

Property Rights in Blood, Genes and Data *Naturally Yours?*



Jasper A. Bovenberg

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Property Rights In Blood Genes Data

Mathias Klang, Andrew Murray



Property Rights In Blood Genes Data:

Property Rights in Blood, Genes and Data Jasper A. Bovenberg, 2006 Taking a case and context driven approach and backing up traditional legal analysis with historical analogies web surveys and practical experience Jasper Bovenberg provides counter intuitive provocative and practical answers and recommendations for such controversial issues as how to share the benefits of DNA research whether or not to recognize personal property rights in bodily material and access to biomedical datasets in academia

Ethics and Law of Intellectual Property Christian Lenk, Nils Hoppe, 2016-05-13 Divided into three parts this edited volume gives an overview of current topics in law and ethics in relation to intellectual property It addresses practical issues encountered in everyday situations in politics research and innovation as well as some of the underlying theoretical concepts In addition it provides an insight into the process of international policy making showing the current problems in the area of intellectual property in science and research It also highlights changes in the fundamental understanding of common and private property and the possible implications and challenges for society and politics

The Role of Intellectual Property Rights in Biotechnology Innovation David Castle, 2009 recommended to anyone interested in the thrilling subject of the relationship of IPRs and innovation Ralf Uhrich Journal of Intellectual Property This is an outstanding piece of scholarship It will serve as a powerful stimulant for new research in the field and as a reliable guide for practitioners

Calestous Juma Harvard University US Intellectual property rights IPRs particularly patents occupy a prominent position in innovation systems but to what extent they support or hinder innovation is widely disputed Through the lens of biotechnology this book delves deeply into the main issues at the crossroads of innovation and IPRs to evaluate claims of the positive and negative impacts of IPRs on innovation An international group of scholars from a range of disciplines economic geography health law business philosophy history public health management examine how IPRs actually operate in innovation systems not just from the perspective of theory but grounded in their global regional national current and historical contexts In so doing the contributors seek to uncover and move beyond deeply held assumptions about the role of IPRs in innovation systems Scholars and students interested in innovation science and technology policy intellectual property rights and technology transfer will find this volume of great interest The findings will also be of value to decision makers in science and technology policy and managers of intellectual property in biotechnology and venture capital firms

Biotechnology and Intellectual Property Rights Kshitij Kumar Singh, 2014-10-27 This book offers a valuable contribution to contemporary legal literature providing deep insights into the interface between law and genetics highlighting emerging issues and providing meaningful solutions to current problems It will be of interest to a broad readership including academics lawyers policy makers and scholars engaged in interdisciplinary research In the context of examining and analyzing the legal and social implications arising from the recent conjunction of biotechnology and intellectual property rights the book particularly focuses on human genes and gene variations Emphasis is placed on patent law as a considerable

percentage of genetic inventions are covered by patents The book presents a comparative and critical examination of patent laws and practices related to biotechnology patents in the United States Canada European Union and India in order to gather the common issues and the differences between them The international patent approach regarding biotechnology is also analyzed in light of the constant conflict between differentiation and harmonization of patent laws The book highlights the potential gaps and uncertainties as to the scope of numerous terms such as invention microorganisms microbiological processes and essential biological processes under TRIPS Also analyzed are the social and policy implications of patents relating to genetic research tools and genetic testing The intricacies involved in providing effective intellectual property protection to bioinformatics and genomic databases are also examined Bearing in mind the collaborative nature of bioinformatics and genomic databases the book evaluates the pros and cons of open biotechnology and assesses the implications of extending intellectual property rights to human genetic resources before explaining the ownership puzzle concerning human genetic material used in genetic research

Big Data, Databases and "Ownership" Rights in the Cloud
Marcelo Corrales Compagnucci, 2019-11-02

