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Patent on Rabbits Rejected

Advocacy Groups Applaud Move that Opens Debate on Patenting Animals

Jenkintown, PA—Advocacy groups claim another major victory against animal patents. In response to a legal challenge brought by the American Anti-Vivisection Society (AAVS), the Alternatives Research and Development Foundation (ARDF), and the PatentWatch project of the International Center for Technology Assessment last year, the U.S. Patent and Trademark Office (USPTO) decided to reject, in its entirety, patent number 6,924,413, granted for rabbits and other animals whose eyes have been purposefully damaged.

“The fact that we’re successfully overturning these animal patents brings into question just how valid or legal any animal patent really is,” said Andy Kimbrell of PatentWatch. “The more these patents come under scrutiny, the more we see that animal patents are indefensible.”

In their challenge, the groups argue that animals should not be considered patentable subject matter because they are complex, sentient beings, not inanimate objects like toasters, toothbrushes, and toilet seats. More than 660 patents have been issued on animals since the USPTO granted its first animal patent in 1987.

“Animals are not machines or articles of manufacture,” said Sue Leary, President of ARDF. “The Patent Office should not be providing universities and corporations with incentives to harm animals for economic gain.”

The USPTO chose to avoid the issue, focusing instead on the groups’ case that numerous prior scientific publications demonstrated that the rabbit patent was neither novel nor nonobvious, as required by patent law.

Two thirds of Americans, however, consider it unethical to issue patents on animals as if they were human inventions. In addition, the public sent in over 3,000 petitions to the USPTO in support of the animal patent challenge.

“We’re pleased that the USPTO revoked this patent on scientific grounds, but sooner or later the USPTO will have to confront the fact that animal patents are neither legally valid nor morally acceptable,” said Tracie Letterman, an attorney and Executive Director of AAVS. “Even if we have to take it to the Supreme Court.”

The groups' first challenge to an animal patent succeeded in having the University of Texas drop its patent claims on beagles who were severely sickened and infected with mold. In addition, the Canadian Supreme Court ruled in 2002 that animals could not be patented, further challenging the legitimacy of animal patents in the U.S. The patent holders in the latest case, Japanese-owned Biochemical and Pharmacological Laboratories, Inc., chose not to appeal the ruling, making the patent defunct as of this month.

For more information, including document downloads, visit www.StopAnimalPatents.org

About AAVS

The American Anti-Vivisection Society (AAVS) is the oldest non-profit animal advocacy and educational organization in the United States dedicated to ending experiments on animals in research, testing, and education. Founded in Philadelphia in 1883, AAVS pursues its objectives through legal and effective advocacy, education, and support of the development of non-animal alternative methods.

About ARDF

The Alternatives Research & Development Foundation (ARDF) funds and promotes the development, validation, and adoption of non-animal methods in biomedical research, product testing, and education.

About ICTA

The International Center for Technology Assessment (ICTA) is a public interest and advocacy organization that works to address the impacts of technology on human health, animal welfare, and the environment.

About PatentWatch

The PatentWatch Project of the International Center for Technology Assessment works to expose and challenge the inappropriate use of the U.S. patent system. www.icta.org/patent/index.cfm