

British MPs 'likely to oppose gene patents'

London. As the European Parliament prepares to vote on whether human genes should be patented, members of an all-party committee of Britain's House of Commons indicated last week that they are likely to recommend that patents should not be allowed on "naturally occurring nucleotide sequences".

Alan Williams (Labour, Carmarthen), a member of the Commons' Select Committee on Science and Technology, which is conducting an inquiry into human genetics, said there is a "growing consensus" among committee members that DNA sequences should be considered as "pure knowledge" — and thus should not be patented.

Williams' European colleagues are due to vote on 1 March on harmonizing biotechnology patent legislation throughout the 15 member states of the European Union. In particular, they are being asked to endorse a controversial draft directive arrived at after seven years of negotiation between the European Commission, the Council of Ministers (representing EU states), and the European Parliament (see *Nature* 372, 310; 1994).

A compromise text, agreed by representatives of each of the three organizations last month in a so-called "conciliation committee", would allow patents on human genes. These would be patentable as parts of the human body that are "obtained by a technical procedure in such a way that they cannot be linked to a specific individual".

Despite the agreement on a common wording, separate interpretations of the draft have been put forward by the council and the parliament. The council emphasizes that the proposed directive would allow for parts of the body (such as genes) to be patented once they have been isolated from the 'human environment'.

Blood transfusion chief is refused parole

Paris. A Paris tribunal last week reversed the decision of a parole board to release Michel Garretta, the former head of the French National Blood Transfusion Centre (CNTS), who was imprisoned in 1992 for supplying haemophiliacs in the mid-1980s with blood products contaminated with HIV (see *Nature* 364, 269; 1993).

The tribunal was convened following an appeal against the parole board's decision by the public prosecutor's office. That appeal — an unusual step in France, as parole board decisions are rarely contested — followed a demand from the minister of justice, Pierre Méhaignerie, that Garretta should remain in prison because of the need to maintain "public order".

The tribunal subsequently decided that Garretta's release would interfere with the "appeasement of the justifiable resentment

of the victims". The decision sent shock waves through the legal establishment, as it established that public opinion can play a determining role in parole cases.

The tribunal's ruling comes six months after the Paris bar association publicly warned the legal system against bowing to public pressure in the contaminated blood affair. Writing recently in the journal *Médecine et Sciences*, Axel Kahn, of the Cochin Institute of Molecular Genetics in Paris, compared the affair with previous instances in French history when individual men have been wrongly convicted to satisfy public opinion.

The newspaper *Le Monde* alluded to the same risk in an article about last week's ruling, stating that "if the idea of vengeance enters the courtroom, we renounce the state of law".

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not a question of individual human dignity, but collective human dignity."

British parliamentarians who expressed opposition to patents on DNA sequences (including genes) during a hearing in London last week adopted a more pragmatic approach, arguing that giving companies the rights to nucleotide sequences could interfere with the ability of researchers to pursue complex genetic diseases.

The current system was defended by Paul Hartnack, the comptroller-general (head) of the UK Patent Office, who claimed that it is sufficient to disallow patents on gene



sequences of unknown function. Once a gene has been discovered and its function identified, he claimed, the work stemming from this discovery is basically "applied research" — and so would be adequately covered by existing licensing practices.

Members of the committee, however, argued that this did not address the full complexities faced by research teams working on diseases caused by the interaction of several genes, where uncertainty about the relative licensing rights of the 'owners' of each gene could put off potential sponsors of the research.

"Our concern is that if someone discovers and then patents a particular gene, that will increasingly complicate, slow down and make more expensive the process of working out its interaction with other genes in the human body," said committee member Spencer Batiste (Conservative, Elmet).

Derek Wood, the Patent Office's chief examiner for biotechnology patents, received a sceptical response from the committee when he claimed that a gene isolated from the genome is not the same as when it is found in nature on the grounds that the former has had its introns deleted.

The select committee's report, which will cover all aspects of human genetics, is not due to be published for several months. But the scepticism expressed by its members at last week's meeting may well reverberate during the European Parliament's debate next month.

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