SYNOPSIS

Thesis Title: Intellectual Property Rights and Publicly funded Biobanks: Perspectives for Industrial and research partnership within Biobanks in Europe

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Biobanks are systemic research structures that contain vast collection of human biological samples and data which are often collected with the intention of future research use. Being involved with genetic information and samples belonging to human being, there exist great ethical concerns in the function of biobanks. There are myriads of academic discussions on consent and governance of biobanks and access to biobank resources. However little has been written on the involvement of intellectual property rights within biobanks and the use of biobank resources in advanced research leading to potentially useful therapeutic or medical end products. The concern over biobank’s research involvement is heightened when industrial partners are involved in such research. The publicly funded biobanks also have important obligations for sharing of resources and dissemination of information. In the face of such obligation, commercial partnerships within biobanks are a hard line for biobanks to cross. One of the major limitations for biobanks to successfully engage with intellectual property rights in biobanks is dearth in understanding of how various IP law functions. The ability of the biobanks to share, access, and reuse data, as well as to integrate data from diverse sources for research or other purposes requires effective technical and legal interoperability rules and practices. The same applies in handling of human biological samples. In this regard, the thesis offers an extensive understanding of the role of different IP laws particularly, Patents, Database rights, Copyrights and Trade secrets within the realms of genomic research. It also identifies the gaps in IP laws to deal with biomedical research. The thesis also examines the potential consequences for involvement of intellectual property rights within research partnerships in biobanks. In this process, the thesis draws the foundational principles of research and commercialization. These principles include the concept of stewardship over resources, public trust for research and finally valourization or seeking value for the research. The research finds that the only way to manage the knowledge emanating from the use of biobank’s resources is to manage the intellectual property inputs and outputs effectively. With this realization the research draws attention to the creation of research environment of sharing without affecting the protection of research results through Intellectual property rights in Europe.