



Symposium hosted by
the Federal Ministry of Justice and Consumer Protection

Patentability of Plants and Animals:
-
Scope for Action and Need for Reform?

8 July 2021

Program

- 9.15 **Opening of the symposium**
Dr Irene Pakuscher, Head of Division
Federal Ministry of Justice and Consumer Protection
- 9.18 **Welcoming remarks by Christine Lambrecht, Federal Minister of Justice and Consumer Protection**
- 9.25 **Presentation:** Legal foundations and future outlook
Biopatent Directive, EPC, German Patent Act, recent developments (including decisions by the Enlarged Board of Appeal) and need for reform
- Speaker: Prof. Axel Metzger**
Professor for Civil Law and Intellectual Property Law, with particular focus on industrial property protection, Humboldt University of Berlin
- 9.40 **Presentation:** Patent granting practice of the European Patent Office today and in the future
Patent applications, patent granting, appeal procedures, possible developments
- Speaker: Dr Heli Pihlajamaa**
Director of Patent Law at the European Patent Office
- 9.55 Questions and statements by other symposium participants
- 10.05 **Virtual coffee break**



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10.20 – 11.25 **Panel 1**

Patentability of plants and animals

- Patentability of processes and products of (random) mutagenesis breeding
- Disclaimers (ensuring exclusion from patenting and limiting the subject-matter of protection in the grant procedure)
- Patentability of cells

Moderator: **Prof. Herbert Zech**

Professor for Civil Law, Technology Law and IT Law at the Humboldt University of Berlin

10.20 **Presentation:** Reform proposals by *No Patents on Seeds e.V.*

Speaker: **Dr Christoph Then**

Spokesperson, *No Patents on Seeds e.V.*

10.30 **Expert statements by**

Prof. Christine Godt

Professor for European and International Economic Law at the Carl von Ossietzky University of Oldenburg, and Director of the Hanse Law School

Dr Michael A. Kock

Owner & founder of dr. kock consulting, Basel

Dr Maria Krenn

Deputy Head of Technical Division 4A (Chemistry), Austrian Patent Office

Dr Oliver Werner

Head of Patent Division 1.45 and of the Working Group on Supplementary Protection Certificates at the German Patent and Trade Mark Office

10.45 **Panel discussion** also with other participants

11.10 **Discussion of questions** submitted via the chat tool

11.25 Virtual coffee break



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11.40 – 12.45 **Panel 2**

Scope of protection and legal enforcement of patents for plants and animals

- Disclaimers (effect on scope of protection/infringement).
- Alternatives to disclaimers (e.g. no compound protection/limitation to process claims)
- Burden of proof (did the breeder use a biological process or genetic engineering to produce a plant/animal?)
- Industry-run licensing platforms

Moderator: **Prof. Axel Metzger**

Professor for Civil Law and Intellectual Property law, with particular focus on industrial property protection, Humboldt University of Berlin

11.40 **Presentation:** Licensing platforms

Speaker: **Dr Andreas Popp**

Patent attorney, chair of the special committee on biotechnology law and member of the special committee on patent law of the German Association for the Protection of Intellectual Property, board member of the German Chamber of Patent Attorneys, Senior Vice President Intellectual Property BASF SE

11.50 **Expert statements by**

Dr Filip De Corte

Head IP Crop Protection, Syngenta

Jana Gross

Director Business Development, eleva GmbH

Dr Peter Kather

Senior partner at the law firm Kather Augenstein Rechtsanwälte PartGmbH in Düsseldorf

Sabine Klepsch

Presiding judge of Civil Division 4c, Düsseldorf Regional Court

Georg Janßen

Chairman of the German Small Farmers' Association (Arbeitsgemeinschaft bäuerliche Landwirtschaft e.V.)

12.05 **Panel discussion** also with other participants

12.30 **Discussion of questions** submitted via the chat tool

12.45 **Lunch break**



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14.00 – 14.55 **Panel 3**

Outlook regarding the patenting of plants and animals

- Legal, economic, breeding and environmental aspects
- Need for reform?
- Scope for interpretation and action, feasibility
- The next steps?

Moderator: **Dr J. Christian Wichard, Head of Directorate**
Federal Ministry of Justice and Consumer Protection

14.00 **Expert statements by**

Dr Christoph Ernst

Vice President, EPO

Claudia Hallebach, LL.M

Head of Global Legal and Intellectual Property, KWS

Dr Kamil Kiljański, LL.M

Head of Unit C.4, Intangible Economy, Acting Head of Directorate C
(Investment), European Commission

Bernhard Krüsken

Secretary-General of the German Farmers' Association

Dr Carl-Stephan Schäfer

Managing director of the German Plant Breeders' Association (BDP)

Dr Bettina Wanner

Head of IP Advocacy & Strategy, Bayer Intellectual Property GmbH

14.15 **Panel discussion** also with other participants

14.40 **Discussion of questions** submitted via the chat tool

14.55 **Concluding statements** by the panellists

15.10 **Closing remarks** by **State Secretary Dr Margaretha Sudhof**
Federal Ministry of Justice and Consumer Protection