This is a matter of principle: As explained in our letter, we object to the corporate control of our food and we are fighting against these patent monopolies, no matter whether they are held by Monsanto, Bayer or Carlsberg. Food and seed monopolies are not in the interests of consumers, farmers or traditional breeders.

Moreover, we emphasized that breeding plants and animals is not an invention, but is based on centuries-old traditions and processes. But let us explain, we do not claim the plant and animal varieties used for food production are necessarily “detected” in nature. But nevertheless, they are also not “invented”. More importantly, you should be aware that, in the context of European patent law, methods applied in conventional breeding are regarded as “essentially biological” and are therefore regarded as non-patentable. To render the prohibitions effective, the plants and animals derived from these processes have to be excluded from patentability. This does not mean that innovation in brewing is not open for patent protection. However, the patents that you currently

hold go far beyond the scope of the relevant technical processes.

Civil society organisations have already opposed several patents; some of the oppositions were very successful. We are also planning to prepare oppositions against your patents.

At the same time, we will continue to work with the EU Parliament, the EU Member States and the EU Commission to find a political solution to reinforce the prohibitions in patent law that concern conventional breeding as well as plant and animal varieties.

For this reason, Carlsberg would be well advised to act responsibly, the window of opportunity for doing so might close very soon.

We still hope that Carlsberg will reconsider its position. If you are interested, we are certainly open to further discussions.

With kind regards



Erling Frederiksen, NOAH



Christoph Then, No Patents on Seeds!