

Contrary to morality | Raising objections under section 17(1)

The practice note of 2008 entitled *Contrary to morality | Raising objections under section 17(1)* has caused some confusion with respect to the nature of what would and would not be objectionable under section 17(1) of the Patents Act 1953.

The final paragraph of the 2008 practice note was included to provide a general guide as to the subject matter which may attract an objection under section 17(1) of the Patents Act 1953.

For clarification IPONZ has revised the Practice Note as follows

"Contrary to morality | Raising objections under section 17(1)

IPONZ has reviewed its practice with regard to raising objections under s17(1) of the Patents Act 1953.

IPONZ will continue to raise objections under s17(1) where it appears that the use of the invention would be contrary to morality for New Zealand society as a whole or for a significant section of the community. In doing so, IPONZ considers that it may for any given application under consideration take the following into account: the concerns of interest groups, evidence including appropriate public polls and research, corresponding foreign legislation, caselaw and guidelines.

As a general guide, claims to the following subject matter are likely to attract an objection under s17(1): human beings, processes which give rise to human beings and biological processes for their production; methods of cloning human beings; ; human embryos and processes requiring their use; transformed host cells within a human and other cells and tissues within a human."