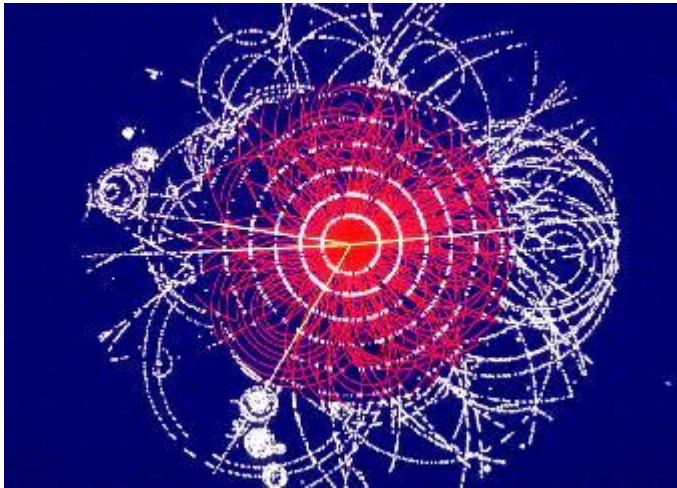


WHAT IF THE “HOLY GRAIL” WAS PATENTABLE?



Physicists at CERN confirm detection of the elusive Higgs Particle which is deemed to be essential to an understanding of the Universe. The Higgs boson is the “Holy Grail” for particle physicists because it is the missing link in particle physics’ theory which models how particles get their masses and how they interact with forces such as gravity.

Though the ways in which this finding will aid society may not be immediately clear, they will inevitably come, just as they have for other fundamental discoveries in physics.

Try to imagine that the discovery was patentable and the scientists from CERN became owners of a patent claiming this particle and all its potential applications. This would have major implications for society especially if they required a royalty of even as little as 1p per Higgs Boson particle per annum. For example, if patents were obtained globally then let’s do some simple maths:

- a) There are 7×10^{27} atoms in the average human body, and a similar number of Higgs Boson particles (assuming a 1:1 ratio of atoms to Higgs Boson particles)¹;
- b) The royalty per person per annum would be $£7 \times 10^{25}$; and
- c) There are approximately 7 billion people on the planet, thus the total royalties payable to the owners of the patent would be $£49 \times 10^{34}$ per annum

The above **royalties would alone bankrupt the world** and the only people with money would be the owners of the Higgs patents. On top of this every time we breathe in we consume approximately 2.7×10^{19} atoms each of which includes at least one Higgs particle² and thus **enormous royalties would be payable every time we took a breath**. In fact every part of our life such as washing, eating, drinking, communicating, using electronic devices and wearing clothes would require the payment of royalties. Fortunately, the law makers on this third rock from the Sun have decreed that patents for discoveries and scientific principles as not patentable.³

And let’s not even mention the likely result of the remedies afforded to patent infringement!!

By Steven Cosgrove and Vanda Pichova, Franks & Co European Patent & Trade Mark Attorneys

¹ This is just an assumption. In classical Newtonian physics there are zero Higgs boson particles whereas in non-conventional physics there can be numerous Higgs boson particles coming into existence every second.

² This is also an assumption.

³ The patents Act 1977 (as amended) Section 2(a).