

Patents on chimpanzees, sperm cells and human genes

“Black List” of European Patents published
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Today Testbiotech is publishing a “Black List” of European Patents that have already been granted. Ten examples, granted since 2009, were selected for the list in cooperation with the Initiative “No Patents on Life”. It is shown that even chimpanzees have been patented after being genetically manipulated to suffer from epilepsy so that they can be used by the pharmaceutical industry (EP1852505). Furthermore, patents were granted on human sperm cells (EP1263521), on gene sequences from patients suffering from cancer (EP1090117) as well as on genetic information stemming from top athletics (EP1546403).

Testbiotech's opinion is that these patents show that European Patent law needs extensive revision. The ethical boundaries as well as the definition of what can be regarded as an invention have to be redefined in law: “European Patent law is a political failure. In 1998, it was changed dramatically to serve the particular interests of some companies, and patents on life were allowed without sufficiently clear prohibitions. What we now see are the consequences of those decisions. Animal experiments with great apes are becoming an issue of financial speculation. Gene sequences from humans, animals and plants are being monopolised via patent law. This is no longer about protecting of inventions. This is just exploitation of living nature,” Christoph Then says for Testbiotech.

In many cases the period of time for filing oppositions has already passed and in the end the patents are finally granted. In the case of a patent on human sperm cells (EP1263521) granted in August 2011, Testbiotech will file opposition within the next few months. The organisation has already been looking at a similar case, a Merck-Serono patent on the usage of human egg cells (EP1794287). “The recent patent cases show that related problems have so far been underestimated. As a result, the ongoing process is contrary to the interests of doctors and patients, whilst research and innovation are hampered in many instances. These patents fuel the commercialisation of the human body. Living beings and their genetic conditions are not an invention and should not be subjected to patents.”

Recently the EPO came under pressure because of patents on plants like broccoli and tomatoes derived from traditional breeding. Similar cases such as patents on melons (EP1962578) or Greek mountain tea (EP2229950) have been included on the blacklist. In this way, Testbiotech and “No Patents on Life!” also want to support the international coalition of “no patents on seeds” which is demanding a prohibition of patents on plants and animals.

Link to the report: <http://www.testbiotech.de/node/584> [1]

Link to patent documents: <http://www.testbiotech.de/node/585> [2]

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Further information: [Opposition patent of Merck-Serono](#) [5]
[international Coalition against patents on seeds](#) [6]

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