



*Comité international
de bioéthique (CIB)*

*International Bioethics
Committee (IBC)*

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INTERNATIONAL BIOETHICS COMMITTEE OF UNESCO (IBC)**
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**Advice of the IBC
on the Patentability of the Human Genome**

The Universal Declaration on the Human Genome and Human Rights states in Article 1 that: *“The human genome ..., in a symbolic sense, is the heritage of humanity”*. Article 4 further states that: *“The human genome in its natural state shall not give rise to financial gains”*.

The rapid progress of genomics, together with research into pharmaceutical and other applications of this research, has given rise to world-wide debate on the meaning of these provisions. Concern has been expressed both by governments and non governmental organizations, that the patenting of the human genome may inhibit genetic research and, furthermore, allow for the monopolization of this important new scientific knowledge. It is feared that this will deprive many of the world's peoples of the benefits of therapies which, in their development, have been based on this knowledge of the human genome.

To clarify this situation and to assist in the further development of a just system of intellectual property relating to the human genome, the IBC brings the following advice to the attention of the Director-General:

- (1) The IBC, after considering this issue, is of the view that there are strong ethical grounds for excluding the human genome from patentability;
- (2) It further recommends that the World Trade Organization (WTO), in its review of the TRIPS Agreement, clarify that, in accordance with the provision of Article 27(2)¹, the human genome is not patentable on the basis of the public interest considerations set out therein, in particular, public order, morality and the protection of human life and health.

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1. Article 27.2 of TRIPs Agreement reads: “Members may exclude from patentability inventions, the prevention within their territory of the commercial exploitation of which is necessary to protect ordre public or morality, including to protect human, animal or plant life or health or in order to avoid serious prejudice to the environment, provided that such exclusion is not made merely because the exploitation is prohibited by their law”.