

Testbiotech challenges patent on human egg cells

Merck Serono company even filed patents on transplantation of human organs and embryos
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German based NGO Testbiotech has filed an opposition against a patent held by the Merck Serono company at the European Patent Office in Munich, Germany. Patent EP 1794287 covers a process for the production and use of human oocytes (egg cells). This claim is considered as being in conflict with European Patent law, which excludes patents on the human body at the various stages of its development.

“There is a high risk that these kind of patents are fostering commercialisation of the human body. Our opposition aims to clarify the ethical boundaries within patent law”, says Dr. Christoph Then from the expert group Testbiotech, based in Munich, Germany.


The patent on the production of human egg cells is just one of several patents that were filed until 2005 by Serono (bought by Merck in 2006) via a dubious holding (Applied Research Systems ARS Holding) based in Curacao in the Dutch Antilles. Research by Testbiotech shows that this holding often operated in a grey area of patent law. Its patent applications include even human organs and human embryos. Several patents were already granted in Europe, such as EP 941329, which covers cells of human organs used in transplantation.

“We hope Merck-Serono will take this case as a chance to rethink its patent strategy and globally withdraw those controversial patents,” says Then. Testbiotech also wrote an open letter to Merck offering direct talks to sort out the issue.

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 letter to Merck Serono_13 4 2010.pdf [4]	368.66 KB

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