



Routledge Research in Intellectual Property

BIOTECHNOLOGY, PATENTS AND MORALITY

**A DELIBERATIVE AND PARTICIPATORY PARADIGM
FOR REFORM**

Maureen O'Sullivan



Biotechnology Patents And Morality

Catherine Colston



Biotechnology Patents And Morality:

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 TRIP s 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 TRIP s agreement on Trade Related aspects of Intellectual Property rights concluded in the GATT WTO framework Biotechnology, Patents, and Morality Sigrid Sterckx, 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 **Biotechnology, Patents and Morality** Maureen O'Sullivan, 2019-06-19 This book critiques the decision making process in Article 53 a of the European Patent Convention To date such decisions have been taken at high levels of expertise without much public involvement The book eschews traditional solutions such as those found within legislative judicial and patent office realms and instead develops a radical blueprint for how these decisions can be put to the public By examining wide scale models of participatory democracy and deliberation this book fills a significant gap in the literature It will be invaluable for patent lawyers academics practitioners and intellectual property and patent officials **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

Patents on Life Thomas C. Berg, Roman Cholij, Simon Ravenscroft, 2020 A unique collection of legal religious ethical and political perspectives on debates surrounding biotechnology patents or patents on life Genes and Morality, 2020-10-12 Most public discussion has focused on those effects of genetic research that are considered in some way unwanted or unpleasant For example there has been much debate concerning the risks and the ethical appropriateness of genetic screening gene therapy and agricultural applications based on genetic techniques It often claimed that genetic research may cause new problems such as genetic discrimination stigmatization environmental risks or mistreatment of animals Genes and Morality New Essays adopts a critical attitude toward genetic research on both a theoretical and a practical level It presents some of the most important problems in the ethics of genetic engineering including the questions of genetic health and disease genetic testing responsibility for health patenting non human and human life and problems related to the disclosure of genetic information The aim of the book is to focus on real ethical and conceptual issues Consider for instance the concept of genetic disease As one of the contributors Ingmar Perner writes fear of genetic disease or anxiety is not itself a disease any more than fear of becoming unemployed is a disease Alleviating such emotions is not a medical task to be discharged by drug therapy The book also examines the philosophical foundations of these issues by discussing the most influential bioethical theories of today including utilitarianism and principlism 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

Pharmaceutical Medicine, Biotechnology and European Law Richard Goldberg, Julian Lonbay, 2000 Lawyers and academics reassess the impact of European law on health care and pharmaceutical law *The Patentability of Synthetic Biology Inventions* Ilaria de Lisa, 2020-09-29 This book addresses Synthetic Biology SynBio a new and promising biotechnology that has attracted much interest from both a scientific and a policy perspective Yet questions concerning the

patentability of SynBio inventions have not been examined in detail so far as a result it remains unclear whether these inventions are patentable on the basis of current norms and case law The book addresses this question focusing especially on the subject matter's eligibility and moral criteria It provides an overview of the legislation and decisions applicable to SynBio patents and examines this new technology in view of the ongoing debate over the patentability of biotechnologies in general The legal analysis is complemented by the practical examination of several patent applications submitted to the European and US patent offices EPO and USPTO and by an assessment of the patent issues that are likely to be raised by future SynBio developments

Patenting Biotechnical Innovation Hawkins, Naomi, 2022-07-08 This book examines patent law and policy in biotechnology across the full lifecycle of the patent focusing on the patent bargain and the public interest It considers the central issues of how to strike an effective balance of rights and whether public interest is adequately safeguarded two issues that are particularly important in areas of rapidly emerging technology

Biotechnology and Patent Law N. S. Sreenivasulu, 2008

New Frontiers in the Philosophy of Intellectual Property Annabelle Lever, 2012-07-05 Examines the justification of patents copyrights and trademarks in light of the political controversy over the TRIPS agreement

The New Intellectual Property of Health Alberto Alemanno, Enrico Bonadio, 2016-09-30 This timely book provides the first legal and policy analysis of the intellectual property IP aspects of a rapidly growing category of regulatory measures affecting the presentation and advertising of certain health related goods namely tobacco alcohol food and pharmaceuticals

