

Biotechnological inventions

Biotechnological inventions concern biological material. “Biological material” is a material that contains genetic information, is reproducible and is highly complex. In 2008, Switzerland adapted its patent legislation to the provisions of EU Directive 98/44/EC on the legal protection of biotechnological inventions in a comprehensive revision of the Patents Act.

A biotechnological invention can be patented if it meets the general requirements for patentability. This means that there must be an inventive step (not just a discovery) which is novel and not obvious, and it must be able to be commercially used.

The revised Patents Act not only ensures effective and appropriate protection for biotechnological inventions, it also defines the ethical limits of patentability. For example, the human body including embryos cannot be patented. The same applies for inventions that are contrary to public policy or public morality (such as methods to clone human beings).

In addition, the Patents Act defines exceptions to the effects of a patent. For instance, even without the permission of the patent holder, it is possible:

- › to conduct scientific research on the invention (research exemption);
- › to have free access to plant genetic material for research and further growth (breeder's exemption);
- › to have free access to the patented invention for teaching purposes;
- › for farmers to reproduce the harvested material on their own farm (agricultural exemption).

The revised regulations ensure an appropriate balance between the interests of patent holders and those of the public at large in the area of biotechnology.

DOCUMENTS & LINKS

- › [Patent law reform: biotechnological inventions](#)
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