

## DIRECTIVE 98/44/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 July 1998 on the legal protection of biotechnological inventions

### CHAPTER I

#### Patentability

- Article 1 (1) Member States shall protect biotechnological inventions under national patent...
- Article 2 (1) For the purposes of this Directive,
- Article 3 (1) For the purposes of this Directive, inventions which are...
- Article 4 (1) The following shall not be patentable:
- Article 5 (1) The human body, at the various stages of its...
- Article 6 (1) Inventions shall be considered unpatentable where their commercial exploitation...
- Article 7 The Commission's European Group on Ethics in Science and New...

### CHAPTER II

#### Scope of protection

- Article 8 (1) The protection conferred by a patent on a biological...
- Article 9 The protection conferred by a patent on a product containing...
- Article 10 The protection referred to in Articles 8 and 9 shall...
- Article 11 (1) By way of derogation from Articles 8 and 9,...

### CHAPTER III

#### Compulsory cross-licensing

- Article 12 (1) Where a breeder cannot acquire or exploit a plant...

### CHAPTER IV

#### Deposit, access and re-deposit of a biological material

- Article 13 (1) Where an invention involves the use of or concerns...
- Article 14 (1) If the biological material deposited in accordance with Article...

### CHAPTER V

#### Final provisions

- Article 15 (1) Member States shall bring into force the laws, regulations...
- Article 16 The Commission shall send the European Parliament and the Council...
- Article 17 This Directive shall enter into force on the day of...

*Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After  
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.*

---

Article 18      This Directive is addressed to the Member States.  
Signature

---

**Status:** EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

---

- (1) [OJ C 296, 8.10.1996, p. 4](#) and [OJ C 311, 11.10.1997, p. 12](#).
- (2) [OJ C 295, 7.10.1996, p. 11](#).
- (3) Opinion of the European Parliament of 16 July 1997 ([OJ C 286, 22.9.1997, p. 87](#)). Council Common Position of 26 February 1998 ([OJ C 110, 8.4.1998, p. 17](#)) and Decision of the European Parliament of 12 May 1998 ([OJ C 167, 1.6.1998](#)). Council Decision of 16 June 1998.
- (4) [OJ C 68, 20.3.1995, p. 26](#).
- (5) [OJ L 336, 23.12.1994, p. 213](#).
- (6) [OJ L 227, 1.9.1994, p. 1](#). Regulation as amended by Regulation (EC) No 2506/95 ([OJ L 258, 28.10.1995, p. 3](#)).
- (7) [OJ L 309, 31.12.1993, p. 1](#).