

Legal Framework of Biotechnological Inventions: Issues and Challenges

Dr. Harsha Suryawanshi

Associate Professor,

Shri Shivaji Law College, Parbhani, India

harshatoshniwal10@gmail.com

Abstract: *Invention distinguishes human life from living world. Purely creation of human mind and brain, inventions have made far reaching developments in human life. Invention is again created from limited resources by human beings. In quest of better life, man has exploited his inventive mind and designed devices for peaceful healthy life. Important innovative branch of human inventions is biotechnological inventions. Industrialization at the end of nineteenth century paved way to mechanization ultimately resulting into new products and processes used in industry. Advancement of genetic science revolutionized biotechnology and new branch of industry engaged in genetic engineering. All inventions are dealt by patents law which expect that inventions are patentable but not discoveries. Therefore, when question came up for patenting of genetically modified microorganisms, it was answered in negative as it was presumed that microorganisms are naturally occurring entities. In Anand Chakrabarty's case US Supreme Court opined that patent protection is available for a micro-organism that is artificially constructed rather than naturally occurring and new arena unlocked for inquisitive human mind. New branch grew to the patents law under IPR blooming industries engaged in genetic engineering ranging from foods to drugs.*

Keywords: IPR, patent, biotechnological inventions, genetic engineering