

01/10/01

OR
Lutau

Motion for a resolution

under Rule 50

tabled by Oomen-Ruijten, Liese, Doorn, van Velzen and Lehne

25-633/01

in the name of the EPP-ED Group

on the patenting of BRCA1 and BRCA2 (breast cancer) genes

The European Parliament,

- recalling its resolution of 30 March 2000 on the decision by the European Patent Office with regard to patent No EP 695 351 granted on 8 December 1999, calling on the EPO "to ensure that all ... patent applications in Europe do not violate the principle of non-patentability of humans, their genes or cells in their natural environment ..."

A whereas a US company, Myriad Genetics, has been granted US patents on human genes BRCA1 and BRCA2 and has applied to the European Patents Office for patents on those genes as well

B whereas in the US, genetic laboratories are licensed by Myriad Genetics to test for a very limited number of mutations of BRCA1 and 2 only (with a fee payable) and are obliged to refer for any further testing to Myriad Genetics, thus incurring further and considerable expense

C whereas granting similar patents by the EPO would create a monopoly market within the EU for the company involved, threatening the quality of genetical diagnostics, the availability of research data and the development of new diagnostical applications in the EU, and increasing considerably the cost of breast cancer research

D whereas on 10 January 2001 the European Patent Office granted to Myriad Genetics the first of three patents on BRCA1 and continues to examine the other two applications and a patent application concerning BRCA2

1 Expresses its dismay at the granting by the European Patent Office of a patent on a human gene

2 Re-iterates its opposition to any such patenting, in the interest of the individual human beings concerned and in the interest of society as a whole

3 Calls on the EPO to re-consider its wrong policy towards patenting human genes and associates itself with those tabling objections to the granting of these patents

309.526

4 Re-iterates its call on the Council, the Commission and the Member States to adopt the measures required to ensure that the human genetic code and tests based thereupon are freely available for research throughout the world

5 Instructs its President to forward this resolution to the Council, the Commission, the European Patent Office and the governments of the Member states

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