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# Patenting Stem Cell Technologies

*Making a Claim*

**Antoinette F. Konski**



MORGAN & CLAYPOOL LIFE SCIENCES

# Patenting Stem Cell Technologies Making A Claim

## Antoinette F Konski

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## **Patenting Stem Cell Technologies Making A Claim Antoinette F Konski:**

**Patenting Stem Cell Technologies** Antoinette F. Konski,2013 Are stem cells patentable What is the patenting process What rights does a patent provide Why should I patent Applying for and obtaining a patent is a process that can be unpredictable and intimidating although it does not necessarily need to be Novice and experienced inventors often have questions regarding patenting and the patenting process This e book is provided to answer many questions regarding the patenting process before the United States Patent and Trademark Office USPTO It also generally describes the technologies typically patented in connection with regenerative medicine This e book is provided for informational purposes only and should not replace legal advice which is necessary to anticipate and address the nuances of the patenting process In addition there are issues that should be considered and addressed when considering patenting isolated stem cells and associated technologies such as the process for obtaining patent rights outside the United States post grant procedures for challenging patents non patent protection of intellectual property and enforcement of patents through litigation which are beyond the scope of this chapter

**Patenting Stem Cell Technologies** Antoinette F. Konski,2013-03-01 Are stem cells patentable What is the patenting process What rights does a patent provide Why should I patent Applying for and obtaining a patent is a process that can be unpredictable and intimidating although it does not necessarily need to be Novice and experienced inventors often have questions regarding patenting and the patenting process This e book is provided to answer many questions regarding the patenting process before the United States Patent and Trademark Office USPTO It also generally describes the technologies typically patented in connection with regenerative medicine This e book is provided for informational purposes only and should not replace legal advice which is necessary to anticipate and address the nuances of the patenting process In addition there are issues that should be considered and addressed when considering patenting isolated stem cells and associated technologies such as the process for obtaining patent rights outside the United States post grant procedures for challenging patents non patent protection of intellectual property and enforcement of patents through litigation which are beyond the scope of this chapter

*Patentschutz für menschliche Stammzellen* Andreas Ruster,2016-01-11 Andreas Ruster discusses and compares the patentability of human stem cells in Europe and the United States taking into account the legal implications of both ethical and economic aspects The analysis culminates in a proposal to integrate patent law ethics and economics

**Study on the Patenting of Inventions Related to Human Stem Cell Research** Geertrui van Overwalle,2002 Recoge 1 Human stem cell technology 2 Patents on human stem cells 3 Patent law and human stem cells 4 Routes for reflection

*Limits of Patentability* Andreas Hübel,Ulrich Storz,Aloys Hüttermann,2012-10-12 SpringerBriefs in Biotech Patents presents timely reports on intellectual properties IP issues and patent aspects in the field of biotechnology In this volume the limits of patentability are addressed a question that is often raised when it comes to biotechnological inventions The first section addresses current issues in the patentability of plants

produced by essentially biological processes including the controversy between farmer's privilege and patent exhaustion with respect to seeds in the US. The second section examines the patentability of human embryonic stem cells in Europe and the US also considering alternative technologies with respect to their practicability and patentability. The third section focuses on the patentability of genes and nucleic acids especially the issue of patenting of encoding genes and nucleic acids.

**Patents and Venus** Geertrui Van Overwalle, Nele Berthels, 2013. In the last decade patent law has been in turmoil and has been seriously criticized. At present serious concerns are being raised with regard to human embryonic stem cells and oocytes. Are the arguments put forward against patents for human genes similar to the objections raised against patents for human stem cells? Do human genes, human stem cells and human oocytes have a similar status in patent law? What are the legal claims and underlying ethical values put forward to argue in favour or against patent protection? The present paper aims at offering an answer to these delicate and intriguing questions. The paper is divided in three parts. Part 1 examines the state of play with regard to the patentability of oocytes from a twofold perspective. First an overview of the daily patent granting practice in Europe and the US in this field is composed. Next European patent legislation is carefully examined. Part 2 explores the patent regime for human embryonic stem cells and does so through a twofold lens as well. First an updated survey of the European and US patent practices with regard to human stem cell technology in general and human embryonic stem cells in particular is drafted. Then an overview of the current European patent framework for human stem cells is offered. In an effort to clarify the legal situation and the arguments put forward for and against patenting the paper critically examines the recommendations laid down in the Opinion of the European Group on Ethics in Science and New Technologies (EGE). Part 3 looks into additional conditions for patenting human embryonic stem cells and examines the enforceability and scope of the prior informed consent requirement in a patent law context. The paper concludes that patents related to human oocytes and human embryonic stem cells are more easily granted in the US than in Europe. Along the same line European legislation demonstrates a wide reluctance towards the patenting of human embryonic stem cells and oocytes. Appropriation of the female body through patents is considered unacceptable in Europe. Patents and Venus seem to be pretty incompatible.

