

Patenting Biotechnological Inventions in Europe and the US

■ by Ayşegül Özdemir*

1) INTRODUCTION

The patent system is designed to grant inventors and innovators exclusive rights over their inventions for a certain period of time in exchange for public disclosure of their inventions.¹

Biotechnology is a new technique for industries and specialists and is making astounding progress. Advances in biotechnology are so rapid that many things are now possible, which, even a few years ago, would have seemed unimaginable.² It is a type of genetic engineering in medical and veterinary research resulting in modified productions and improved animal breeds.³ It is the use of microorganisms, mammalian cells and their products for industrial, agricultural, and medical purposes.⁴

This is also a growing discipline with a remarkably strong market. In 2006, global turnover was estimated at \$60 billion, up 15 per cent from 2005.⁵

This rapid development has led to huge problems in biotechnology, particularly in patenting biotechnological inventions. In modern biotechnology, patents are a controversial issue and are more interesting for the public than any other technical field. Advances in biotechnology are bound up in ethical, religious, political and legal issues. Breakthroughs in this area of research invariably reach the headlines in the news. There have been reports on genome sequencing of gene development into protein expression, and enthusiastic discussion on the isolation of stem cell cultures, which makes human cell cloning possible. With public interest aroused, the occasion could arise when a scientific research institution, in order to protect their research investment, would have to consult a patent lawyer for advice. A rapidly increasing amount of genetic code and

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1 See Dearing Ltd., "Now the Wolf Has Indeed Come! Perspective on the Patent Protection of Biotechnological Inventions in China", 50 American Journal of Comparative Law 287, 297 (2002).

2 Noelle Lenoir, "Biotechnology, Bioethics and Law: Europe's 21st Century Challenge", 68 Modern Law Review 1, 1 (2005).

3 G. Corrado and D. Clendinning, Intellectual Property: Patents, Copyrights, Trade Marks and Allied Rights, (Oxford and Maxwell, London, 2001), p.823.

4 Austin (Tex) Doc. J., Oct. 18, 1999, available at 1999 WL 1262 (1999).

5 <http://www.euro.org/topics/biotech/biotechnology.html>.

Biotechnological Inventions Biotechnological Inventions

N. S. Sreenivasulu



Biotechnological Inventions Biotechnological Inventions:

Biotechnological Inventions and Patentability of Life Andrea Stazi, 2015-05-29 In today's technological world biotechnology is one of the most innovative and highly invested in industries for research in the field of science This book analyses the forms and limitations of patent protection recognition for biotechnological inventions Biotechnological Inventions Oliver Mills, 2016-04-15 Advances in modern biotechnology have produced profound and far reaching implications for the relationship between humans animals and the environment As a result a debate has arisen surrounding the legal moral and social problems connected with this technology a central part of the debate focusing on the role of moral considerations in the patent system as a form of regulation This fully revised and updated book examines this role and asks why in the context of biotechnological inventions morality has become an important issue It takes account of recent developments including reference to the situation in Australia By examining such specific recent cases the author elucidates the moral concerns associated with modern biotechnology thus providing an important contribution to the debate and a valuable resource for all those working in this exciting field *Biotechnological Inventions: Moral Restraints and Patent Law* Oliver Mills, 2018-01-18 Advances in modern biotechnology have produced profound and far reaching implications for the relationship between humans animals and the environment As a result a debate has arisen surrounding the legal moral and social problems connected with this technology A central part of this debate focuses on the role of moral considerations in the patent system as a form of regulation This book examines this role and asks why in the context of biotechnological inventions morality has become an important issue The origin policy and legislative history of patent law in both the United States and member countries of the European Union is examined with particular reference to the provisions relating to morality Examining specific cases the author elucidates the moral concerns associated with modern biotechnology thus providing an important contribution to the debate and a valuable resource for all those working in this exciting field *Maori and the Patenting of Lifeform Inventions*, 1999 *Biotechnology, Patents and Morality* Sigrid Sterckx, 2017-11-01 This title was first published in 2000 This work documents an international and interdisciplinary workshop on the ethical aspects of the patenting of biotechnological inventions including genes plants and animals The public perception is discussed along with how these perceptions relate to ethical social and cultural factors The legal framework in Europe is laid out by several experts in the field of patent law and the situation in the US is also briefly described This edition also includes a general discussion of three important theories called upon to justify the patent system the natural rights argument the distributive justice argument and the utilitarian argument The chapter about the European Directive on the legal protection of biotechnological inventions has been updated A selection of provisions from the August 1997 draft as well as the final text of the Directive as adopted on 12 May 1998 are discussed and commented upon The patent provisions of the TRIPs Agreement the Agreement on Trade Related aspects of Intellectual Property rights concluded in 1994 as an Annex to the Agreement Establishing the World Trade

