



FÉDÉRATION INTERNATIONALE DES CONSEILS
EN PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL FEDERATION OF
INTELLECTUAL PROPERTY ATTORNEYS

INTERNATIONALE FÖDERATION
VON PATENTANWÄLTEN

Resolution of the Executive Committee, Singapore, 1 to 3 February 2004

“The Patenting of Human Embryonic Cells in the EU”

FICPI, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession throughout the world, assembled at its Executive Committee held in Singapore, 1-3 February 2004, resolved that:

Considering that FICPI is respectful of human rights,

Considering that many serious diseases that result from cell dysfunction or the destruction of certain human body tissues, such as paralysis after central nerve damage, diabetes and degenerative diseases, might be treated by cell therapy using modified or unmodified embryonic stem cells,

And considering that the use of unmodified, pluripotent human embryonic stem cells lines for toxicological studies could reduce the use of laboratory animals;

Recognising that different countries have different laws, some of which forbid the use of human embryos, **and** without taking any position on such laws;

Considering that isolated human embryonic stem cells as such, whether modified or not, are not human embryos, and that the establishment of rules allowing them to be patented would not override such laws;

Welcoming the declaration of the European Group on Ethics (EGE group) in its Opinion No 16 of 7 May 2002 that isolated modified human stem cells should be patentable in the EU; and

Disagreeing with the view of examiners within the EPO that human embryonic stem cells are unpatentable in view of the provisions of the EU Directive on the Legal Protection of Biotechnological Inventions because they may not only be obtained from human embryos;

Urges that claims covering both modified and unmodified isolated human embryonic stem cells should not be refused on the basis of the EU Directive.