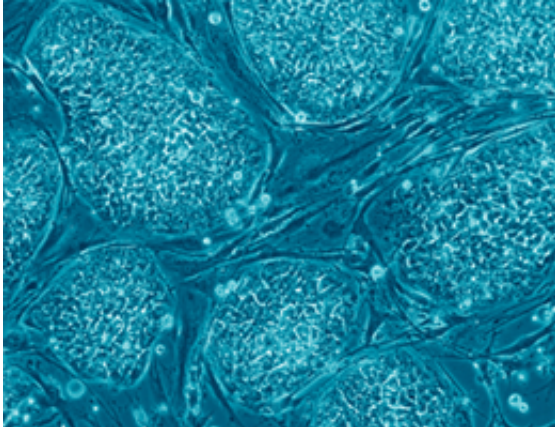


EU court clears stem cell patenting

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Stem cells. Credit: Nissim Benvenisty - Wikipedia

A human egg used to produce stem cells but unable to develop into a viable embryo can be patented, the European Court of Justice ruled on Thursday.

In a decision of huge interest for biotechnology companies investing in stem-cell research, the EU's top court decided such [eggs](#) did not meet the definition of what constituted a human embryo.

"Accordingly, uses of such an organism for industrial or commercial purposes may, as a rule, be patented," the court said in a statement summary of the decision.

In July, Advocate General Pedro Cruz Villalon recommended to the

European Court of Justice that stem cells do not come under EU rules which deny patents on eggs which could develop into a human embryo.

The ECJ is Europe's top court on questions of EU law and mostly follows such recommendations.

The case was brought by International Stem Cell Corporation against the UK Intellectual Property Office for refusing to grant it two patents.

The British authorities had argued that since the eggs involved were active and developing, even if not fertilised by male sperm, then European Union law meant the company could not secure a patent on them.

ISC contested the ruling, saying the eggs, activated by a chemical process known as parthenogenesis, could not develop into human beings as they lacked the full parental DNA required.

Human [embryonic stem cells](#) originally came from normally fertilised eggs but this caused serious ethical misgivings since the embryos were subsequently destroyed as the [stem cells](#) were collected.

As a result, scientists welcomed the development of parthenogenesis as it met at least some of these concerns, allowing them a clearer conscience in one of the pioneer fields of healthcare research.

Cruz Villalon also recognised, however, that recent research had pointed to the possibility that such eggs might in the future be so modified that they could in effect be considered [human embryos](#).

In that case, European Union member states would still have the right under existing law to deny patents on ethical and moral grounds, he said.

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