



# OWNING THE GENOME

A Moral Analysis  
of DNA Patenting

DAVID B. RESNIK

# Owning The Genome A Moral Analysis Of Dna Patenting Pb

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## **Owning The Genome A Moral Analysis Of Dna Patenting Pb:**

*Owning the Genome* David B. Resnik, 2004-03-29 A clear introductory overview of the issues surrounding gene patenting

**The Publishers Weekly**, 2003      *Medical Humanities Review*, 2003      **Who Owns You?** David Koepsell, 2011-09-23

*Who Owns You* is a comprehensive exploration of the numerous philosophical and legal problems of gene patenting Provides the first comprehensive book length treatment of this subject Develops arguments regarding moral realism and provides a method of judgment that attempts to be ideologically neutral Calls for public attention and policy changes to end the practice of gene patenting      *The Ethics of Patenting DNA* Nuffield Council on Bioethics, 2002 This paper questions whether the

application of the patent system to DNA sequences achieves its goals of stimulating innovation for the public good and rewarding people for useful new inventions Even if DNA sequences are considered eligible for patenting they must also be novel inventive and useful The application of these criteria has not been stringently applied In future patents asserting rights over DNA sequences should become the exception rather than the norm      Who Owns You? David Koepsell, 2015-06-15 The

2nd Edition of *Who Owns You* David Koepsell's widely acclaimed exploration of the philosophical and legal problems of patenting human genes is updated to reflect the most recent changes to the cultural and legal climate relating to the practice of gene patenting Lays bare the theoretical assumptions that underpin the injustice of patents on unmodified genes Makes a unique argument for a commons by necessity explaining how parts of the universe are simply not susceptible to monopoly claims Represents the only work that attempts to first define the nature of the genetic objects involved before any ethical conclusions are reached Provides the most comprehensive accounting of the various lawsuits legislative changes and the public debate surrounding *AMP v Myriad* the most significant case regarding gene patents      The Genome Project United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Copyrights, and Trademarks, 1993

**Patenting Human Life** Michael Donald Kirby, 2003      Who Owns Life? David Magnus, Arthur L. Caplan, Glenn McGee, 2002 This excellent collection of articles by scientists ethicists and legal experts analyzes the convergence of biotechnology and intellectual property legislation which has give rise to new moral dilemmas It serves as a valuable reference so readers can make their own judgments      *Reaping the Benefits of Genomic and Proteomic Research* National Research Council, Policy and Global Affairs, Committee on Science, Technology, and Law, Board on Science, Technology, and Economic Policy, Committee on Intellectual Property Rights in Genomic and Protein Research and Innovation, 2006-04-09 The patenting and licensing of human genetic material and proteins represents an extension of intellectual property IP rights to naturally occurring biological material and scientific information much of it well upstream of drugs and other disease therapies This report concludes that IP restrictions rarely impose significant burdens on biomedical research but there are reasons to be apprehensive about their future impact on scientific advances in this area The report recommends 13 actions that policy makers courts universities and health and patent officials should take to prevent the increasingly complex web of

IP protections from getting in the way of potential breakthroughs in genomic and proteomic research It endorses the National Institutes of Health guidelines for technology licensing data sharing and research material exchanges and says that oversight of compliance should be strengthened It recommends enactment of a statutory exception from infringement liability for research on a patented invention and raising the bar somewhat to qualify for a patent on upstream research discoveries in biotechnology With respect to genetic diagnostic tests to detect patient mutations associated with certain diseases the report urges patent holders to allow others to perform the tests for purposes of verifying the results

**The Genetic Frontier** Mark S. Frankel, Albert H. Teich, 1994      **Human Genetics** Robert Song, 2002 A continuing series offering a unique approach to vital issues in the arena of Christian ethics The books in the series are lively introductory explorations of contemporary issues that not only explain the moral positions that have been adopted but show how theological convictions shape these assessments Each book invites readers to engage in their own process of moral deliberation informed by their Christian beliefs Robert Song describes the attitudes beliefs and existential commitments as well as the medical scientific and commercial pressures which have governed developments in modern medical genetics Ethics needs to be embodied and that involves an understanding not only of principle but also of context In the case of genetics a major part of that context is what has been called the technological imperative the drive to mastery of nature which serves significantly to structure our beliefs and actions whether we are aware of it or not whether we like it or not writes Song The book highlights the following topics Health Medicine and the New Genetics the Human Genome Project is set in the context of the Christian tradition s understanding of health and medicine Genetic Enhancement and the New Eugenics looks at the moral and theological issues behind genetic engineering Justice Community and Genetics discusses behavioral genetics the use of genetic information by insurers and gene patenting Technological Inevitability and Alternative Futures What futures can we imagine for genetic technology

*Patenting Genes* Shang-Yung Yen, University of Sheffield, 2002      *Patents on Life* Thomas C. Berg, Roman Chohli, Simon Ravenscroft, 2020 A unique collection of legal religious ethical and political perspectives on debates surrounding biotechnology patents or patents on life

