

## CRISPR patents: where do the ethical boundaries lie?

Hearing at the European Patent Office

25 November 2021 / The opposition division at the European Patent Office (EPO) will be considering fundamental ethical questions from 29 November until 1 December. The reason: an opposition filed by Testbiotech against a patent on CRISPR/Cas gene scissors (EP 3401400), in which the Nobel Prize laureates Jennifer Doudna and Emmanuelle Charpentier are involved. Testbiotech is of the opinion that the patent does not exclude human germline interventions or the commercial usage of human embryos as required by law. A further reason for filing the opposition are patent claims on genetic changes in animals that are likely cause them to suffer.

Testbiotech further aims to strengthen the ethical boundaries in patent law by filing this opposition. Patents on commercial uses of human embryos and interventions in the human germline are strictly prohibited in Europe. Patents on animals can only be granted if there is evidence of substantial medical benefit.

Three other oppositions have been filed against the patent. These oppositions were presumably filed at the behest of (unnamed) competitors, and call into question the requirement for criteria regarding inventiveness and technical disclosure. While these technical details have already been discussed in opposition procedures on very similar patents, it is the very first time ethical questions have been brought up for discussion and need to be answered in the context of CRISPR patents.

In the past, Testbiotech, has successfully filed a number of oppositions at the EPO. Just recently, patent claims on genetically engineered animals, including chimpanzees, were revoked.

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The hearing will be held online. Interested listeners can register [here](#) [2].

**Further information:** [The Testbiotech opposition](#) [3]

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### Links

[1] <mailto:info@testbiotech.org>

[2] <https://www.epo.org/applying/online-services/proceedings/public-access.html>

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