*Stem Cell Century* Russell Korobkin, Stephen R. Munzer, 2007-01-01. *Stem Cell Century* provides a very clear analysis of the policy issues around cloning and stem cells in biomedicine on the basis of a sound scientific understanding of the underlying biology. Ian Wilmut, director Edinburgh University Centre for Regenerative Medicine and creator of Dolly the lamb, the world's first cloned mammal. From the bookjacket.

**From Clones to Claims** Hans R. Jaenichen, Jürgen Maier, Leslie A. McDonnell, James F. Haley, Yoshinori Hosoda, 2022-10. *Bioethics and the Patent Eligibility of Human Embryonic Stem Cells-Related Inventions in Europe* Ali Seyhan Ugurlu, 2014. Neu entstehende Technologien wie die Biotechnologie stellen eine Kontroverse und Herausforderung für das Patentrecht dar. Das Werk analysiert die neuesten Entwicklungen in der Rechtsprechung zur Zulässigkeit von Patenten im Rahmen der Stammzellen-Forschung in Europa. Reihe Munich Intellectual

Property Law Center MIPLC Band 22      **From Clones to Claims** Hans-Rainer Jaenichen, Leslie A. McDonell, Jürgen Meier, James F. Haley, Yoshinori Hosoda, 2012      *Rolling Text : [draft Statute of an International Criminal Court].* , 1998

*Intellectual Property and Emerging Technologies* Matthew Rimmer, Alison McLennan, 2012 Extensive contributions examine recent controversial court decisions in patent law such as *Bilski v*      **Federally Funded Stem Cell Research** Don Allen Resnikoff, 2013 In my article *Federally Funded Stem Cell Research A Good Deal for the Taxpayer and Consumer* 14 Loy Consumer L Rev 36 56 2001 I focus on pragmatic taxpayer and consumer issues Particularly if government owned or funded patents result from stem cell research should private companies get exclusive rights to develop the government patents The article questions whether it is good policy for the government to selectively fund research leading to patents that are turned over to some companies for exclusive commercial development My article includes an introductory discussion of relevant stem cell science and the law of technology transfer and then moves to discussion of controversies relevant to issues of regulation of price and patent rights One controversy has concerned AZT and other anti aids drugs These drugs developed with substantial government participation have presented perhaps the best known poster child story for those who believe private commercialization of government funded research leads to drugs that are too scarce and too costly and who advocate government price regulation as a response Another controversy involved patents for separating stem cells most useful for medical treatment Patent holder Cellpro supplemented its defense of patent litigation by complaining to the federal government which had funded a competing Johns Hopkins patent Cellpro requested that the government use its march in authority under the Bayh Dole Act and require that the federally funded Hopkins stem cell separation technology be made more freely available to others including itself Cellpro s rationale was that Hopkins and its commercial partner were laggards in exploiting their federally funded patent I next review comments of leading commentators like Professor Rebecca Eisenberg concerning federal technology transfer policy Much of that comment is critical I suggest that AZT and Cellpro type issues of regulation of price and patent rights follow the most basic analytical question whether rights to government owned or funded patents should be transferred to private companies for exclusive exploitation It is only if the answer is yes to the transfer question that companies can rely on exclusivity and resulting market power to charge high prices or get away with being overly cautious in commercially developing government patents If the answer is no and companies get no exclusive rights then there are diminished opportunities for companies to charge high prices and go slowly in developing products in part because there may be competition between companies with non exclusive rights A benefit of saying no to transfers of exclusive patent rights to private companies is that complex and undesirable regulation is avoided Government price regulation can be complex and unfair Government regulation of the timeliness of a company s product development and commercial exploitation is more difficult yet Where possible exclusivity should be avoided and competitive forces relied on to determine price and the speed of commercialization of government owned and funded patents involving stem cell research