Two of the most important developments of this new century are the emergence of cloud computing and big data However the uncertainties surrounding the failure of cloud service providers to clearly assert ownership rights over data and databases during cloud computing transactions and big data services have been perceived as imposing legal risks and transaction costs This lack of clear ownership rights is also seen as slowing down the capacity of the Internet market to thrive Click through agreements drafted on a take it or leave it basis govern the current state of the art and they do not allow much room for negotiation The novel contribution of this book proffers a new contractual model advocating the extension of the negotiation capabilities of cloud customers thus enabling an automated and machine readable framework orchestrated by a cloud broker Cloud computing and big data are constantly evolving and transforming into new paradigms where cloud brokers are predicted to play a vital role as innovation intermediaries adding extra value to the entire life cycle This evolution will alleviate the legal uncertainties in society by means of embedding legal requirements in the user interface and related computer systems or its code This book situates the theories of law and economics and behavioral law and economics in the context of cloud computing and takes database rights and ownership rights of data as prime examples to represent the problem of collecting outsourcing and sharing data and databases on a global scale It does this by highlighting the legal constraints concerning ownership rights of data and databases and proposes finding a solution outside the boundaries and limitations of the law By allowing cloud brokers to establish themselves in the market as entities coordinating and actively engaging in the negotiation of service level agreements SLAs individual customers as well as small and medium sized enterprises could efficiently and effortlessly choose a cloud provider that best suits their needs This approach which the author calls plan like architectures endeavors to create a more trustworthy cloud computing environment and to yield radical new results for the development of the cloud computing and

big data markets **Intellectual Property, Competition & New Technologies** Alexandre Dias Pereira, This book brings together a series of legal studies on intellectual property competition and new technologies published in international journals and other publications mainly in English The book is aimed at students of intellectual property competition and digital law but it can also be useful to those interested in teaching and research as well as in forensic practice and management of these rights Intellectual property has developed to a large extent in line with the challenges of new technologies especially in the digital age New technologies are challenging other areas of law from contracts to the protection of personal data cybersecurity and cybercrime as well as regulation and competition in the digital market This work also includes some studies on the legal issues of the new economy providing an opportunity to study the broader context of the information society and the digital economy Economics of the Undead Glen Whitman, James Dow, 2014-07-17 Whether preparing us for economic recovery after the zombie apocalypse analyzing vampire investment strategies or illuminating the market forces that affect vampire human romances Economics of the Undead Zombies Vampires and the Dismal Science gives both seasoned economists and layman readers something to sink their teeth into Undead characters have terrified popular audiences for centuries but when analyzed closely their behaviors and stories however farfetched mirror our own in surprising ways The essays collected in this book are as humorous as they are thoughtful as culturally relevant as they are economically sound and provide an accessible link between a popular culture phenomenon and the key concepts necessary to building one's understanding of economic systems big and small It is the first book to apply and combine economics and our society's fascination with the undead and is an invaluable resource for those looking to learn economic fundamentals in a fun and innovative way Contributions by Kyle William Bishop Eleanor Brown Ian Chadd Darwynn Deyo Steven Horwitz Daniel Farhat Jean Baptiste Fleury Enrique Guerra Pujol Brian Hollar Sebastien Lecou Joseph Mandarino Alain Marciano Fabien Medvecky David T Mitchell Michael O Hara M Christine Phillips A Lynn Phillips G Michael Phillips Lorna Piatti Farnell Robert Prga Hollis Robbins Sarah Skwire Ilya Somin David Tufte Mary Jo Tufte and Charlotte Weil *Health Systems Governance in Europe* Elias Mossialos, 2010-03-25 Health system governance in Europe the role of European Union law and policy Elias Mossialos et al Health care and the EU the law and policy patchwork Tamara Hervey and Bart Vanhercke EU regulatory agencies and health protection Govin Permanand and Ellen Vos The hard politics of soft law the case of health Scott L Greer and Bart Vanhercke Public health policies Martin McKee Tamara Hervey and Anna Gilmore Fundamental rights and health care Jean McHale EU competition law and public services Tony Prosser EU competition law and health policy Julia Lear Elias Mossialos and Beatrix Karl Public procurement and state aid in national health care systems Vassilis Hatzopoulos Private health insurance and the internal market Sarah Thomson and Elias Mossialos Free movement of services in the EU and health care Wouter Gekiere Rita Baeten and Willy Palm Enabling patient mobility in the EU between free movement and coordination Willy Palm and Irene A Glinoos The EU legal network on e health

