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Neem tree patent revoked



The neem provides a popular traditional tooth cleaner

By the BBC's [Karen Hoggan](#)

The European Patent Office has revoked a patent granted six years ago on an anti-fungal product, which uses seeds from the neem tree grown widely in India.

Campaigners are heralding it as a victory in the fight to stop big business exploiting plants and genes at the expense of poor people in the developing world.

The neem tree has been used for centuries as a medicine, insecticide and contraceptive.

Pressure groups hope the move signals that it will be harder in the future for multinational companies to patent plants and genes.

Challenge

Six years ago the European Patent Office granted a patent to the US Department of Agriculture and multinational agriculture company W R Grace.

It covered a method of using the neem tree oil for fungicidal purposes.

Subsequently, the granting of the patent was challenged by Green party politicians

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in the European Parliament and other pressure groups.

They oppose big business owning the rights to living organisms - what they call biopiracy - because they say the livelihoods of poor farmers in developing countries will be undermined.



Young neems awaiting planting

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At a hearing in Munich this week, the manager of an Indian agriculture company proved that he had been using an extract of neem tree oil for the same purpose as described in the patent several years before it was filed.

For this reason the EPO said the method couldn't be patented.

The decision was hailed by non- governmental organisations as a signal to companies and governments in rich countries that the developing world is going to challenge this type of patent.

Pressure

Many plants have already been patented - mainly in the US.

Around 70 patents have been taken out on products from the neem tree alone.

Genes from nutmeg and camphor have also been patented with the aim of producing their oils artificially - a move which would hit producers in developing countries.

Now a new European directive allowing patents on genetic resources is on the cards.

Already governments in Germany, Italy and the Netherlands have refused to support it.

Pressure groups want the British government to join the opposition and hope the latest decision on the neem tree patent will encourage them to do so.

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