

7.5.2012

B7-0228/3

**Amendment 3**

**Tadeusz Zwiefka, Klaus-Heiner Lehne, Martin Kastler, Peter Liese**

on behalf of the PPE Group

**Evelyne Gebhardt**

on behalf of the S&D Group

**Martin Häusling, Margrete Auken**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**B7-0228/2012**

**PPE, S&D, ALDE, Verts/ALE**

Patenting of essential biological processes

**Motion for a resolution**

**Recital J**

*Motion for a resolution*

*Amendment*

J. whereas, in the field of biotechnology, not only the wording of the claims, but the technical teaching of the invention as a whole should be taken into consideration when deciding on patentability;

J. whereas, in the field of biotechnology, not only the wording of the claims, but the technical teaching of the invention as a whole should be taken into consideration when deciding on patentability, ***and this principle of whole content approach has been applied by the European Patent Office and the European Court of Justice in some of their recent decisions***<sup>1</sup>;

Or. en

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<sup>1</sup> *Enlarged Board of Appeal of the European Patent Office, decision of 25 November 2008, G 2/06 (“WARF”), and ECJ judgment C-34/10 (Greenpeace vs. Brüstle).*

7.5.2012

B7-0228/4

**Amendment 4**

**Tadeusz Zwiefka, Klaus-Heiner Lehne, Martin Kastler, Peter Liese**

on behalf of the PPE Group

**Evelyne Gebhardt**

on behalf of the S&D Group

**Martin Häusling, Margrethe Auken**

on behalf of the Verts/ALE Group

**Motion for a resolution**

**PPE, S&D, ALDE, Verts/ALE**

Patenting of essential biological processes

**B7-0228/2012**

**Motion for a resolution**

**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

*5a. Welcomes the recent decision of the European Patent Office in the WARF case<sup>1</sup> and of the European Court of Justice in the Brüstle case<sup>2</sup>, as they appropriately interpret Directive 98/44 and give important indications on the so-called whole content approach; calls on the European Commission to draw the appropriate consequences from these decisions also in other relevant policy areas in order to bring EU policy in line with these decisions;*

Or. en

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<sup>1</sup> *Enlarged Board of Appeal of the European Patent Office, decision of 25 November 2008, G 2/06 (“WARF”).*

<sup>2</sup> *ECJ judgement C-34/10.*