

Blacklist of European Biotech Patents 2009–2011

A Testbiotech Report by Christoph Then & Ruth Tippe

In collaboration with
“Kein Patent auf Leben!”

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Greek Mountain Tea, EP2229950 (IBAM)

Patent holder: IBAM, Germany Date granted: 22.06.2011

Content:

The German patent holders described how “Greek” Mountain Tea (that is also grown and harvested in other Mediterranean countries) interacts with the central nervous system. They announced that the tea preparations could be used to treat Attention Deficit Hyperactivity Disorder (ADHS). Sideritis is the botanical name of the plants and encompasses about 100 species, although the patent is not restricted to any particular species. The patent covers the plants as well as the extracts from the plants for the treatment of ADHS.

Analysis:

The claims cover the plants and their use in tea preparations. This is something that has been known in traditional medicine for more than 2000 years. Plants grow wild in Mediterranean countries such as Turkey, Spain, Portugal, Italy and Greece. They are described as having both sedative and stimulative effects.

It is possible to get a patent on naturally occurring compounds if they are shown to have unexpected, inventive usages. One of the best known examples in patent law is the isolation of a compound from death cap mushrooms that can help to treat poisoning from this fungus.

However, in the case of the Mountain Tea, no particular compounds were isolated, but the patent was granted on the whole plants as they are used in tea. The patent covers previously described effects of the plants on the nervous system as a sedative and relaxant, that can at the same time, also be a stimulant. The patent should be considered to be more of a delusion than an invention, since it is largely based on traditional knowledge and also uses the research of other scientists. For example, in Turkey there has, for several years, been ongoing systematic research to identify compounds in the Mountain Tea.

Good to know that in this specific case it might become difficult to implement the patent if its users are sufficiently well informed. If the plants are collected or bought as tea, they should be freely available for all purposes, even for the treatment of ADHS. The patent should only be valid if, for example, ADHS treatment is stated on the packaging. As a result, the same tea can be patented in one case, and in another it is not, without any difference between the plants.