Stefaan Callens EU law and health professionals Miek Peeters Martin McKee and Sherry Merkur The EU pharmaceuticals market parameters and pathways Leigh Hancher

The Oxford Handbook of Comparative Constitutional Law Michel Rosenfeld, András Sajó, 2012-05-17 The field of comparative constitutional law has grown immensely over the past couple of decades Once a minor and obscure adjunct to the field of domestic constitutional law comparative constitutional law has now moved front and centre Driven by the global spread of democratic government and the expansion of international human rights law the prominence and visibility of the field among judges politicians and scholars has grown exponentially Even in the United States where domestic constitutional exclusivism has traditionally held a firm grip use of comparative constitutional materials has become the subject of a lively and much publicized controversy among various justices of the U S Supreme Court The trend towards harmonization and international borrowing has been controversial Whereas it seems fair to assume that there ought to be great convergence among industrialized democracies over the uses and functions of commercial contracts that seems far from the case in constitutional law Can a parliamentary democracy be compared to a presidential one A federal republic to a unitary one Moreover what about differences in ideology or national identity Can constitutional rights deployed in a libertarian context be profitably compared to those at work in a social welfare context Is it perilous to compare minority rights in a multi ethnic state to those in its ethnically homogeneous counterparts These controversies form the background to the field of comparative constitutional law challenging not only legal scholars but also those in other fields such as philosophy and political theory Providing the first single volume comprehensive reference resource the Oxford Handbook of Comparative Constitutional Law will be an essential road map to the field for all those working within it or encountering it for the first time Leading experts in the field examine the history and methodology of the discipline the central concepts of constitutional law constitutional processes and institutions from legislative reform to judicial interpretation rights and emerging trends

Genes and Common Diseases Alan Wright, 2007-08-02 This book examines the role of genetics in modern medicine reflecting the strengths and limitations of a genetic perspective

Exploring Central and Eastern Europe's Biotechnology Landscape Farah Huzair, Peter T. Robbins, 2011-08-13 At a time when the human genome has been sequenced advances in the life sciences seem to have great potential for human health industry and the environment throughout Central and Eastern Europe CEE Still for some potential risks and ethical dilemmas remain surrounding issues such as the appropriate use of GM crops stem cells genetic information the nature of intellectual property and other challenges that come with EU accession This book is the first of its kind to bring together experts from across Europe to explore the landscape of current life science policy and industrial development in CEE including implications for economies regulatory and legal frameworks health care ethics and human rights It will be essential reading for researchers and students in science and technology studies development sociology politics and law and those interested in life science development in transition economies

Governing Intellectual Property Rights Within

Publicly Funded Biobanks Rajam Neethu, 2019-06-21 Governing Intellectual Property Rights Within Publicly Funded Biobanks R Neethu The boom in biobanks and health databases as research infrastructures have evoked various legal and ethical debates Since then numerous new developments have emerged such as digitalization big data research and artificial intelligence which has important implications for biobank based research and collaborations This new paradigm offers new legal challenges for commercial involvement particularly within a publicly funded setting In this innovative book the author shows that securing maximum social benefit out of the knowledge emanating from the use of biobank resources lies in managing intellectual property inputs and outputs effectively in keeping with the values core to such research Focusing on the challenges of involving intellectual property rights IPRs particularly in the precompetitive phase of biobank based research the book offers an extensive understanding of the role of different IPRs and identifies the gaps in the law and its implications for biobanks The analysis covers important aspects in relation to biobanks such as Digital integration and biomedical data storage Ownership of biological samples Commercialization and benefit sharing Partnership models Public sector research Disposition of samples Consent Cross border exchange Trade secrecy Privacy Regulatory stewardship Business strategies Ethical considerations over biological resources Patenting of inventions relating to personalized medicine Ethical parameters within patent law and Rights regarding genetic data and databases The book includes observations case studies and interviews conducted by the author In conclusion the author offers cogent recommendations for legal interoperability of IP rules and research practices designed to enhance the ability of biobanks to share access and reuse data This book is the first of its kind to explore the organizational and legislative choices for biobanks particularly while engaging in the protection of research results and technology transfer within a publicly funded setting It will be of substantial interest to all stakeholders in biobanking especially policymakers biobankers and researchers working in the field of health law as well as for legal practitioners academics and patient interest groups

