

imply the continued coexistence of obsolete regulations like the Spanish one, which need urgent amendment, and modern provisions in other countries, which have updated old concepts and ideas. Therefore, as stated above, at the Community level the need for harmonisation is the same or even greater than when explained by the Commission in 1995 and 1997. I believe that the "Better legislation" initiative is far from being a Trojan horse designed to weaken Europe, and on the contrary has the aim of making Europe stronger and more dynamic. In the light of this sentiment, the withdrawal of the Draft Directive on utility models may be seen as a serious but isolated accident on the road to harmonisation, which should be resumed by the Commission and European legislators sooner rather than later.

Articles

*Tine Sommer**

Patenting the Animal Kingdom? From Cross-Breeding to Genetic Make-Up and Biomedical Research**

There are two main purposes of the present study. The first objective (Part II) is to examine the substantive patent law on animal patenting, and the second objective (Part III), based on empirical data, is to examine patent law in the light of the patents issued by and applications made to both the United States Patent and Trademark Office (USPTO) and the European Patent Office (EPO),¹ in an effort to identify the current challenges to animal patenting. The legal protection of technological developments, from cross-breeding to genetically based breeding, as well as the use of animal models in biomedical research, calls for legal certainty. It is time to turn the spotlight on the issue of animal patents.

I. Introduction and Case Studies

1. Overview

Commercial exploitation of biological material can be divided into three major categories, namely biological material derived from humans, from

* PhD; Associate Professor, Aarhus School of Business, Aarhus University, Denmark.

** The author is supported by the Danish Research Council, and by the Genome Research Project: Comparative Genomics focusing on Man and Pig. Thanks to Dr. Christopher Heath for his critical reading and valuable comments on the manuscript.

1 The patent search was carried out in collaboration with Patent Information Specialist and Technical Examiner, Bodil B. Hasling, Danish Patent and Trademark Office, in December 2005.