
Kluwer Patent Blog

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

Anja Lunze · Thursday, December 17th, 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](#).

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).

Kluwer IP Law

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Thursday, December 17th, 2009 at 5:35 am and is filed under [Biologics](#), [Case Law](#), [Exceptions to patentability](#), [Germany](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.