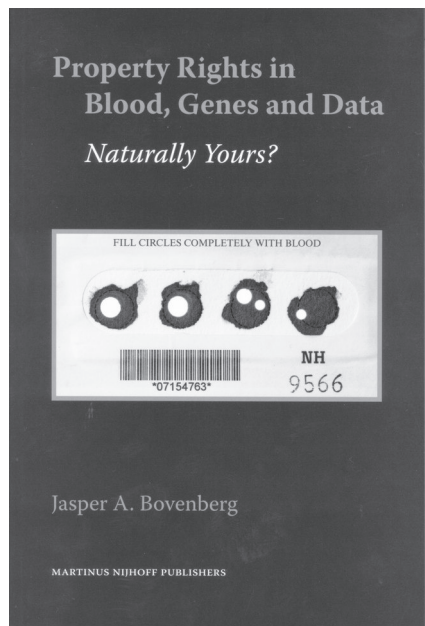


Property Rights in Blood, Genes and Data

Naturally Yours?

Jasper A. Bovenberg



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Who owns our DNA? The intuitive answer to this question is readily apparent: you own your own DNA. However, since Watson and Crick discovered its molecular structure, our DNA has gradually evolved from the *Secret of Life* to a potentially lucrative *Commodity*. This development has triggered conflicting perspectives as to who holds legal title to our blood, genes and related health data. Rather than focusing on a specific property claim in isolation, this book is the first to provide an integrated analysis of the merits of each of these perspectives. While the United Nations have proclaimed human DNA as the

Heritage of Humanity, industry claims it to be patentable subject matter. Whereas populations whose DNA is used in national biobanks claim their DNA as their National Property, individual patients increasingly stand up for their Personal Property Rights in their samples. Meanwhile academic researchers claim their collections of biological materials as their Academic Property. Taking a case and context driven approach and backing up traditional legal analysis with historical analogies, web-surveys and practical experience, Jasper Bovenberg provides counter-intuitive, provocative and practical answers and recommendations for such controversial issues as how to share the benefits of DNA research, whether or not to recognize personal property rights in bodily material and access to biomedical datasets in academia. This book will interest not only lawyers and researchers, but also universities, funding agencies, industry and policymakers worldwide. It is also written to inform patients, their relatives, doctors and anyone else with an interest in a dilemma that is as universal as our DNA.

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1. Introduction; 2. The Properties of DNA; 3. DNA as Universal Property; 4. DNA as Intellectual Property; 5. DNA as National Property; 6. DNA as Personal Property; 7. DNA as Academic Property; 8. DNA as Taxable Property; Conclusions; Index.

Admitted to the New York and Amsterdam Bar in 1990, Jasper Bovenberg has practiced law with major US and Netherlands law firms before starting his own private practice and legal consultancy. His areas of expertise include health law, pharmaceutical law and technology transfer. He is a research fellow of the Academic Medical Centre of the University of Amsterdam and acts as adviser on genetic databases and biobanking to the Human Genome Organisation, the OECD, the Public Population Project in Genomics (P3G) and the Netherlands Royal Academy of Sciences.

