Procedure file

Basic information

RSP - Resolutions on topical subjects	2005/2621(RSP)	Procedure completed
Resolution on patents for biotechnological inventions Subject 3.50.16 Industrial property, European patent, Community patent, design and pattern 4.20.02.04 Genetics and bioethics		

Key players

European Parliament	

Key events

25/10/2005	Debate in Parliament		
26/10/2005	Results of vote in Parliament		
26/10/2005	Decision by Parliament	T6-0407/2005	Summary
26/10/2005	End of procedure in Parliament		

Technical information

Procedure reference	2005/2621(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 132-p2
Stage reached in procedure	Procedure completed

Documentation gateway

Motion for a resolution		B6-0551/2005	25/10/2005	EP	
Motion for a resolution		B6-0552/2005	25/10/2005	EP	
Motion for a resolution		B6-0553/2005	25/10/2005	EP	
Motion for a resolution		B6-0554/2005	25/10/2005	EP	
Motion for a resolution		B6-0555/2005	25/10/2005	EP	
Motion for a resolution		B6-0556/2005	25/10/2005	EP	
Motion for a resolution		B6-0557/2005	25/10/2005	EP	

Joint motion for resolution		RC-B6-0551/2005	25/10/2005		
Text adopted by Parliament, topical subjects		T6-0407/2005 OJ C 272 09.11.2006, p. 0274-0440 E	26/10/2005	EP	Summary

Resolution on patents for biotechnological inventions

The European Parliament adopted a resolution on patents for biotechnological inventions and expressed its support for biotechnology as a future technology. An appropriate political framework is important to support this technology, also taking account of ethical, environmental and health aspects. The patenting of biotechnological inventions in accordance with common rules throughout Europe is an important precondition for the provision in Europe of appropriate support for this future technology.

Parliament stated that it supported further stem-cell research and other alternatives to promote human health. It did, however, underline its fundamental position regarding the application of biotechnology to human beings, especially the rejection of interventions in the human germ line, the rejection of cloning of the human being in all phases of its development and the rejection of research on human embryos, which destroys the embryo. Directive 98/44/EC provides the framework for this in most cases, but it still leaves important questions open, such as the patenting of human DNA. Parliament called on the European Patent Office and the Member States to grant patents on human DNA only in connection with a concrete application and for the scope of the patent to be limited to this concrete application so that other users can use and patent the same DNA sequence for other applications (purpose-bound protection). The Commission must examine whether this interpretation of the Directive can be achieved by means of a recommendation to the Member States or whether it requires an amendment to the Directive.

Parliament went on to recall that the European Patent Office granted a patent on 2 February 2005 (EP1257168) that includes a method of selection of human germ cells and of the germ cells themselves. Opposition has been made to this decision, so that the legal situation is still unclear. Parliament pointed out that germ cells are not patentable as part of the human body and certainly not an invention, and that patent EP1257168 therefore constitutes an infringement of the Directive. It asked the Commission to file a notice of opposition to patent EP1257168 without delay. It called on the European Patent Office, the Commission and the competent authorities in the Member States to work together with Parliament to confirm that all kinds of human cloning are excluded from patenting under the Directive.

Parliament insisted that the creation of human embryonic stem cells implies the destruction of human embryos and that therefore the patenting of procedures involving human embryonic stem cells or cells that are grown from human embryonic stem cells is a violation of Article 6(2(c) of the Directive. The European Patent Office is asked to set up a further body which, because of the sensitivity of the issue, checks patents that are sensitive from an ethical point of view before they are granted.