

# Biotechnological Inventions And Patentability Of Life The Us And European Experience New Directions In Patent Law Series

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### [Biotechnological Inventions And Patentability Of](#)

#### **Patentability of biotechnological inventions**

Patentability of biotechnological inventions Heli Pihlajamaa Director Patent Law, European Patent Office Brussels, 11072017 Plants obtained by essentially biological processes

#### **Patenting biotechnological inventions**

Patenting biotechnological inventions Proteins and nucleic acids The patentability of proteins and DNA/RNA is assessed by the Patent Offices in the same way as any other chemical entities If they are claimed in isolated or purified form, then that form will be novel over the forms that are present in the organism from which they are obtained

#### **Patentable Inventions in Biotechnology**

This paper discusses about the patentable and non-patentable inventions in biotechnology It also gives a brief account of the classification of biotechnological inventions, difficulties in legal protection to biotechnological inventions, patentability under the Patent Act 1970 and provisions under TRIPS The importance of biotechnology has

#### **Patenting Biotechnological Inventions in Europe and the US**

Patenting Biotechnological Inventions in Europe and the US by Ayşegül Özdemir\* I) 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<sup>1</sup>  
 Biotechnology is a new technique for industries and

### **Patentability Requirements in Biotechnology The EPO approach**

Patentability of biotechnological inventions (Rule 27 EPC) • Biotechnological inventions shall be patentable if they concern – biological material which is isolated from its natural environment or technically produced even if it previously occurred in nature – plants or animals if not confined to a particular plant or animal variety

### **Indian Patent Law On Biotechnological Inventions**

cal inventions as these relate mostly to food and pharmaceutical sectors More importantly, as noted earlier, processes resulting in living organisms are excluded Biotechnological Processes are Included Despite all these exclusion from patentability, biotechnological processes that do not result in living organisms and are not agricultural or

### **QUESTION 93 Biotechnology (Relationship between patent ...**

Biotechnology- Relationship between patent protection and biotechnological inventions and plant variety protection; Patentability of animal breedings Resolution Yearbook 1992/II, page 346 Q93 Council of Presidents of Lucerne, September 15 - 19, 1991 The Council of Presidents decides that the study of Q 93 on Biotechnology and Plant

### **Examination in the field of biotechnology @ the EPO Part II**

Inventions which concern plants or animals shall be patentable if the technical feasibility of the invention is not confined to a particular plant or animal variety G1/98 A claim wherein specific animal varieties are not individually claimed is not excluded from patentability, even though it may embrace animal varieties

### **The TRIPS Agreement and Patentability Criteria**

Patentability: Selected Key Issues (1) • Material existing in nature – Patentability of biotechnological inventions is subject to longstanding and ongoing debate – See Proposal in TRIPS Council review of Art27(3)(b) to exclude patents on life forms – Examples from WTO Members: • EU Directive 98/44/EC and CJEU jurisprudence

### **GUIDELINES FOR EXAMINATION OF BIOTECHNOLOGY ...**

However, there are some issues relating to patentability of biotechnological inventions which are of serious concern to the users of Patent System such as novelty, obviousness, industrial applicability, extent of disclosure and clarity in claims In addition, a few special

### **Examination Guidelines for Patent Applications relating to ...**

6 Examination Guidelines for Patent Applications relating to Biotechnological Inventions in the Intellectual Property Office Background 4 Agreement on the European Patent Convention (EPC) in the 1970s led to important harmonisation of the requirements for patentability amongst the EPC Contracting States,

### **The Question of Patentability of Biotechnological Subject ...**

The Question of Patentability of Biotechnological Subject Matter: Issues and Options before the Policymakers Dinesh Abrol\* Introduction India whose patent act of ...