

Patenting Biotechnology

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1. Introduction:

While individual rights on physical properties are now well accepted, at least in 'modern' societies, individual rights on intellectual property (IPR) remains a controversial issue. Theoretical explanations and empirical evidence, both in favour and against IPR, has only increased in recent years and no reversal of this trend is in sight. Patent, in particular, has been at the centre stage of this debate. In the words of Abraham Lincoln, patents were supposed to promote entrepreneurship and industrial development by adding "fuel of incentives" to the "fire of genius" (creativity of individual scientists). At the same time, patent laws have, often, been accused of promoting monopolies (Maclup 1958) and corporatisation of R&D, wherein the rate and the direction of innovations are largely guided by commercial motives, devoid of much "fire of genius" (Noble 1977, Ch. 6). This raised an apparent conflict with the stated objective of patents to promote creativity of individuals, and questions were raised on the appropriateness of granting patent, in particular, to the outcomes of large-scale 'routinised' R&D, absent any substantive individual fire (Kingston 2005). Although, this matter is now largely resolved, the boundaries of debates surrounding benefits and costs of patenting continue shifting with inclusion of

* I had many helpful discussions with Amit Shrivastava Ray on the analytical content and structure of this chapter. Some important articles on biotechnology patenting in Japan would have remained inaccessible without the help of Yu Sasaki and the translation effort of MV Lakshmi. I also thank three anonymous referees for their constructive and critical comments.

The patent system, thus, protects "the institutions which favour invention" instead of protecting the "lone inventor" (Alexanderson 1972).

Patents A Basic Guide To Patenting In Biotechnology

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Marco Cascella



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