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## THE TERM “BIOTECHNOLOGY” IN THE CONTEXT OF INTERNATIONAL LEGAL PROTECTION INTELLECTUAL PROPERTY OBJECTS

Given the versatility of biotechnologies in the modern world, let's take a closer look at the content of the term “biotechnology” in international agreements.

In accordance with the UN Convention on Biological Diversity, “biotechnology” means any type of technology related to the use of biological systems, living organisms or their derivatives for the manufacture or modification of products or processes for the purpose of their specific use [1, art. 2].

According to a report by the Technology Assessment Office of the Organization for Economic Cooperation and Development (1991), “biotechnology includes any technology that uses living organisms (or parts of organisms) to produce or modify products, improve plants or animals, or to breed microorganisms for specific applications” [2].

Chapter V “Biotechnological inventions” of the Instructions for Application of the European Patent Convention establishes in rule 26 (2) “biotechnological inventions are inventions that relate to a product consisting of biological material or containing biological material, or the method by which biological material is produced, processed or used”. According to Rule 26, biological material includes plants, animals and microorganisms [3].

Directive 98/44/EU of the European Parliament and of the Council of the European Union (hereinafter – EU) dated 07/06/1998 “On the legal protection of biotechnological inventions” recognizes biotechnological inventions as an independent object of industrial property law and introduces a new, non-traditional institute of intellectual property law.

Directive 98/44/EU uses the terms “biological material” and “biotechnological invention”, “biological material means any material containing genetic information and capable of self-reproduction or reproducible in a biological system” [4, art. 2]. However, the Directive does not define the concept of biotechnological inventions, as well as the list of objects that qualify as biotechnological inventions.

For the author's definition of “biotechnology”, it is proposed to be guided by the fact that intellectual property in the field of biotechnology can be recognized as a sphere of numerous legal innovations and an emerging special legal regime.

Based on the above, “biotechnologies” should be understood as biological objects created for the production of useful products or being such products in themselves, as well as methods and techniques for creating these biological objects and useful products.

### Список использованных источников

1. Конвенция ООН о биологическом разнообразии 1992 г. [Электронный ресурс]. – Режим доступа: [https://www.un.org/ru/documents/decl\\_conv/conventions/biodiv.shtml](https://www.un.org/ru/documents/decl_conv/conventions/biodiv.shtml). – Дата доступа: 10.03.2024.
2. Patents and innovation: trends and policy challenges [Электронный ресурс]. – Режим доступа: <https://www.oecd.org/science/inno/24508541.pdf>. – Дата доступа: 10.03.2024.
3. Европейская Патентная Конвенция 1973 г. [Электронный ресурс]. – Режим доступа: <https://www.epo.org/en/legal/epc/2020/index.html>. – Дата доступа: 10.03.2024.
4. О правовой охране биотехнологических изобретений [Электронный ресурс] : Директива Европейского парламента и Совета Европейского союза 98/44/ЕС от 06.07.1998 г. – Режим доступа: <https://www.wipo.int/wipolex/ru/legislation/details/1440>. – Дата доступа: 10.03.2024.