**The Genome Project** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Patents, Copyrights, and Trademarks, 1993      *GenEthics and Religion* Georg Pfeleiderer, Gabriela Brahier, Klaus Lindpaintner, 2010-01-01 Human gene and cell technology is a diverse and rapidly evolving field of research As genes represent the blueprint of an organism their analysis and manipulation is a challenge to our understanding of human nature Stem cell research genetic testing gene therapy therapeutic and reproductive cloning all these fields of application have been raising fundamental ethical and religious theological questions When does human life begin Should human beings be allowed to interfere with natural procreation or to manipulate the genome of their own species Is genetic engineering tantamount to playing God Based on the symposium GenEthics and Religion held in Basel Switzerland in May 2008 this volume examines the role religion can play in

establishing ethical guidelines to protect human life in the face of rapid advances in biology and especially gene technology. It does so in a multidisciplinary way with contributions by philosophers, theologians, human geneticists and several bioethicists representing the Christian, Jewish, Islamic and Buddhist perspectives. The essays illustrating a diversity of views and expressing the problems and self-critical reflectiveness of religious ethicists have been brought up to date and discuss the importance of religious ethics in society's discourse on gene technology. *The Ethics & Biopolitics of Patenting Life* Akshey Walia, 2019. The purpose of this thesis is to examine our conceptual understanding of human genetics and living material as is reflected in modern case law. I argue that our relationship to both the natural world and our genetics is improperly construed legally and ethically by the continued practices of archaic patent law. On June 16th 1980 the Supreme Court ruled that a living microorganism was patentable subject matter under patent laws enacted by Congress 28 years prior. Currently biomedical scientists hold as patentable subject matter other living organisms and cell lines from mammals. This extension of patent law's scope to include biological material generally fails to consider the moral status of genes. Specifically, I begin by providing a brief overview of patent law with a recent history of the patenting of living material, continuing from the decision that living microorganisms are patentable to examine our moral sentiments regarding the practice of gene patenting. I continue by identifying as problematic our conceptual understandings of property in moral discourse of gene patenting to offer an analysis of the functions of policy and its intersections with our public morality. The purpose of moral discourse from this perspective becomes socially relevant and valuable rather than merely an exercise in academia. *Gene Patents and Other Genomic Inventions* United States. Congress. House. Committee on the Judiciary. Subcommittee on Courts and Intellectual Property, 2000. [The Impact of Ordre Public and Morality on the Regulation of Gene Editing Patents in the United States and the European Union](#) Dorkina Myrick, 2023. This paper examines the impact of ordre public and morality on government regulation of gene editing patents in the United States and the European Union. A discussion of ordre public and morality requires an understanding first of the separate meanings of ordre public and morality, then how and why ordre public and morality are often used in conjunction when referencing laws that pertain to ordre public and morality. The answers are not always clear as domestic customs, codes of conduct and laws vary internationally and among states and territories. Intellectual property laws refer to ordre public and morality in the Paris Agreement, TRIPS agreement, European Patent Convention and Patent Cooperation treaty for the determination of invention patentability. Typically, countries which are adherents and signatories to these agreements have enacted laws which state that violations of ordre public and morality warrant the exclusion of inventions for patent eligibility. Although the United States is an example of a nation which does not require compliance with ordre public and morality provisions for patent awards, overwhelmingly, countries which are adherents and signatories to these international and regional agreements strive to uphold their ordre public and morality provisions when considering domestic inventions for patents. Governments should work to ensure that all members of society

have equal access to developments in medical technology including genetic technology gene editing and genetic engineering According to Article 1 of the Universal Declaration on the Human Genome and Human Rights UDHGHR DNA constitutes a type of institutional memory of the biology of humankind By tampering with the human genome this historical memory can become compromised This is another reason why some form of societal regulation of genetic engineering and CRISPR gene editing on a collective level is critical Neither governments nor private entities should have the right to exclusively own profit from or exploit genetic information in its natural state This includes monopolization of ownership of the information through patenting Scholars and experts postulate however that genetic material should be freely accessible As inventors increase their pursuit of gene editing patents the likelihood of monopoly behavior may increase Thus market and economic forces that favor patent holders cannot predominate the need for accessibility to CRISPR Cas9 gene editing technology It is for this reason that prioritization and balancing of research clinical ethical and societal goals is important to maintain a healthy marketplace for innovation in gene editing patents Moreover a balance must be achieved between championing ordre public and morality and promoting innovation of gene editing technology On the other hand excessive regulation of gene editing technology can be detrimental to innovation

**Owning the Code of Life** Sarah Leah Schwartz, 2015 In 2013 the United States Supreme Court heard the case of Association of Molecular Pathology v Myriad Genetics The case asked one question are human genes patentable Gene patents became commonplace during the biotechnology revolution of the 1980s but generated a complex web of moral legal and biological questions While some viewed gene patents as necessary in promoting and sustaining innovation others felt that owning the code of life was morally and legally misguided This tension played a central role in the early years of the Human Genome Project and continued as people experienced the challenging consequences of assigning property rights to our shared biology Several patients with genetic diseases were forced to navigate limited or expensive testing because of a company's genetic monopoly Some scientists worried that their research might infringe a patent When the Supreme Court decided the Myriad trial ruling that unaltered human genes were not patent eligible their decision marked a surprising and historic shift in the relationship between patent law and fundamental biology but questions and uncertainty about a future without gene patents remain

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