Organization are also discussed and criticized paying particular attention to the implications for biotechnology patents. Finally the question is asked whether the developing countries stand to gain anything from TRIPs. A look at the results of empirical research conducted by commentators on the economics of patenting reveals that the new patent regime may prove to entail significant costs for the developing countries. This second edition also contains material on the EU Directive on biotechnology patents adopted in May 1998, justificatory theories of the patent system and the TRIPs agreement on Trade Related aspects of Intellectual Property rights concluded in the GATT WTO framework. *Protecting and Exploiting Biotechnological Inventions* Rosa Greaves, 1991. *Symposium on the Protection of Biotechnological Inventions* World Intellectual Property Organization. *Symposium on the Protection of Biotechnological Inventions*, 1987. **Biotechnological Inventions** Dr Oliver Mills, 2013-02-28. Advances in modern biotechnology have produced profound and far reaching implications for the relationship between humans, animals and the environment. As a result a debate has arisen surrounding the legal, moral and social problems connected with this technology, a central part of the debate focusing on the role of moral considerations in the patent system as a form of regulation. This fully revised and updated book examines this role and asks why in the context of biotechnological inventions morality has become an important issue. It takes account of recent developments including reference to the situation in Australia. By examining such specific recent cases the author elucidates the moral concerns associated with modern biotechnology thus providing an important contribution to the debate and a valuable resource for all those working in this exciting field. **Biotechnology and Patent Law** N. S. Sreenivasulu, 2008. **Intellectual Property Rights in Biotechnology Worldwide** S.A. Bent, 1987-06-18.

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Table of Contents Biotechnological Inventions Biotechnological Inventions

1. Understanding the eBook Biotechnological Inventions Biotechnological Inventions
 - The Rise of Digital Reading Biotechnological Inventions Biotechnological Inventions
 - Advantages of eBooks Over Traditional Books
2. Identifying Biotechnological Inventions Biotechnological Inventions
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Biotechnological Inventions Biotechnological Inventions
 - User-Friendly Interface
4. Exploring eBook Recommendations from Biotechnological Inventions Biotechnological Inventions

- Personalized Recommendations
 - Biotechnological Inventions Biotechnological Inventions User Reviews and Ratings
 - Biotechnological Inventions Biotechnological Inventions and Bestseller Lists
5. Accessing Biotechnological Inventions Biotechnological Inventions Free and Paid eBooks
 - Biotechnological Inventions Biotechnological Inventions Public Domain eBooks
 - Biotechnological Inventions Biotechnological Inventions eBook Subscription Services
 - Biotechnological Inventions Biotechnological Inventions Budget-Friendly Options
 6. Navigating Biotechnological Inventions Biotechnological Inventions eBook Formats
 - ePub, PDF, MOBI, and More
 - Biotechnological Inventions Biotechnological Inventions Compatibility with Devices
 - Biotechnological Inventions Biotechnological Inventions Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Biotechnological Inventions Biotechnological Inventions
 - Highlighting and Note-Taking Biotechnological Inventions Biotechnological Inventions
 - Interactive Elements Biotechnological Inventions Biotechnological Inventions
 8. Staying Engaged with Biotechnological Inventions Biotechnological Inventions
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Biotechnological Inventions Biotechnological Inventions
 9. Balancing eBooks and Physical Books Biotechnological Inventions Biotechnological Inventions
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Biotechnological Inventions Biotechnological Inventions
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Biotechnological Inventions Biotechnological Inventions
 - Setting Reading Goals Biotechnological Inventions Biotechnological Inventions
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Biotechnological Inventions Biotechnological Inventions

- Fact-Checking eBook Content of Biotechnological Inventions Biotechnological Inventions
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
- Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
- Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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