THE PANDORA BOX OF BIOTECHNOLOGY: THE PROBLEMS OF PLAYING WITH NATURE

Based on
The Authors Shujie Feng, Xin Shu, and Ningning Zhang address in their chapter “The Protection of Biotechnological Innovation by Patent in the United States, Europe, France, and China: A Comparative Study from the perspective of the TRIPS Agreement” in the book “China’s Influence on Non-Trade Concerns in International Economic Law” the important topic of regulation of biotechnological innovation. According to Harari’s account in his book “Homo Deus” of the current developments with a potential to shape the future of the world, the innovations in the field of biotechnology together with the developments in the field of artificial intelligence have a major potential to disrupt the world as we know it today. For this reason, the work undertaken by the authors in the pertinent chapter represents an important contribution to the discussion about the future of regulation in the field of biotechnology. Addressing this issue from a legal perspective, the authors conclude that in the state of a still-developing regime of the regulation of this field, the most relevant agreement attempting to harmonize the field of biotechnology to a certain extent is the World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). As an overarching framework, the TRIPS Agreement introduces certain minimum standards as well as a range of flexibilities for the countries to adapt their intellectual property legislation to their economic and technological requirements and needs. As the field of biotechnology raises many questions not only of legal or technical but also of ethical nature, it is important to note that the TRIPS Agreement encompasses also provisions enabling the States to exclude certain sensitive areas from patentability on the grounds of ordre public or morality. As the comparative analysis demonstrates, the compared regions and States have a tendency to share the common concerns and coordinate the regulation approaches; however, their approaches and understanding of morality might also differ in certain aspects. This state-of-affairs also indicates that certain obstacles concerning the efforts to harmonize the field of biotechnology exist and might be hard to overcome. However, whether the overcoming of such obstacles is in the interest of the respective countries remains open. More answers to this and many other questions concerning the regulation of biotechnological innovation are offered by the chapter of the Shujie Feng, Xin Shu, and Ningning Zhang.
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**OUR MISSION**

To collaborate with Government, Civil society and business community to balance the excess of globalization with Non Trade Concerns.

**OUR GOALS**

To influence policymakers, to raise awareness over Non Trade Concerns, to encourage stakeholder participation, and to disseminate gLAWcal's publication results.

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