



Reports of Cases

Case C-364/13

International Stem Cell Corporation
v
Comptroller General of Patents, Designs and Trade Marks

(Request for a preliminary ruling from the High Court of Justice (England & Wales), Chancery Division))

(Reference for a preliminary ruling — Directive 98/44/EC — Article 6(2)(c) — Legal protection of biotechnological inventions — Parthenogenetic activation of oocytes — Production of human embryonic stem cells — Patentability — Exclusion of ‘uses of human embryos for industrial or commercial purposes’ — Concepts of ‘human embryo’ and ‘organism capable of commencing the process of development of a human being’)

Summary — Judgment of the Court (Grand Chamber), 18 December 2014

Approximation of laws — Legal protection of biotechnological inventions — Directive 98/44 — Concept of human embryo — Non-fertilised human ovum — Included — Condition — Inherent capacity of developing into a human being — Verification a matter for the national court

(European Parliament and Council Directive 98/44, Art. 6(2)(c))

Article 6(2)(c) of Directive 98/44 on the legal protection of biotechnological inventions must be interpreted as meaning that an unfertilised human ovum whose division and further development have been stimulated by parthenogenesis does not constitute a ‘human embryo’, within the meaning of that provision, if, in the light of knowledge which is sufficiently tried and tested by international medical science, it does not, in itself, have the inherent capacity of developing into a human being, this being a matter for the national court to determine.

(see paras 36, 38, operative part)