

Biobanche di ricerca tra proprietà, privacy e proprietà intellettuale. Un approccio Lawtech

GIOVANNI PASCUZZI e ROSSANA DUCATO

Abstract: Since their appearance on the scientific panorama, research biobanks have fueled the ethical and legal debate, raising several issues. What is the nature of the biological sample? Who owns it? Who is entitled to manage it? How to ensure the anonymization? What role plays the informed consent? What are potential harms in the processing of the genetic data derived from the sample? Is it possible to patent something from the biobank's stored materials? And if yes, who is the beneficiary? The biobanking's activity is the crossing of macro-areas of law such as property, personality rights, intellectual property and contracts. All of these are stimulated in a new and dynamic context, and then the lawyer has to master the scientific and technological dimension of such a phenomenon. Research biobanks have to be studied with a multidisciplinary approach. In this perspective, the paper aims at pointing out the most critical issues coming from the intersection between biobanks and law.

Keywords: Law and technology, Research biobanks, Comparative law.