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# Kluwer Patent Blog

## Monsanto v. Cefetra, European Court of Justice, 6 July 2010

Peter Burgers (Brinkhof) · Monday, July 19th, 2010

The European Court of Justice held that Article 9 of the Biotech Directive (98/44/EC) does not confer patent protection to genetic information that does not (anymore) perform its function for which it is patented (in the case at hand the DNA present in soy meal).

In addition, the Court held that Article 9 Directive provides an exhaustive harmonization of the patent protection of genetic information and therefore precludes national patent legislation to confer absolute protection to genetic information, and precludes patent holders of patents on genetic information granted prior to the adoption of the Directive from relying on such absolute protection conferred by then-applicable national laws.

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

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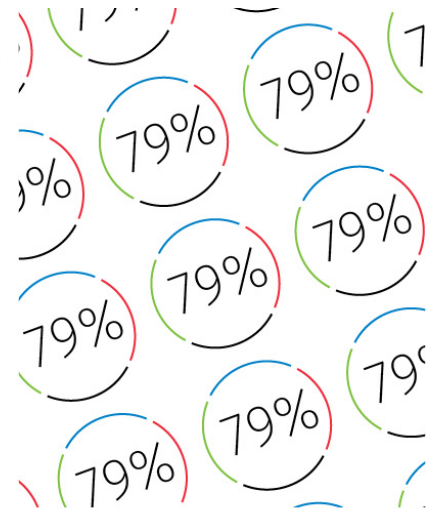
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