

Greenpeace fail to stop the patenting of genetically-engineered animals

European Patent No. [1330552](#) is directed to a gene mutation in cows, which results in milk that has lower fat and higher protein levels. The patent includes claims directed towards a transgenic non-human animal with the mutated gene.

Greenpeace opposed the patent. Ross Walker, of our Life Sciences' team, represented the patent owners.

Greenpeace objected that the invention was not patentable, because it was prohibited as “contrary to ‘order public’ or morality” ([Article 53\(a\) EPC](#)).

The European Patent Office (EPO) decided that, to prove their case, Greenpeace had to fulfill the requirements set out by the Board of Appeal in [T315/03](#). Greenpeace had to show:

1. it was likely that the transgenic animals would suffer; and
2. the invention provided no substantial medical benefit.

The EPO decided that Greenpeace had not filed evidence that clearly demonstrated that the animals would likely suffer.

The EPO rejected Greenpeace's opposition.