Patenting genes

Eli Lilly 102–3
essential features 166
European patent system 9–11
experimental use exception 215
High Court, England 103–5
holdup, patent 200, 204, 206
homology 67, 83, 88, 98–100, 102
Human Genome Organisation (HUGO) 75, 82–3
Human Genome Project 6, 23, 69, 74, 83
Human Genome Sciences 62, 102, 105, 128, 139; see also Eli Lilly

in silico evidence 98
industrial application
and any kind of industry 54–6
and Article 57 EPC 35, 40, 42, 50, 52, 54, 56, 60, 85–7, 90, 94, 100–101, 105, 136, 139
and made or used 52–4
and Rule 42(1)(f) EPC Implementing Regulations 50
and susceptible 50–52
insulin 4, 20, 96
inventive step 30–31, 38–40, 47, 88, 90, 103, 119, 120, 176, 185
isolation 74, 101, 108–9, 122–4, 127, 129–33, 136–9, 227

joint statement of the USPTO, EPO and JPO 123

length, patent 151
licensing agreement 216
and cross-licensing 216
Lisbon Strategy 27–8
monopoly 7, 9, 11–12, 15, 30–31, 43, 47, 49, 53, 59, 68, 143–4, 153, 158–9, 165
Monsanto 139, 175–6, 180–85, 189, 191–3, 228
morality/moral 17, 22, 45, 109

Myriad 139–40
National Academies Policy Advisory Group (NAPAG) of the Royal Society 74–5
National Institutes of Health (NIH) 23, 70–71, 73–4, 78
Neuberger, Lord David 105–6
Neutrokine alpha 102–3, 106, 128
Nuffield Council 75

one way rule 166–8

patent pool
and Golden Rice pool 220
and one-stop shop 218
and SARS corona virus pool 220
and technical standard 219
patent scope 143–4
patent thicket 195, 203
plant breeders’ rights 190
practicability 135, 165, 169, 170, 175
premature patent filing 148
‘professor’s privilege’ 199
public institution 16–17, 195–6, 198, 201–3
purpose-bound protection 142, 174, 176–80, 182, 184–5, 187–91, 193, 228

rational choice theory 208
reach-through claims 201
relaxin 127–8
research tool 75, 195, 212–14
roundup ready (RR) soybean 180–82
royalty stacking 204–5

second medical indication 190–91
Smith, Adam 11–12
stem cell 117
submarine patents 201
supplementary protection certificate (SPC) 199–200
## Index

<table>
<thead>
<tr>
<th>Term</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supreme Court, UK</td>
<td>105–7</td>
</tr>
<tr>
<td>technical character</td>
<td>115–17</td>
</tr>
<tr>
<td>technical effect</td>
<td>115</td>
</tr>
<tr>
<td>technical field</td>
<td>117</td>
</tr>
<tr>
<td>and agriculture</td>
<td>117</td>
</tr>
<tr>
<td>technical problem</td>
<td>115</td>
</tr>
<tr>
<td>technical solution</td>
<td>115</td>
</tr>
<tr>
<td>‘tragedy of the anticommons’</td>
<td>208</td>
</tr>
<tr>
<td>Trilateral Project B3b</td>
<td>87–8</td>
</tr>
<tr>
<td>UNESCO</td>
<td>126</td>
</tr>
<tr>
<td>upstream research</td>
<td>197–8</td>
</tr>
<tr>
<td>and Section 8 USC</td>
<td>43</td>
</tr>
<tr>
<td>Watson, James</td>
<td>2–3, 74</td>
</tr>
<tr>
<td>wet-lab</td>
<td>66, 98</td>
</tr>
<tr>
<td>World Health Organization (WHO)</td>
<td>220</td>
</tr>
<tr>
<td>World Trade Organization (WTO)</td>
<td>109, 188, 199</td>
</tr>
</tbody>
</table>