Persons, Parts and Property Imogen Goold, Kate Greasley, Jonathan Herring, Loane Skene, 2014-09-25 The debate over whether human bodies and their parts should be governed by the laws of property has accelerated with the pace of technological change Having long held that a corpse could not be property the common law first recognised that there could be a property interest in human tissue in some circumstances in the early 1900s but it was not until a string of judicial decisions and statutory regulation in the 1990s and early 2000s that the place of this exception was cemented The 2009 decision of the Court of Appeal of England and Wales in *Yearworth Ors v North Bristol NHS Trust* added a new dimension to the debate by supporting a move towards a broader more principled basis for finding or rejecting property rights in human tissue However the law relating to property rights in human bodies and their parts remains highly contested The contributions in this volume represent a collation of the broad spectrum of analyses on offer and provide a detailed exploration of the salient legal and theoretical puzzles arising out of the body as property question

A Law of Blood-ties - The 'Right' to Access Genetic Ancestry Alice Diver, 2013-08-28 This

text collates and examines the jurisprudence that currently exists in respect of blood tied genetic connection arguing that the right to identity often rests upon the ability to identify biological ancestors which in turn requires an absence of adult centric veto norms It looks firstly to the nature and purpose of the blood tie as a unique item of birthright heritage whose socio cultural value perhaps lies mainly in preventing or perhaps engendering a feared or revered sense of otherness It then traces the evolution of the various policies on telling and accessing truth tying these to the diverse body of psychological theories on the need for unbroken attachments and the harms of being origin deprived The law of the blood tie comprises of several overlapping and sometimes conflicting strands the international law provisions and UNCRC Country Reports on the child s right to identity recent Strasbourg case law and domestic case law from a number of jurisdictions on issues such as legal parentage vetoes on post adoption contact court delegated decision making overturned placements and the best interests of the relinquished child The text also suggests a means of preventing the discriminatory effects of denied ancestry calling upon domestic jurists legislators policy makers and parents to be mindful of the long term effects of genetic kinlessness upon origin deprived persons especially where they have been tasked with protecting this vulnerable section of the population

Human Brain Organoids Insoo Hyun, Jeantine E. Lunshof, 2024-11-19 Brain organoids are small stem cell derived self organizing models of specific brain regions that offer researchers new ways to study the human brain Since their scientific debut over ten years ago brain organoids have been used to generate tractable new bioengineered tools for understanding functional interconnectivity of the human brain dysfunction involved in many neurodegenerative diseases and certain molecular mechanisms underlying cognition Despite this field s considerable scientific promise advances in human brain organoid research also raise novel philosophical questions and ethical concerns around the use of complex human brain models and the ethical boundaries that should exist when manipulating increasingly realistic bioengineered brain constructs As researchers generate more realistic organoids in vitro that resemble human brains it is critically important to understand what ethical boundaries may exist and where researchers and regulators should draw the line for research both to reduce uncertainties over which projects to pursue in the lab and to address future concerns regulators and the public may harbor about whether this research if left unexamined could inadvertently undermine public trust in science This proposed book delves into ongoing and proactive ethical discussions among ethicists and the neuroscientists involved with this cutting edge work Its ultimate goal is to foster greater awareness understanding and guidance for future management of ethical issues that may be unique to new areas of brain organoid research This volume is the result of a close partnership between ethicists and scientists each informing the other through a collaborative process of joint bioethical deliberation **Genetic**

