

detrimental to the sustainability of our collective life. Therefore, the exploitation of exclusive rights should be controlled by an ideal legal framework in order to nurture justice as the basic requirement for creating unity. Consequently, all development programmes, including the optimisation of information and technology either at the national or international level, should be dedicated to maintaining justice.

For resolving the dilemma between economic and public interest, either at the national or international level, it is relevant to adopt Professor Grosheide's idea of the creation of tailor-made copyright law.<sup>80</sup> To manifest the notion, it is necessary to consider the alternative strategies mentioned above in order to create this tailor-made intellectual property law (patent and copyright), particularly in Indonesia. It can be approached with a re-examination and re-evaluation of the exclusive-right principle under the intellectual property regime by considering the social function, the public interest and the greatest benefit for humankind.

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## Biotechnological Patents in Europe – Functions of Recombinant DNA and Expressed Protein and Satisfaction of the Industrial Applicability Requirement\*\*

### *I. Introduction: The Legal Framework for Patenting of Biotechnological Inventions in Europe*

The Biotechnology Directive regulates among other things the requirement of industrial applicability for the patenting of genes. The implementation of the relevant provision from the Directive into the Implementing Regulations of the European Patent Convention has raised an issue as to the relationship between this provision from the Directive and the provisions regulating in general the requirement of industrial applicability in the Convention. Also,

80 In this context, Professor Grosheide offers two options: one is to replace the static uniformity that characterises current national and international copyright law with a dynamic pluriformity, creating the possibility of a tailor-made copyright law; see GROSHEIDE, F.W., "Autersrecht op maat" (Deventer, 1986), summary in English, 311–317; GROSHEIDE, F.W., "Copyright and Publishers' Rights: Exploitation of Information by a Proprietary Right", in: KORTHALS ALTES, W.F., et al. (eds.), "Information Law Towards The 21st Century" 295–296 Information Law Series (Kluwer, 1992).

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