

# India wins neem patent case

By Our Staff Reporter

**NEW DELHI, MARCH 8.** The European Patent Office in Munich today dismissed an appeal against revoking a patent granted by it for the preparation of a fungicide derived from the seeds of the neem tree.

This will go a long way in giving confidence to traditional users, according to Vandana Shiva, Director, Research Foundation for Science, Technology and Ecology.

Speaking from Germany, Dr. Shiva — one of the three parties to oppose the patent — said: "It was pure and simple piracy. The oil from neem has been used traditionally by

farmers to prevent fungus. It was neither a novel idea nor was it invented. It is a major victory that the appeal has been finally dismissed."

The patent was granted by the European Patent Office to the United States Department of Agriculture and the chemical multinational, W.R. Grace, in 1995. Since then, Dr. Shiva, along with the International Federation of Organic Agriculture Movement and the Green Party in European Parliament, had been opposing it.

## Evidence presented

In 2000, the European Patent Office revoked the patent but the victory was short-lived as the revocation was followed by

an appeal. At the hearing today, this appeal was dismissed, Dr. Shiva said. "We gave them evidence of farmers using this knowledge for a long time and also gave them information about the two scientists who had conducted research on neem before the patent had been granted. During the hearing today, they dismissed the appeal and upheld the earlier revocation of the patent."

Calling it a historic moment, she added: "Patenting is one of the ways through which traditional users can be threatened. But now, such patents will no longer be a threat for traditional users. They know that we will be able to use similar arguments in the future."