

Morality in the Unitary Patent System

A Universal Method of Legal Interpretation

Joanna Wisniowska, University of Nottingham, UK

'Joanna Wisniowska's examination of the "ordre public" exemption is the clearest and most complete treatment of this issue I have seen. It will surely become the touchstone for anyone pursuing work on this important and under-researched issue in patent law.'

– Clark Wolf, Iowa State University, USA

'The book provides new insights in a detailed and forensic analysis of the challenges that the morality exception entails for the Unified Patent Court. The book develops a method of interpretation that is original in setting out how these challenges can be overcome. Highly recommended for scholars of the UPC.'

– Duncan Matthews, Queen Mary University of London, UK

'Joanna Wisniowska delivers a rigorous and original examination of the morality exception within the Unitary Patent System. By articulating the interpretative methodology of systemic functionalism, this work makes a substantive contribution to patent law scholarship, enhancing theoretical understanding while equipping adjudicators and practitioners with structured analytical tools.'

– Timo Minssen, University of Copenhagen, Denmark

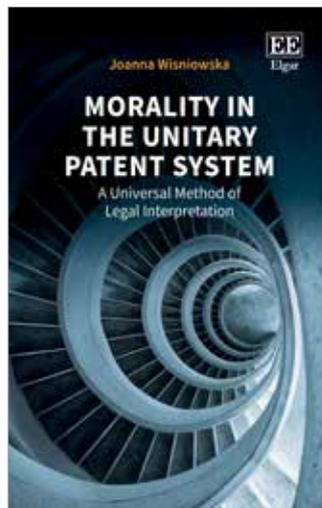
'We live in fascinating times, as a unique legal system with a distinct structure unfolds before our eyes - posing both challenges and opportunities for IP scholars. Joanna Wisniowska tackles the morality clause in patent law with an incisive and methodical approach, turning it into a springboard for a bold and original interpretative framework.'

– Anna Tischner, Jagiellonian University, Poland

Under the rules of European patent law, inventions whose commercial exploitation is contrary to morality are denied exclusive protection; however, there is currently no standardised mechanism for interpreting the morality exception. In this pioneering book, Joanna Wisniowska proposes a novel method of interpreting the morality clause in European patent law.

Following the establishment of the Unified Patent Court in 2023, the need for a universal method for interpreting the morality clause has become more evident. Through interdisciplinary and legal theoretical analysis, this book searches for a standardised mechanism for interpreting the morality exception to be applied by both national and supranational patent authorities. Wisniowska revisits principles of legal theory and combines them with analysis of other areas of private law equally familiar with exceptions and limitations invoking immorality. Drawing on rules of statutory interpretation, the author proposes a method of 'systemic functionalism' that considers morality as a legal term, tailored to the needs of supranational patent authorities. The concluding chapter provides a guide to the new method's operation through a series of case studies based on recent innovations in the field of biotechnology.

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