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Table 1: Comparison of stem cell patent systems

	Europe		United States	China	Japan
Patent organ	European Patent Office (EPO)	National Patent Offices	United States Patent and Trademark Office (USPTO)	State Intellectual Property Office of China (SIPO)	Japan Patent Office (JPO)
Statute	European Patent Convention 1973	Directive 98/44/EC on the legal protection of biotechnological inventions (1998)	35 U.S.C. (1952)	Patent Law (1984)	Patent Act (1959); Utility Model Act (1959)
Patents scope	European patent	National patents	National patent	National patent	National patent
Legal organs for appeal	EPO- Technical Board and Enlarged Board	National Courts and Court of Justice of the European Union	USPTO - Patent Trial and Appeal Board	SIPO - Patent Reexamination Board	JPO - Board of Trial and Appeal
Grace period	No		Twelve months	Six months (limited circumstances)	Six months
Moral exclusions	Yes: <i>Ordre</i> public and morality. 1. Processes for cloning human beings; 2. Processes for modifying the germ line genetic identity of human beings; 3. Uses of human embryos for industrial or commercial purposes; 4. Processes for modifying the genetic identity of animals.		No	Yes: laws, social ethics and public interest.	Yes: public order, morality and public health.

Ineligible subject matters	<ol style="list-style-type: none"> 1. Discoveries, scientific theories and mathematical methods; 2. Aesthetic creations; 3. Schemes, rules and methods for performing mental acts, playing games or doing business, and programs for computers; 4. Presentations of information; 5. Human body, at the various stages of its formation and development; and 6. Methods for surgical or therapeutic treatment of the human or animal body and diagnostics methods applied to the human or animal body. 		<ol style="list-style-type: none"> 1. Abstract ideas; 2. Laws of nature; 3. Natural phenomena; and 4. Human organisms including embryos and fetuses. 	<ol style="list-style-type: none"> 1. Scientific discoveries; 2. Rules and methods for intellectual activities; 3. Animal or plant varieties; 4. Methods for the diagnosis or treatment of diseases; 5. Substances obtained by means of nuclear transformation; 6. Designs that are mainly used for marking the pattern, color or the combination of the two of prints; and 7. Human body at various forms and developmental stages including germ cells, fertilized eggs, embryos and individuals. 	<ol style="list-style-type: none"> 1. Laws of nature as such; 2. Mere discoveries and not creations; 3. Those contrary to a law of nature; 4. Those in which a law of nature is not utilized; 5. Personal skills; 6. Mere presentations of the information; 7. Aesthetic creations; and 8. Methods of surgery, therapy and diagnosis of humans.
Ineligible types of ESCs	hESCs involving the destruction of human embryos whenever the destruction takes place.	hESCs involving the destruction of human embryos or its use as a base material whenever the destruction takes place.	No	hESCs and animal ESCs.	No explicit exclusion of hESCs but patents for inventions that include the step of destroying a human embryo have been rejected for moral reasons.