

Three minutes speech made by Pierre Roger - Limagrain during EC public hearing on future patent policy, held in Brussels, July12, 2006

Thank you Madam Chair for giving me the opportunity to express the position of a large majority of seed companies acting in Europe as my own Company: Limagrain.

There are 2 issues that I would like to bring to your attention regarding a future Community patent system:

1. As existing with community Plant Breeder's Rights (PBR), Seed industry is very supportive of a community patent system providing a strong, efficient and less expensive protection of its innovation respecting the limits of patentability as reaffirmed by the EC Directive 98/44 related to protection of biotech invention. Being also in favour of a drastic reduction of current language regime, as well as a more harmonised jurisdictional system.
2. In our technical domain, we are facing a very specific situation of IP rights interference in a unique commercial product: the plant variety. Actually, technical features contained in one plant variety should be protected by very different IP rights: namely, patent, PBR and trade secret.

Therefore, we are very concerned of having a deep and clear harmonisation of these different IP rights. In particular, there is a crucial right exemption in PBR, known as breeder's exemption. This exemption allows use of protected variety for creation of a new plant variety. Quickly speaking, it is a broader research exemption as far as plant breeding is made for commercial purposes.

This exemption is a key measures to ensure existence of an open and balance competition area towards the uses of genetic resources compulsory needed for creation of plant variety.

Thus as implemented in French and German patent laws, a large majority of European seed companies is asking for an explicit recognition of breeder's exemption, as defined by PBR, in Community patent law - as it has been done for Farm Saved Seeds.

This a matter of basic harmonisation between two EU legal texts that, by nature, have to live together and each of them respecting the other.

Thank you Madam chair for your attention.