

Success for Testbiotech: Merck patent revoked

Patent covered usage of human oocytes
Tuesday, 21 April 2015

Testbiotech has won an opposition against a patent held by Merck Serono at the European Patent Office (EPO). Patent EP 1794287 covered a process for the production and use of human oocytes (egg cells). European patent law excludes patents on the human body at the various stages of its development, including so-called germ cells. Testbiotech filed the opposition in April 2010 and the patent finally was revoked end of March 2015.

“This is an important success for Testbiotech. We have long been warning that these kind of patents foster the commercialisation of the human body. Our opposition was successful in strengthening the ethical boundaries within patent law”, says Christoph Then for Testbiotech. In 2014, Testbiotech was successful in a similar opposition against patents on human sperm cells.

There are also a range of other very controversial patents. Together with other organisations, Testbiotech has filed oppositions against patents on genetically engineered chimpanzees. Public hearings on these oppositions will take place in July and September 2015. Further, on 17 June Testbiotech is holding public conference in Berlin to discuss the consequences of such patents.

The EPO made another controversial decision at the end of March this year. The patent office decided that patents on plants and animals derived from conventional breeding will be granted, despite the processes of breeding being non-patentable according European law.

Contact:

Christoph Then, Tel + 49 151 54638040, info@testbiotech.org [1]

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