



2022 AIPPI World Congress - San Francisco
Adopted Resolution
13 September 2022

Resolution

2022 – Study Question – Patents

Patentability of Diagnostic Methods

Background:

- 1) This Resolution concerns the issues of patentability of inventions regarding the diagnosis of any medical conditions, diseases and disorders (further referred to in this Resolution as "**Diagnostic Methods**").
- 2) Diagnostic Methods as used herein can be expressed in the form of a claim to a method, use or product that is intended for a diagnostic use.
- 3) 36 Reports were received from AIPPI's National and Regional Groups and Independent Members providing detailed information and a comprehensive overview of national and regional laws, practices, and policies relating to issues of patentability of Diagnostic Methods. These Reports were reviewed by the Reporter General Team of AIPPI and distilled into a Summary Report (see link below).

AIPPI resolves that:

- 1) As a matter of principle, patents should be granted without discrimination for any inventions in all fields of technology, including inventions relating to Diagnostic Methods.
- 2) Harmonisation of the laws and regulations concerning the patentability of Diagnostic Methods is desirable as a clear and consistent patentability position

across jurisdictions regarding this issue would simplify the pursuit of patent protection of Diagnostic Methods.

- 3) Such harmonisation would furthermore enhance legal certainty for medical technologies.
- 4) With the aim to incentivise investment in research and development, Diagnostic Methods shall be patent eligible subject-matter. In particular:
 - a) Products and kits shall not be excluded from patent eligibility merely due to the fact that they are intended for applications in Diagnostic Methods.
 - b) Methods and uses involving diagnostic decisions based on one or more biological parameters shall not be excluded from patent eligibility.
- 5) Countries may exempt actions by medical and/or veterinary practitioners in the course of their professional duties from patent infringement.

Link:

- [Summary Report](#)