

NO TO PATENTING DNA

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THE STORY

The Supreme Court of the United States in a landmark decision has ruled that companies may not patent human genes.

The decision handed down in the last couple of years involved the patents granted to Myriad Genetics, who had applied for and been granted patents for the exact location and sequence of two genes, BRCA1 and BRCA 2 (the genes implicated in breast and ovarian cancer).

The result of these patents was that any patient whose family history put them at risk for breast or ovarian cancer had to send their samples to Myriad Genetics for testing at a cost in excess of USD \$4,000.

Following the Supreme Court ruling, the UW Department of Laboratory Medicine announced that it would provide clinical testing for mutations in the BRCA1 and BRCA2 genes as part of the BROCA Cancer Risk Panel.

The Supreme Court decision is thus clearly a victory for patients, their families and common sense.

The decision does not mean that no genes can be patented. Only naturally occurring genes are covered by the decision. Artificially created genes are still able to be patented. An example of this is what is called 'composite' DNA which is DNA created out of components of naturally occurring DNA.

The court found that composite DNA or cDNA is patentable because it is artificially created.

The decision could result in a flood of patentable gene variants, which could make Frankenstein-like creations very much the reality.

The court decision while hugely legal and scientific in nature seeks to strike a balance between the common sense approach that naturally occurring genes should no more be as patentable as our liver or pancreas should be patentable. The decision also attempts to strike a balance between the sanctity of rights to the human body with the rights are rewards usually awarded to invention, research and new discoveries which of the patents are suppose to protect.

The true ramifications of the decision is still to be felt but for

now it is clear that at the very least those at risk of ovarian and breast cancer have been given a helping hand by the courts.

THE DESIGN(ER)

(This space will be reserved for a write up about the thought process behind the design and also a bio of designer and contact details).

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- the thought process behind the design
- a short bio of yourself
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