



Biotechnology and the Challenge of Property

Property Rights in Genetic Material,
Biotechnology, and Commercial Incentives

RESEARCH IN BIOMEDICINE

Biotechnology And The Challenge Of Property

Biotechnology And The Challenge Of Property

Remigius N. Nwabueze



Biotechnology And The Challenge Of Property Biotechnology And The Challenge Of Property:

Biotechnology and the Challenge of Property Remigius N. Nwabueze, 2007-01-01 In addressing the impact of modern biotechnology and its legal accommodation on the customary conduct and traditional beliefs which shape the lives of different communities Nwabueze's work provides an introduction to the legal regulation of the evolving **Biotechnology and the Challenge of Property** Remigius Nnamdi Nwabueze, 2004 Biotechnological advances have in turn posed many challenges to the law of property whose concepts were largely formulated in the period pre dating most modern biotechnological applications Thus questions arise as to the relevance and implication of property concepts for new forms of technology and innovations utilizing the human body parts biologic raw materials and products Certain cultures and legal systems may be offended by the application of property concepts to the human body and parts Religious spiritual economic and technological considerations largely influence discussions and debate on the application of property law to the human body But in addition to advances in technology older technology or traditional knowledge also poses challenges to the law of property In other words modernity as well as antiquity challenges property Traditional knowledge including folklore folk agriculture and folk medicine were generally regarded or presumed as being outside the contemplation of conventional property and intellectual property law Modern biotechnology has made possible the scientific and industrial use of new or uncommon raw materials in the production of goods and services that have implications for human health well being and the creation of wealth For instance the human body and its parts are used by biotech companies in the production of biomedical goods and services and in academic and commercial research Parts of the human body are used in transplant operations fertility treatments and medical education Biotechnology has also converted some medicinal plants mainly from developing countries and associated traditional knowledge into useful pharmaceutical compounds and products Paying serious attention to some of the above issues may warrant a special response of property law to meet the valid demands of important segments of our global community whether they are biotech companies scientific researchers public and private institutions or indigenous peoples and developing countries But property would more readily respond to the challenges posed by advances in technology economic and cultural dynamics of any society and issues raised by the protection of TK if it is evolutionary flexible and capable of continuous adaptation to changing needs and circumstances Thus this dissertation attempts to show that in contemporary legal scholarship property is increasingly used as a flexible and evolutionary legal concept in contradistinction to its classical tangible conception and these features have made it possible to deploy property to some areas that were not within its original contemplation such as human body body parts and TK The flexibility and evolutionary characteristic of property has contributed to useful analytical legal discourses In this dissertation I examine some of the challenges posed to the law of property both by advances in modern biotechnology utilizing the human body and parts of it and by the issues raised in the protection of traditional knowledge Specifically I analyze the extent to which the flexibility and

evolutionary nature of property is capable of accommodating certain innovations and knowledge for instance biotechnological products and raw materials human body parts and traditional knowledge I recommend the adoption of a limited property framework with respect to the human body and its parts and sui generis regime for traditional knowledge

Biotechnology and the Challenge of Property Remigius N. Nwabueze, 2004 *The Biotechnology Challenge and Intellectual Property Rights* Mengistu Tsegaye, 1991 Biotechnology And The Legal Landscape: The Ethical And Regulatory Challenges Pooja Agarwal, Biotechnology a rapidly evolving field at the intersection of biology technology and innovation has the potential to revolutionize various sectors including healthcare agriculture and environmental sustainability As biotechnology continues to advance it is crucial to understand the legal framework surrounding its research development and commercialization These chapters serves as an introduction to biotechnology and provides an overview of the legal aspects that govern its activities **The Regulatory Challenge of Biotechnology** Han Somsen, 2007-01-01 a compilation of 12 invaluable contributions on this issue by internationally known experts in their respective fields a valuable resource for academic professionals policy makers and legislators advocacy groups and scholars in legal and development studies It is a storehouse of learning and practical knowledge for anyone interested in environmental policy biosafety issues biotechnology processes and associated regulatory constraints Marcelin Tonye Mahop Review of European Community and International Environmental Law For bioethicists legal scholars and regulators struggling with what controls to place on biotechnology this is required reading John Avellanet Journal of Commercial Biotechnology Biotechnology has prompted a revolution in science and society in the truest sense of the word For what superficially appears to be a revolution in biotechnology in effect touches upon the fundamentals of life and the way in which humans relate to it This book will make a significant contribution to the debate surrounding the effective regulation of biotechnology The contributing authors assess how regulatory regimes can accommodate the many different and often conflicting issues to which biotechnology is giving rise to including a very tainted public image The book s ultimate aim is to explore ways of designing a regulatory regime that takes heed of these different demands whilst at the same time answering to the imperatives of effectiveness and efficiency The book synthesizes three fields of legal analysis the first focuses on the risk dominated regulation of GM food and bio agriculture the second involves human genetics as a field dominated by considerations of ethics Finally patent law has been chosen as an area captured by notions of property With its holistic approach The Regulatory Challenge of Biotechnology will be of great interest to academics policymakers and regulators as well as biotechnology and law students **Global Challenges and Directions for Agricultural Biotechnology** National Research Council, Division on Earth and Life Studies, Board on Life Sciences, Board on Agriculture and Natural Resources, Steering Committee on Global Challenges and Directions for Agricultural Biotechnology: Mapping the Course, 2008-06-30 Many developing countries are exploring whether biotechnology has a role in addressing national issues such as food security and environmental remediation and are

considering whether the putative benefits of the technology for example enabling greater agricultural productivity and stability in the food supply outweigh concerns that the technology might pose a danger to biodiversity health and local jobs Some policy leaders worry that their governments are not prepared to take control of this evolving technology and that introducing it into society would be a risky act Others have suggested that taking no action carries more risk given the dire need to produce more food This book reports on an international workshop held to address these issues Global Challenges and Directions for Agricultural Biotechnology Mapping the Course organized by the National Research Council on October 24 25 2004 in Washington DC focused on the potential applications of biotechnology and what developing countries might consider as they contemplate adopting biotechnology Presenters at the workshop described applications of biotechnology that are already proving their utility in both developing and developed countries

RM4151 RESEARCH METHODOLOGY AND IPR S. Ida Evangeline, 2024-11-09

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