Dissection of Complex Traits D.C. Rao, C. Charles Gu, 2008-04-23 The field of genetics is rapidly evolving and new medical breakthroughs are occurring as a result of advances in knowledge of genetics This series continually publishes important reviews of the broadest interest to geneticists and their colleagues in affiliated disciplines Five sections on the latest

advances in complex traits Methods for testing with ethical legal and social implications Hot topics include discussions on systems biology approach to drug discovery using comparative genomics for detecting human disease genes computationally intensive challenges and more

Medical Genetics and Law Mair Crouch, 2025-04-28 This book is an essential resource to understanding the intersection of medical genetics and law In a unique approach it provides an overview on the biological principles of DNA basics and genetic inheritance linking the knowledge with the ethical and legal challenges presented by modern developments in genetics The first chapters educate the reader in key concepts such as cell division genetic inheritance genome study methods genetic screening and testing across various countries It further expands into complex issues where regulation is required in particular controversial aspects of genetic modifications ethical concerns around patient confidentiality and biobanks role in linking genetic variation to complex diseases It includes legal cases regarding negligence claims from conception to adulthood and reflects on the impact of present and future developments in genomics on the law Readers will gain a deeper understanding of how developments in genetics impact individuals and society helping them navigate this rapidly evolving field Given the interdisciplinary approach the book is suitable for both medical and law students practicing lawyers medical practitioners and genetic counselors It is particularly beneficial for those who deal with medical negligence and need to understand the genetic aspects of such cases

Human Rights in the Digital Age Mathias Klang, Andrew Murray, 2016-09-01 The digital age began in 1939 with the construction of the first digital computer In the sixty five years that have followed the influence of digitisation on our everyday lives has grown steadily and today digital technology has a greater influence on our lives than at any time since its development This book examines the role played by digital technology in both the exercise and suppression of human rights The global digital environment has allowed us to reinterpret the concept of universal human rights Discourse on human rights need no longer be limited by national or cultural boundaries and individuals have the ability to create new forms in which to exercise their rights or even to bypass national limitations to rights The defence of such rights is meanwhile under constant assault by the newfound ability of states to both suppress and control individual rights through the application of these same digital technologies This book gathers together an international group of experts working within this rapidly developing area of law and technology and focuses their attention on the specific interaction between human rights and digital technology This is the first work to explore the challenges brought about by digital technology to fundamental freedoms such as privacy freedom of expression access assembly and dignity It is essential reading for anyone who fears digital technology will lead to the Big Brother state

Genetic Databases Oonagh Corrigan, Richard Tutton, 2004 Genetic Databases offers a timely analysis of the underlying tensions contradictions and limitations of the current regulatory frameworks for and policy debates about genetic databases Drawing on original empirical research and theoretical debates in the fields of sociology anthropology and legal studies the contributors to this book challenge the prevailing orthodoxy of informed consent and explore the relationship between

personal privacy and the public good They also consider the multiple meanings attached to human tissue and the role of public consultations and commercial involvement in the creation and use of genetic databases The authors argue that policy and regulatory frameworks produce a representation of participation that is often at odds with the experiences and understandings of those taking part The findings present a serious challenge for public policy to provide mechanisms to safeguard the welfare of individuals participating in genetic databases

The Ethics of Biomedical Big Data Brent Daniel Mittelstadt, Luciano Floridi, 2016-08-03 This book presents cutting edge research on the new ethical challenges posed by biomedical Big Data technologies and practices Biomedical Big Data refers to the analysis of aggregated very large datasets to improve medical knowledge and clinical care The book describes the ethical problems posed by aggregation of biomedical datasets and re use re purposing of data in areas such as privacy consent professionalism power relationships and ethical governance of Big Data platforms Approaches and methods are discussed that can be used to address these problems to achieve the appropriate balance between the social goods of biomedical Big Data research and the safety and privacy of individuals Seventeen original contributions analyse the ethical social and related policy implications of the analysis and curation of biomedical Big Data written by leading experts in the areas of biomedical research medical and technology ethics privacy governance and data protection The book advances our understanding of the ethical conundrums posed by biomedical Big Data and shows how practitioners and policy makers can address these issues going forward

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