

# Greenpeace: EPO and friends breaking the Law

<http://swpat.ffii.org/papri/greenpeace-epo/index.en.html>

Workgroup

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Greenpeace has since the beginning of the 1990s been fighting against the extension of the realm of patentability to elements of life and animals. Much of this extension was carried out by decisions of the president of the EPO which were in blatant contradiction to the written law. Later many of these decisions were ex posteriori legalised by EU directives which again were results of abusive legislative procedures. Greenpeace has never shyed to raise these charges in unambiguous language. Their patent specialist Christoph Then from Hamburg explains in detail that the EPO is not subject to any effective control mechanisms and why this has happened.

## Contents

- **Greenpeace 2000/11: Neue Rechtsbrüche im EPA<sup>1</sup>**

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\*<http://www.ffii.org/~phm>

<sup>1</sup>[http://www.greenpeace.de/GP\\_DOK\\_3P/HINTERGR/C05HI70.HTM](http://www.greenpeace.de/GP_DOK_3P/HINTERGR/C05HI70.HTM)

- **Patentierung von Leben: öffentliche Reaktionen auf die Greenpeace-Enthüllung<sup>2</sup>**

strong words from various authoritative sources about the malpractice and contempt of law at the EPO

- **European Patent Office: High Above Legality<sup>3</sup>**

The European Patent Office finances itself by fees from the patents which it grants. It is free to use a certain percentage of these fees. Since the 1980s the EPO has illegally lowered the standards of technicality, novelty, non-obviousness and industrial applicability and abolished examination quality safeguards so as to increase the number of granted patents by more than 10% and the license tax on the industry by 26% per year. As an international organisation, the EPO is not subject to criminal law or taxation. The local police's power ends at the gates of the EPO. High EPO officials have inflicted corporal injury on their employees and then escaped legal consequences by their right to immunity. The work climate within the EPO is very bad, leading to several suicides per year. The quality of examination reached a relative high in the 80s but has after that been deteriorating, partly because the EPO had to hire too many people too quickly for too low wages. Examiners who reject patents load more work on themselves without getting more pay. Examiners are treated by the EPO management as a kind of obstacle to the corporate goal of earning even more patent revenues. The high-level employees of the EPO owe their jobs to political pressures from within national patent administrations and do not understand the daily work of the office. The EPO has its own jurisdictional arm, consisting of people whose career is controlled by the EPO's management, which again is strongly influenced by industry patent lawyers (on the Standing Advisory Committee (SACEPO)) and by the Office's internal climate. The national organs that are supposed to supervise the EPO are all part of the same closed circle, thus guaranteeing the EPO management enjoys feudal powers beyond constitutional legality, and that whatever they decide is propagated to the national administrations and lawcourts.

- **Putting embryos on the assembly line: european patent doublespeak on genes<sup>4</sup>**

extensively quotes Greenpeace and Christoph Then

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<sup>2</sup>[http://www.greenpeace.de/GP\\_DOK\\_3P/REDAKTIO/E000224A.HTM](http://www.greenpeace.de/GP_DOK_3P/REDAKTIO/E000224A.HTM)

<sup>3</sup><http://localhost/swpat/gasnu/epo/index.en.html>

<sup>4</sup>[http://www.unesco.org/courier/2001\\_04/uk/droits.htm](http://www.unesco.org/courier/2001_04/uk/droits.htm)

- Greenpeace: BMJ will Ausverkauf der Natur an Genkonzerne legalisieren<sup>5</sup>
- Greenpeace 2000: EPA-Präsident Kober bricht das Recht, EPA unkontrollierbar<sup>6</sup>
- Greenpeace: Fakten zum EPA<sup>7</sup>
- Greenpeace: Monsanto's Tricks<sup>8</sup>
- Gen-Raps: Saatgutfirma und Umweltministerium angezeigt<sup>9</sup>
- Greenpeace Deutschland<sup>10</sup>

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<sup>5</sup>[http://www.greenpeace.de/GP\\_DOK\\_3P/THEMEN/C05UB01.HTM](http://www.greenpeace.de/GP_DOK_3P/THEMEN/C05UB01.HTM)

<sup>6</sup>[http://www.greenpeace.ch/action31/hintergrund\\_17\\_11\\_2000/rechts.html](http://www.greenpeace.ch/action31/hintergrund_17_11_2000/rechts.html)

<sup>7</sup>[http://www.greenpeace.de/GP\\_DOK\\_3P/HINTERGR/C05HI71.HTM](http://www.greenpeace.de/GP_DOK_3P/HINTERGR/C05HI71.HTM)

<sup>8</sup>[http://www.greenpeace.de/GP\\_DOK\\_3P/HINTERGR/C05HI69.HTM](http://www.greenpeace.de/GP_DOK_3P/HINTERGR/C05HI69.HTM)

<sup>9</sup>[http://www.greenpeace.de/GP\\_ARCHIV/HOMEPAGE/A000519.HTM](http://www.greenpeace.de/GP_ARCHIV/HOMEPAGE/A000519.HTM)

<sup>10</sup><http://www.greenpeace.de>