

Let the French sue

A lawsuit against the US over the AIDS patent would finally bring all of the hard facts into open court.

THE case of *France v. United States*, or *Luc Montagnier v. Robert Gallo*, has been reopened by the French in the light of new data showing that the virus used in the US blood test is, as long thought, identical to the virus first discovered in France.

The dispute over the AIDS virus was first resolved in 1987 when a legally binding settlement over the rights to the patent for the AIDS blood test was signed by the French and US governments. Despite an agreement to share the credit and the royalties, and a legal promise not to reopen the case, the dispute has not come close to final resolution. This is demonstrated most vividly by a recent decision by US government lawyers to forbid a meeting at the National Institutes of Health (NIH) at which Gallo was going to be questioned about aspects of his laboratory's AIDS research (see page 3).

Underlying the US government's timidity is the fear that whatever Gallo said might undermine sensitive negotiations in Washington right now. The French are arguing privately that the US has a "moral duty" to give the French more than the agreed 50 per cent share of the patent royalties, now that it is clear that a previously unrecognized virus contaminated cell cultures in Montagnier's laboratory in 1983 and subsequently contaminated cells in Gallo's laboratory.

The French, represented by a New York law firm, have said that if there is no revision of the settlement agreement, they will take the US government to court. This should not be made or taken as a threat. If the French believe they can make a fair case for an increased share of the royalties, they should not hesitate to do so. If the United States believes that Gallo rightly earned 50 per cent of the credit for developing the patented blood test, it should not be reluctant to defend itself. (At present, the royalties, which come to about \$50 million, are split between the US government, the Pasteur Institute, and a new AIDS research foundation created as part of the 1987 settlement.)

For the sake of research and patients infected with the lethal human immunodeficiency virus that causes AIDS, this dispute must come to an end. Numerous attempts by various investigatory bodies, comprised largely of scientists, have failed to resolve points of contention about who said (or did not say) what to whom and when. Rumour and innuendo are carrying the day.

Scientists hesitate to go to court, but it could be that in this case the issues can be resolved only on the basis of hard facts that stand up in a court of law. Neither the NIH nor the US Congress should have any position of authority in evaluating the French case. Evidence should be brought out into the open; each party should cross-examine the other in court where all interested parties can observe the proceedings. It is now, perhaps, the only way people can ever be satisfied that justice has been done.

It often sounds pious to say that the real cost of scientific disputes is disruption of scientific research, possibly at the cost

of human lives. But in this case, the point may be fair. In Paris, four French health officials are on trial, charged with allowing AIDS contaminated blood to be distributed for five months after the US test was on the market (see page 6). The French government has acknowledged that some officials refused to approve the US test until a French test became available. More than 1,500 people (many of them haemophiliacs) are reported to be infected as a result.

There is no way to quantify the progress that might have been made if Montagnier and Gallo had been able to spend the past years fighting the AIDS virus instead of each other, but it is time for research to take precedence. And efforts to rewrite the settlement should not be made in private negotiations. □

Billion bites the dust

Nature intends that a billion should henceforth mean what others intend.

THIS journal hereby abandons a tradition that has served it well, if increasingly awkwardly, for close on 125 years. In this issue and from now on, the English word 'billion' will be understood as meaning 10^9 rather than 10^{12} . It is earnestly hoped that readers will not mistake this upheaval in editorial practice for the witless indulgence of innovation for its own sake. Rather, it is a case where tradition has been overwhelmed by others' usage.

For many years, it has been difficult to dragoon correspondents into describing, say, the US federal deficit as "close on \$500,000 million"; their base inclination is to say "\$500 billion", this journal's belief that even the US federal deficit cannot amount to $\$5.10^{14}$ in this or even the next presidency notwithstanding. Similarly, there have been difficulties over the age of the Earth, henceforth 4.5 billion years (but not, yet, '4.5 b.y.'). More to the point, confusion about the meaning of 'billion' has created circumstances in which the word can hardly be used at all. To say that the US Gross National Product is a "few billion dollars" (which is true if one billion is 10^{12}) would seem demeaning to US taxpayers, most of whom consider themselves to be collectively three orders of magnitude better off. So the use of a valuable word has been sterilized and circumlocutions such as "500,000 million" have proliferated.

That is why, after a long struggle, it will in future be permissible for correspondents and contributors to use 'billion' in the sense of 10^9 . It is however, of the utmost importance that writers and would-be writers, whose frequent inventiveness in the use of words is often matched only by their indifference to the ugliness of what they thus do, should not regard this momentous change as a sign that the flood-gates are about to open. In particular, the word 'trillion' (for either 10^{12} or 10^{18}) will not be used except in direct quotations. Despite the permissiveness of Fowler's *Modern English Usage*, infinitives will not be split. And while nouns such as 'walk' are also verbs, not every noun can be dealt with in that way, as in "the sample was aliquoted . . .". There must, after all, be some standards. □