

NCI and Pasteur reveal details of AIDS foundations

- Eighty per cent of royalties go to research
- Human behaviour "must change"

Paris

THE Institut Pasteur and the US Department of Health and Human Services (HHS) last week put the official seal on a settlement agreement, announced in March this year, ending their dispute over ownership of the patent rights to the commercial blood test for antibodies to the virus causing AIDS (acquired immune deficiency syndrome) and over the claim to discovery of the virus (see *Nature* 326, 533; 1987).

Following the official signing at a ceremony at the Institut Pasteur in Paris on Friday, 4 December, Raymond Dedonder, director of the Pasteur and Robert Windom, US Assistant Secretary for Health, handed over cheques totalling \$3.7 million to endow two foundations — the French and American AIDS Foundation and its offspring, the World AIDS Foundation. The intention to set up a French and American AIDS Foundation was announced in Washington on 31 March this year by President Ronald Reagan and French Prime Minister Jacques Chirac.

Under the terms of the settlement agreement, each party agrees to donate to the French and American AIDS Foundation 80 per cent of royalties it receives from sales of the antibody screening kit, estimated at over \$4 million a year.

The foundation will fund international research into "the cause, detection, prevention, treatment and cure of AIDS", with 25 per cent going to research and educational projects benefiting developing countries. It will be directed by a board comprising three nominees from the HHS and three from the Institut Pasteur.

Luc Montagnier, of the viral oncology unit of the Institut Pasteur and Robert Gallo, of the US National Cancer Institute — who were at the centre of the patents dispute — used the occasion to issue a joint statement emphasizing their intention to "continue to share ideas, information and reagents" — a cooperation which, Gallo stresses, was not interrupted by the legal battle. For Montagnier, the formation of the French and American AIDS Foundation was "an extremely positive and happy conclusion" to the dispute.

Earlier this year, with encouragement from Jonas Salk, Montagnier and Gallo jointly authored a chronology of critical published findings leading to "the discovery and establishment of AIDS as a retroviral disease" (see *Nature* 326, 435;

1987). The chronology, supporting the "joint invention" of the AIDS virus antibody test kit, also formed part of the agreement legally executed in Paris last week, together with mutual licensing of the blood test — and of any improvements to it — and the co-signing of existing patent applications.

To facilitate the rapid sharing of results, a worldwide communications system, to be known as 'WIN', will be created. "This will become the basis of an international data bank of AIDS information, including fundamental and clinical research", said Gallo.

Lawyer Ira Millstein, of Weil, Gotshal and Manges, who acted for the Institut Pasteur in the patents dispute, announced the intention of the French and American AIDS Foundation to establish a non-governmental World AIDS Foundation, with a broader, more socially orientated remit. According to Millstein, "the precise priorities of the foundation will be decided by the board of governors" with policies intended to complement the work of the World Health Organisation and various governmental agencies "to develop public consensus over the health policies required to contain the spread of AIDS". Both Montagnier and Gallo are to be members of the board of governors. The World AIDS Foundation will be funded initially by the French and American AIDS Foundation, but will be expected to attract future support from independent fundraising.

Until a vaccine against AIDS is found, Millstein added, "containment of the disease will require change in human behaviour". He hoped that the World AIDS Foundation would play a role in ensuring that governments' health policies are based on "the best knowledge, information and medical judgements" and not on "misinformation, lack of knowledge or prejudice" — a view endorsed by French Health Minister Michèle Barzach.

The poetic justice of using money from sales of the antibody test-kit to fund research escaped neither Barzach nor Robert Robertson, General Counsel for the HHS and member of the World AIDS Foundation governing body. "In this way", said Robertson, "every time a unit of blood is tested, not only does the safety of the blood supply increase, but also the resources available for AIDS research grow".

Peter Coles
AIDS vaccine developments, see page 509.

AIDS report produced early

Washington

DESPITE controversy and ideological clashes, the US "Presidential Commission on the HIV Epidemic", named after the virus that causes AIDS, put out its preliminary report last week. The report identifies four key areas that the commission will focus on in the coming months: the accumulation of realistic data on the spread of the HIV virus in the United States, more home health care for AIDS patients, increased development of drugs to treat AIDS and the expansion of drug abuse treatment programmes.

The commission issued the report six days earlier than its 90-day deadline, despite the resignation of its chairman and vice-chairman two months ago over internal conflicts (see *Nature* 329, 570; 1987), and a lawsuit brought by public-interest groups claiming that the commission lacks ideological balance and members who are affected directly by AIDS. Critics also blame President Ronald Reagan for establishing the commission as a political solution to the AIDS problem that is not likely to work.

The poor performance of the commission has prompted a review of the Federal Advisory Committee Act — the act that authorizes the creation and governmental supervision of committees to advise the President — by the Senate Governmental Affairs Committee and an investigation of the commission by the General Accounting Office. The commission's new chairman, retired Admiral James D. Watson, testified before the Senate last week that although the commission had "no working strategy" when he first took over, it is now on track and working towards its goals.

The commission's final report and recommendations on the legal, ethical, social, medical and economic implications of AIDS is due next September. Watson says a series of interim reports on the four most critical topics will be issued in February.

At a news conference announcing the commission's report, the Secretary of Health and Human Services, Otis R. Bowen, also announced that the random blood-testing of the US population to determine the prevalence of HIV would be postponed. In the meantime, a 'family' of surveys based on anonymous blood samples taken at selected hospitals and clinics will be administered in the 20 cities with the highest incidence of AIDS, and in 10 other cities with a low to moderate number of AIDS cases. Bowen said that the previous estimate of 1 to 1.5 million people in the US infected with HIV is probably still valid.

Carol Ezzell