

Introductory comments: Dr Roman Cholij

First of all, I would like to begin by thanking:

- Kilburn & Strode for generously hosting this event,
- Thanks my co-editors Prof Tom Berg and Dr Simon Ravenscroft for all their work,
- To our speakers Duncan Matthews and Christopher Rennie-Smith
- to Tom Leonard who has kindly agreed to facilitate this evening's proceedings.

I am going to give some background to this very special book project that reflects on biotech patents, not just from the perspective of general social or political ethics (which it does), but in particular from the perspective of, or with the particular contribution of, religious ethics. This appears from the very title of the book '**Patents on Life: Religious, Moral and Social Justice aspects of Biotechnology and Intellectual Property**'. Tom Berg will speak about the book's contents in a little while but I will say a few words about how and why this book came about.

The book developed out of an international conference that was held in 2015 at St Edmund's College Cambridge, which I organised with Tom, with the great assistance of Simon Ravenscroft and some others. The conference was titled was '**Patents on Life: Through the Lenses of Law, Religious Faith and Social Justice**'. The event originated at the Von Hügel Institute, within St Edmund's and was partnered and co-sponsored by the Terence Murphy Institute of the University of St Thomas in Minnesota, USA.

The Von Hügel Institute (VHI), of which I am a Research Associate (in addition to being an IP practitioner), is an academic research institute based at St Edmund's College, University of Cambridge. It was founded in 1987, and named after Anatole von Hügel (1854–1928), naturalist and co-founder of St Edmund's College together with Henry Fitzalan-Howard, 15th Duke of Norfolk. The VHI was established, according to the College's Ordinances, to 'preserve and develop the Roman Catholic tradition of the College' by carrying out research on Catholic Social Teaching, on the relationship between Christianity and society, and on issues of social justice.

St Edmund's is unique within Oxbridge as having both this institute and a Catholic Chapel and Dean.

Among our patrons are Professor Mary McAleese, former President of Ireland and Professor Rowan Williams, former Archbishop of Canterbury and Master of Magdalene at Cambridge, and Our Director, Dr Philip McCosker, is also vice-master of St Edmund's.

The VHI was approached in 2012 by a representative of the Holy See with the idea of looking at the patent system in relation to biotech and genetic resources. The Papal nuncio and permanent observer before the United Nations in Geneva, Archbishop Silvano Tomasi, commissioned a study to provide a framework guided by the principles of Catholic Social Teaching that could be fed into the work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

The mandate of this committee is to reach agreement on the text of an international legal instrument which will ensure the effective protection of traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources.

The legal text for Genetic Resources deals with the potential for the patent regime to facilitate the socially desirable objective of equitable benefit sharing for the keepers of genetic resources and Traditional Knowledge.

The Holy See's invitation for us to participate in this work was both an honour and a challenge for the VHI, but successfully resulted in a published report entitled '**Patents on Genetic resources? A Catholic Perspective on the World Intellectual Property Organization**' of which I had the privilege to be the principle author. It was published by the Caritas in Veritate foundation set up by the papal nuncio to assist him in his work, and then shared with many member representative groups within the United Nations for reflection and discussion.

The intellectual framework within which the study was set involved the foundational principle that religious discourse is relevant to society, and the principles that form the pillars of catholic social teaching:

- that law making and the organisation of society should be guided always by the pursuit of the common good,
- the principle of the universal destination of goods, with particular regard to the poor, namely, that possession of goods – tangible or intellectual - is a good of society (individual or group) but can never be an absolute principle or value given that the planet and its resources which is God's creation is meant for the sustenance and enjoyment of all.

- **These principles dictate, when distilled, that, ownership of property, including intellectual property, should be regulated by the criteria of justice, equity and respect of human rights.**

This framework allows for the development of a distinct discipline in academic research of a particularly Christian perspective on the social function of intellectual property, also called by Catholic writers **IP's social mortgage or its social encumbrance**, that includes social and distributional justice, as well as its other morality constraints.

This nascent academic discipline is just beginning to make its appearance in a handful of research centres including at the Murphy Institute that itself held in 2013 an inter faith symposium on religion and IP.

My research on the Patents on Genetic Resources project also revealed an already existing corpus of writings from within the Catholic Church which I felt deserved to be better known, further explored and publicly discussed.

This would be done at the Cambridge international conference, at the same time expanding the scope of the inquiry into life science patenting and including other faith perspectives. The conference was organised such as to bring together in one forum leading scholars of law and of theology, legal practitioners, representatives from industry and NGOS and especially representatives of different faiths, but especially from the Vatican.

The book that we are now launching unfortunately could not include, for reasons of space and balance, a number of excellent contributions (not even that of Lord Justice Richard Arnold who gave one of the first presentations!) but Tom and I are enormously grateful to all those participants for having given the project a great push forward, which has led to this publication, and hopefully will continue to spawn great future work.

It gives me great pleasure to hand over back to Tom and Duncan.