

knowledge of human genetics is being enlarged. There are only two flies in the ointment: a document of 164 pages that deserves to be widely read costs £22.50 from the government printer, while parliamentary precedent suggests that the committee itself may go out of business now that the Office of Science and Technology has thoughtlessly been made a branch of the Department of Trade and Industry (when there will be a row).

In three respects, the committee goes further than others have recently done. On the patenting of genes and parts of genes, the committee correctly concludes that what matters is not legalistic argument on whether a cDNA copy of a gene without its introns is an artefact in the sense of patent law, but whether it has utility in that context. Sequence tags should no more be patentable without a specified application than entire genes, the law that allows the use of patented techniques without royalty in bona fide research (shades of the use of the polymerase chain reaction in academic laboratories) should be clarified and the danger that patent offices, relying on precedents, will tend to grant over-broad patents in quickly moving fields — all these are cogent arguments to make. The committee is right to conclude that the European Union is unlikely to draft a useful directive in time to meet urgent need under these and other headings. (The European Parliament scuppered this year's approximation.) Maybe the British government should reconcile itself to an annual updating of its Patents Act 1977.

Employment and insurance are the other traditional hot potatoes; genetic diagnosis can in each case proscribe individual rights. On the former, the committee draws a clear line. When and if there is reason to believe that people with specified genetic constitutions are at risk from the work they do, or are a risk to others, genetic screening should be allowed for those conditions only. That is fair. On insurance, the committee notes that British insurance companies now require disclosure of genetic tests already carried out, but not further testing. It also recognizes that that state of affairs will not last long. The committee would give the insurance industry a year in which to put forward constructive proposals or face the hazard of legislation. It would have been more helpful if the committee had said what legislation it has in mind.

On regulation, the committee's chief proposal is that there should be a statutory Human Genetics Commission, with powers ranging from the approval of genetic screening programmes and the licensing of private companies offering such services to the provision of advice on the regulation of the insurance industry and the amendment of patent law. In the committee's vision, existing arrangements for gene therapy would be subsumed. That is not just another quango, but a quango and a half. All the tasks spelled out are urgent. The first need is that they should be done. The second is that they should be done carefully as well as quickly. The committee might have made the point (but does not) that the specified tasks span the interests of several departments. Against its instincts (quangos are unpopular), the government should listen. □

Spare the messenger!

Demands for censorship of the Internet are both impracticable and unwise.

THERE is an unrefereed tale that an election poster proclaiming "Public Meeting: How Labour [or Tories] will govern" was defaced by some wag who had appended "Next Week: How to nail jelly to the ceiling". Those who wish to curb activities on the Internet must reconcile themselves to similar frustrations. That is why users and service providers in Britain should welcome the eminently practical plan of the Lord Chancellor, Lord Mackay of Clashfern, to publish in the next few days draft legislation to regulate one possible abuse: defamation. Mackay's Defamation Bill would protect providers of online services from legal action over defamatory messages disseminated under their aegis. It should thus deflect calls for the Internet to be policed or censored, and encourage users to be more responsible.

The Defamation Bill would not abolish defamation suits arising from electronic messages, but would protect those users, certainly the majority, who use the Internet in the normal course of business, and who have adopted a culture of excessive politeness in their electronic discourse. But service providers will be the chief beneficiaries. It would be wrong for a small service provider to be driven to bankruptcy, and those subscribing to that service inconvenienced, through the bruised sensibilities of a single user.

Mackay's Defamation Bill will therefore turn the spotlight onto the global gaggle of Usenet groups, the source of most grievances about the content of the Internet. The distinction between service providers and Usenet groups is important. The former are not so much publishers as conduits through which subscribers can receive a variety of online services, electronic mail included. The Usenet, by contrast, is a collective noun for the thousands of special-interest bulletin boards accessible to any Internet user through a service-provider, usually for no additional charge. The topics range from computer-buffery to hard pornography. New Usenet groups are formed every day, and old ones die out almost as quickly. Their ephemeral nature makes policing impractical.

Usenet groups are self-regulated in that the content of some of them is monitored by private enthusiasts, known as moderators, who are thus analogous to publishers or editors. Mackay's planned absolution of service providers means that Usenet moderators will be next in line for legal action, and will presumably become more scrupulous about what they let through. But if the Usenet climate then becomes more responsible, advocates of censorship will have fewer grounds for complaint. The US Senate's recent vote to make the use of the Internet for pornographic purposes a criminal offence is unlikely to survive the declared opposition of the Speaker of the House of Representatives, but a less colourful Internet would be an improvement. As things are, most Usenet postings are of no interest to socially well-adjusted people over the age of twelve. □