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ISOLATED GENE PATENTING: ETHICAL IMPLICATIONS OR FUTURE PROMISES, LOOKING AHEAD

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Abstract

The issue of gene patenting has taken the centre stage of growing international community concern towards the recent decisions of the Supreme Court of the United States on Association for Molecular Pathology v. Myriad Genetics in context to the patentability of isolated genetic material and its analogues. Gene patenting including human gene and the intervened gene products which are biological in nature and is a part of many technologies, treatments, diagnostics, drugs, treatments etc, and the IP protection which provides them exclusive right and the reward for their intense contribution of technology to society, it also make the unavailability and more hindrances to the patients for getting maximum commercial benefits. These all are associated with the policies made by the concerned governing nation which considers the gene mere a chemical substance, a biological tool or a nature product. This paper extensively studies the world scenario on the nation specific IP policy overview and implications in the various spectrum of novelty criteria, biogenetic healthcare services, dissemination of research and innovations, concerns regarding the limitations on access to genetic testing to different economic strata, to address the broad area of gene patenting and their analogues as inclusive of cDNA, recombinant DNA etc.

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