D. Summary

The patentability and the scope of protection of inventions related to the production of agricultural raw materials and the production of processed food vary substantially. There are specific provisions concerning the production of agricultural raw materials, including an exemption to patentability of plant varieties and animal species as well as exemptions from the scope of protection concerning inventions related to the production of plant-derived agricultural raw materials. In contrast to inventions related to the production of agricultural raw materials, there are no specific provisions or exemptions to patentability for inventions relating to the production of processed food. Inventions relating to the production of processed food are treated like inventions in any other industrial sector. The exemptions to patentability and the considerable exceptions from the scope of protection of inventions related to the production of agricultural raw materials lead to a rather weak intellectual property situation, particularly as far as inventions related to the production of plant-derived agricultural raw materials are concerned. The exemption to patentability of plant and animal varieties, the provisions on farm-saved seed and the breeders' exemption in the plant variety protection system and now also in the German patent system are specifically designed for the food sector. These provisions reflect the exceptional position of the production of agricultural raw materials in the German and European patent system. Thus inventions involving the production of agricultural raw materials need to be kept free from restrictions of plant variety protection rights and patents. This is even more astonishing and contradictory as agriculture in Europe is highly industrialized and far from being subsistence farming. All in all, the rather weak protection conferred by the plant variety protection system and the patent system could be a future obstacle to R&D investments in the field of the production of agricultural raw materials.