

LUDGER HONNEFELDER

Ludger Honnefelder (German) is an Emeritus Professor of Philosophy at the University of Bonn in Germany. He was appointed Director of the German Reference Centre for Ethics in the Life Sciences in 1999. He is also the Director of the Department of Biomedical Ethics, Institut für Wissenschaft und Ethik in Bonn since 1993. He is an honorary doctor at the University of Innsbruck and taught Philosophy at the Freie Universität from 1972-1988.

Honnefelder is a member of the German Delegation of the Steering Committee for Bioethics at the Council of Europe (CDBI); member of the North Rhine-Westphalian Academy of Sciences; member of the Standing Committee “*Science and Ethics*” of All European Academies (ALLEA); and a member of the Enquete Commission “*Law and Ethics of Modern Medicine*” of the German Bundestag.

He studied Philosophy at the Universities of Bonn, Innsbruck and Bochum in Germany and obtained his Doctor’s degree and post-doctoral Habilitation in Philosophy at the University of Bonn.

Honnefelder’s main scientific interests are in Metaphysics, Ethics/Applied Ethics, and History of medieval and Early Modern Philosophy.

SYNOPSIS OF THE MAIN POINTS OF MY SPEECH IN SESSION V: IMPACTS ON HEALTH AND NEW TECHNOLOGIES

LUDGER HONNEFELDER
University of Bonn, Germany

From an ethical point of view there can be no doubt that intellectual property rights (IPRs) and adequate patent protection are legitimate. IPRs and patenting are means to provide legitimate protection of inventions, foster scientific and economic development, guarantee transparency and, as far as they are sought in the area of biomedicine, serve the provision of health care services.

However, ethical problems arise where the tried legal instruments of IPRs and patenting are applied to *new* scientific and technical areas. This is apparent in the life sciences and their application, particularly in medicine and notably in the areas of genome research and genetic technology.

The problems undergoing extensive discussion are:

- the distinction between (non patentable) discoveries and (patentable) inventions, especially with a view to the possibility of a "patent on (biological) material"
- the definition of the criterion of "common decency and public order", without which the granting of a patent is not possible under current guidelines, especially with a view to reproductive cloning, germ line interventions and eugenic practices etc.
- whether and to what extent living organisms, especially the human body and its parts, can be the subject of IPRs and patents
- whether and to what extent the granting of IPRs and patents limits the freedom of research in the life sciences
- to what extent the granting of IPRs and patents encroaches on the hitherto protected areas of diagnosis and therapy and therefore limits the possibilities for curing diseases
- to what extent the granting of IPRs and patents interferes with the current protection of plant and animal species
- to what extent the granting of IPRs and patents might disadvantage developing countries.

Any solution to these questions must find a way to enhance the instruments for the safeguarding of moral principles in the areas of IPRs and patents available under current law and achieve transnational regulations that do not discriminate against certain activities or reward a lack of moral restrictions.