Biotechnology and Software Patent Law Arezzo, E. Ghidini, G., Gustavo Ghidini, 2011 The art of editing is to bring contributions together which melt into one book This is what Emanuela Arezzo and Gustavo Ghidini have achieved with their own critical mind by composing a book of papers in which internationally renowned experts measure the tensions created for the patent system by the needs and problems of protecting biotechnological and software inventions All together they present a comparative law challenge to the very fundamentals of patent protection As such they are or may become a must read Hanns Ullrich College of Europe Bruges Belgium Arezzo and Ghidini have put together a fine collection of essays addressing developments in patent law from general themes to emerging ones in the infotech and biotech sectors It is notable that the international array of authors includes contributions from both established and rising young scholars all of them ably tackling difficult issues that merit our attention Rudolph J R Peritz New York Law School US The new millennium has carried several challenges for patent law This up to date book provides readers with an important overview of the most critical issues patent law is still facing today at the beginning of the twenty first century on both sides of the Atlantic New technological sectors have emerged each one with its own features with regard to innovation process and pace From the most controversial cases in biotech to the most recent decisions in the field of software and business methods patent patent law has tried to stretch its boundaries in a way to accommodate such new and controversial subject matters into its realm

Biotechnology and Software Patent Law will strongly appeal to postgraduate students specializing in IP law international law

commercial and business law competition law as well as IP scholars academics and lawyers Biotechnology, Patents and Human Rights in Europe Helena Żakowska-Henzler, Żaneta Zemła-Pacud, Tomasz Zimny, 2023-07-01 This innovative book explores the complex interplay between intellectual property for biotechnological innovations and human rights Examining the clash between the drive to incentivise innovations that can fulfil human needs and the desire to grant global access to healthcare technologies it presents thoughtful solutions to the challenges of protecting the human rights of all parties impacted by biotechnological patents and other relevant IP rights *Biotechnology and Intellectual Property Rights* Kshitij Kumar Singh, 2014-10-27 This book offers a valuable contribution to contemporary legal literature providing deep insights into the interface between law and genetics highlighting emerging issues and providing meaningful solutions to current problems It will be of interest to a broad readership including academics lawyers policy makers and scholars engaged in interdisciplinary research In the context of examining and analyzing the legal and social implications arising from the recent conjunction of biotechnology and intellectual property rights the book particularly focuses on human genes and gene variations Emphasis is placed on patent law as a considerable percentage of genetic inventions are covered by patents The book presents a comparative and critical examination of patent laws and practices related to biotechnology patents in the United States Canada European Union and India in order to gather the common issues and the differences between them The international patent approach regarding biotechnology is also analyzed in light of the constant conflict between differentiation and harmonization of patent laws The book highlights the potential gaps and uncertainties as to the scope of numerous terms such as invention microorganisms microbiological processes and essential biological processes under TRIPS Also analyzed are the social and policy implications of patents relating to genetic research tools and genetic testing The intricacies involved in providing effective intellectual property protection to bioinformatics and genomic databases are also examined Bearing in mind the collaborative nature of bioinformatics and genomic databases the book evaluates the pros and cons of open biotechnology and assesses the implications of extending intellectual property rights to human genetic resources before explaining the ownership puzzle concerning human genetic material used in genetic research

Principles of Intellectual Property Law Catherine Colston, 1999-09-20 An undergraduate textbook written specifically for law students setting out the core principles for each of the main intellectual property rights in an understandable fashion The law presented is that of the UK as it is shaped by European Union and Convention obligations Biotech Patents and Morality After Brustle E. Bonadio, 2012 *Facing the Limits of the Law* Erik Claes, Wouter Devroe, Bert Keirsbilck, 2009-04-21 Many legal experts no longer share an unbounded trust in the potential of law to govern society efficiently and responsibly They often experience the limits of the law as they are confronted with striking inadequacies in their legal toolbox with inner inconsistencies of the law with problems of enforcement and obedience and with undesired side effects and so on The contributors to this book engage in the challenging task of making sense of this experience Against the

background of broader cultural transformations such as globalisation new technologies individualism and cultural diversity they revisit a wide range of areas of the law and map different types of limits in relation to some basic functions and characteristics of the law Additionally they offer a set of strategies to manage justifiably law s limits such as dedramatising law s limits conceptual refinement constructivism striking the right balance between different functions of the law seeking for complementarity between law and other social practices **European Patent Law** Duncan Matthews,Paul

Torremans,2023-10-04 This book provides a comprehensive overview of European Patent Law It presents a critical analysis of the European patent law system and the proposed changes to it The book explores the strengths and weaknesses of the European Patent Convention and the interaction between the national and the European level as well as across borders

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