

**Question for written answer E-9882/2010
to the Commission**
Rule 117
Marielle Gallo (PPE)

Subject: Patentability of gene products

In a case heard by the US Court of Appeal for the Federal Circuit (The Association for Molecular Pathology et al. v The United States Patent and Trademark Office), the Department of Justice changed the US authorities' position on gene patentability by declaring that biological material cannot be patented.

In view of the importance of the biotechnology sector, the close links between companies on both sides of the Atlantic and very important ethical questions:

1. Does the Commission think that such a decision will have an impact on EU law in this area and financial consequences for European companies?
2. Does the Commission think that we are witnessing a development towards a more restrictive interpretation of gene patentability, also in the light of the most recent EU Court of Justice judgments in this area (for example in case C 428/08, Monsanto Technology LLC v Cefetra BV and Others)?