

Patent cartel for the large companies

Introduction of genome editing accelerates process of market concentration in breeding

24 June 2019 / The argument that new methods of genetic engineering are cheaper than previous techniques and could therefore be used by smaller companies, is often put forward in the debate on genome editing being introduced into breeding. However, what the proponents of this argument fail to mention is that the processes for using tools, such as CRISPR/Cas9 and plants and animals derived thereof, can all be patented.

Experience gained from around twenty years of genetic engineering in plant breeding shows that patent law is a main driver of market concentration in breeding business: large companies can use patents to take control of the resources needed for food production. Currently, DowDuPont and Bayer/Monsanto control large parts of the seed market.

The introduction of new methods of genetic engineering in plant breeding is threatening to further exacerbate the situation: DowDuPont has not only formed but also controls a patent cartel. The US corporation (with its agribiotech sector renamed Corteva) has allegedly signed contracts with all the important owners of basic patents on CRISPR/Cas technology. Data presented in a meeting with the EU Commission at end of 2018 show that DowDuPont has successfully managed to combine 48 patents on the most basic tools in one patent pool. According to DowDupont, access to such a high number of patents is necessary in order to apply the technology in plant breeding to its full extent.

DowDuPont is now in the unprecedented position in plant breeding of being able to allow other companies access to the patent pool and demand licence contracts: what on the one hand is promoted as the 'democratisation' of patent law, is on closer scrutiny emerging as nothing less than a way of controlling competitors and securing a dominant market position. DowDuPont is fast becoming the gatekeeper of an international patent cartel.

Additionally, in regard to the number of international patent applications (filed at the World Intellectual Property Organisation, WIPO) for specific applications of genome editing in plant breeding, DowDupont is currently leading with around 60 applications. Bayer/Monsanto has filed about 30 applications and the US company Calyxt, which wants to sell the first soybeans derived from genome editing, has filed more than 20 applications. Further patent applications are pending from Syngenta and BASF and some applications have been filed by traditional breeders, such as Rijk Zwaan and KWS.

These developments are also happening in animal breeding: in particular, the UK company GENUS has started to invest in genome editing and file patent applications.

Testbiotech has summarised the current developments in a publication for the German network Forum Umwelt und Entwicklung.

Further information: [Publication for the German network "Forum Umwelt und Entwicklung"](#) [1]

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