The views expressed do not purport to reflect those of the United States Department of Justice where the author was employed when the article was first published or the Government of the District of Columbia Office of the Corporation Counsel where the author is employed now

### **The Ripple Effect of Intellectual Property Policy** Yael

Bregman-Eschet, Sharon Bar-Ziv, Talya Ponchek, Niva Elkin-Koren, 2015 Dramatic shifts in intellectual property in recent years have created an intense debate over their potential impact on research and development While some commentators believe that game changing legal decisions will only carry limited impact on research and developments others have argued that such legal shifts may increase the chilling effect of uncertainty on research This Article adds to this debate by providing empirical evidence of a ripple effect of intellectual property policy changes The Article focuses on stem cell research as a case study This is a highly promising yet controversial line of research embedding ethical legal and financial dilemmas leading to frequent policy changes and legal uncertainty The Article tracks changes in U S and European policies pertaining to patent rights and public funding and examines their impact on research and development We report the findings of a comprehensive empirical study of stem cell patent applications filed between 1990 2013 in the U S Patent and Trademark Office the European Patent Office and through the Patent Cooperation Treaty Our findings indicate that a 2004 European decision holding that human embryonic stem cells are not patentable in the European Patent Office had a broad effect on patent filing in the entire stem cell field extending to non embryonic stem cell inventions At the same time changes in American stem cell federal funding policies did not influence stem cell research as dramatically These findings are particularly striking as they shows that game changing decisions pertaining to intellectual property may cause an impact that is broader and wider than their intended scope The findings indicate that local patent regulation may have a global effect on patent activity extending to research and development in other countries and an extensive effect exceeding its intended scope The findings also suggest that legal uncertainty may cause a chilling effect on private investments in research and development and that intellectual property policy has a differentiated impact affecting the private and the public sectors differently Collectively we call these outcomes the ripple effect of intellectual property policy The ripple effect of intellectual property policy calls for caution among judges and policymakers in making sharp policy shifts since such shifts may involve some unintended consequences for research and development

### **From Clones to Claims** Hans-Rainer Jaenichen, Leslie A.

McDonnell, James F. Haley, 2002

### **Intellectual Property and Biotechnology** Matthew Rimmer, 2011-02-28

This book documents and evaluates the dramatic expansion of intellectual property law to accommodate various forms of biotechnology from micro organisms plants and animals to human genes and stem cells It makes a unique theoretical contribution to the controversial public debate over the commercialization of biological inventions The author also considers the contradictions between the Supreme Court of Canada rulings in respect of the Harvard oncomouse and genetically modified canola He explores law policy and practice in both Australia and New Zealand in respect to gene patents and non coding DNA This

study charts the rebellion against the European Union Biotechnology Directive particularly in respect of Myriad Genetics BRCA1 and BRCA2 patents and stem cell patent applications The book also considers whether patent law will accommodate frontier technologies such as bioinformatics haplotype mapping proteomics pharmacogenomics and nanotechnology Intellectual Property and Biotechnology will be of prime interest to lawyers and patent attorneys scientists and researchers business managers and technology transfer specialists

The Enigmatic Realm of **Patenting Stem Cell Technologies Making A Claim Antoinette F Konski**: Unleashing the Language is Inner Magic

In a fast-paced digital era where connections and knowledge intertwine, the enigmatic realm of language reveals its inherent magic. Its capacity to stir emotions, ignite contemplation, and catalyze profound transformations is nothing short of extraordinary. Within the captivating pages of **Patenting Stem Cell Technologies Making A Claim Antoinette F Konski** a literary masterpiece penned by way of a renowned author, readers attempt a transformative journey, unlocking the secrets and untapped potential embedded within each word. In this evaluation, we shall explore the book's core themes, assess its distinct writing style, and delve into its lasting effect on the hearts and minds of those who partake in its reading experience.

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