

# Neural Progenitor Cells, Federal Court of Justice (Bundesgerichtshof), 17 December 2009

Kluwer Patent Blog  
December 17, 2009

Anja Lunze

Please refer to this post as: Anja Lunze, 'Neural Progenitor Cells, Federal Court of Justice (Bundesgerichtshof), 17 December 2009', Kluwer Patent Blog, December 17 2009, <http://patentblog.kluweriplaw.com/2009/12/17/neural-progenitor-cells-federal-court-of-justice-bundesgerichtshof-17-december-2009/>

---

The Federal Court of Justice presented the following questions to the European Court of Justice: 1. How should the term 'human embryos' in Article 6 para. 2 lit. c Directive 98/44 EC be understood? a) Are all development stages of human life from the fertilisation of an egg cell included or are additional conditions required such as the achievement of a specific stage of development? b) Are the following organisms included: (1) unfertilised human egg cells, in which a cell nucleus from an advanced human cell is implanted (2) unfertilised human egg cells, which were stimulated to divide and develop by parthenogenesis c) Are stem cells included, which were extracted from human embryos? 2. How should the term 'uses of human embryos for industrial or commercial purposes' be understood? Are all kinds of commercial exploitation referred to in Article 6 para. 1 Directive 98/44 EC included, particularly the use for the purpose of scientific research? 3. Is a technical teaching consistent with Article 6 para. 2 lit. c Directive 98/44 EC excluded from patentability, if the use of human embryos is not part of the technical teaching but prerequisite for the execution of the said teaching, a) because the patent relates to a product, the manufacturing of which requires the destruction of human embryos. b) or because the patent relates to a method, for which said product is needed as basic material.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).