

## REPORT OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS

CEJA Report 3-I-07

Subject: Amendment to Opinion E-9.095, "Trademarks, Patents, Copyrights, and Other Legal Restrictions on Medical Procedures"

Presented by: Mark A. Levine, MD, Chair

Referred to: Reference Committee on Amendments to Constitution and Bylaws  
(Jane C.K. Fitch, MD, Chair)

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*The following recommendations were adopted as AMA Ethics Policy at the 2007 Interim Meeting of the AMA House of Delegates. The full report may be available online at <http://www.ama-assn.org/go/cejareports> or upon request by calling (312) 464-4823.*

### RECOMMENDATION

The Council recommends that Opinion E-9.095, "Patenting of Medical Procedures," be amended as follows and the remainder of the Report be filed.

#### E-9.095 The Use of Patents and Other Means to Limit Availability of Medical Procedures

Physicians have ethical responsibilities not only to learn from but also, when possible, to contribute to the total store of scientific knowledge. Physicians should strive to advance medical science and make their achievements known through publication or other means of disseminating such information. This encourages physicians to innovate and to share ensuing advances.

The use of patents, trade secrets, confidentiality agreements, or other means to limit the availability of medical procedures places significant limitation on the dissemination of medical knowledge, and is therefore unethical. (V, VII)

Issued June 1996 based on the report "Ethical Issues in the Patenting of Medical Procedures," adopted June 1995 (Food & Drug Law J. 1998; 53: 341-57).

(Modify HOD/CEJA Policy)