

US science lobby intensifies attack on database pact . . .

Washington. US scientific leaders have stepped up their attacks on a proposed treaty on ownership of computer databases drawn up by the World Intellectual Property Organisation (WIPO). The scientists argue that it could undermine the activities of researchers in disciplines ranging from climatology to human genetics.

The biotechnology industry has joined professional organizations representing most US physicists and biologists in condemning the draft of the proposed treaty. It is one of three draft treaties on intellectual property that will be discussed in three weeks of negotiations starting next Monday (2 December) in Geneva.

The critics believe that the US Patent and Trademark Office (PTO) has endorsed a draft that favours the commercial compilers of databases, and has left the views of scientists and other database users out in the cold (see *Nature* 383, 653; 1996).

The National Research Council (NRC), the operating arm of the National Academies of Science and Engineering, last week took the unusual step of releasing an early draft of an assessment of the draft treaty by its committee on scientific data exchange.

The review condemns the WIPO draft as "overly protectionist", and calls on the White House Office of Science and Technology Policy (OSTP) to slow work on it "to a rational pace", to consult scientists properly and to ensure a "fair use" provision

that guarantees free access to information for research purposes.

Science lobbyists in Washington are criticizing OSTP for failing to spot problems with the draft earlier in the year. The text was prepared by the PTO in the US Department of Commerce and has the support of the US government. But OSTP officials argue that they addressed the issue promptly, and that scientists' concerns will be taken into account at the Geneva negotiations.

At a meeting organized by the NRC last week, David Schmickel of the Biotechnology Industry Organisation said that his industry was "united in opposition to this treaty, because of the uncertainty it would cause". Schmickel said the draft treaty defined databases too broadly, would obstruct public access to gene sequence data and fragment sources of it and would lock data into perpetual protection by allowing compilers to keep rights to databases for 15 years after updating them.

Kenneth Berns, president of the American Society for Microbiology, has written to the PTO expressing "great concern" about what he terms the "arbitrary, nonrepresentative and inappropriate position" being taken by the US government to Geneva. He wants the database treaty to be taken out of the talks. The American Physical Society and other groups, such as the Association of American Universities, are also mobilizing on the issue.

Colin Macilwain

. . . as opposition makes delay likely

Paris. The proposed international treaty on the legal protection of databases looks increasingly unlikely to be adopted next month as planned, following growing opposition from the research and education communities, particularly in the United States.

The draft treaty is scheduled to be adopted at a Diplomatic Conference of the World Intellectual Property Organization (WIPO) which begins next week in Geneva. But one WIPO official says that a "large effort" will be needed if agreement is to be reached. "The question is whether the treaty is right for adoption," he says.

The draft treaty has attracted broad opposition from scientific organizations in the United States, as well as from the International Congress of Scientific Unions (see above). They warn that its provisions could have a damaging effect on research and teaching. But the WIPO official attributes much of the strong US

opposition to the fact that it has not yet introduced corresponding domestic legislation, resulting in concern that the issues raised by the treaty have not been properly discussed.

The treaty is based largely on a European Union (EU) directive on the legal protection of databases, adopted earlier this year following eight years of broad consultation, and must be implemented by all member states by 1998. One official points out that the unanimous adoption of the directive — no mean feat in Europe — "demonstrates that it is rather balanced".

But the WIPO treaty differs from the EU directive in that its wording is more vague and ambiguous. Advocates of the treaty say this is unavoidable in international treaties, if consensus is to be reached among the many signatories, and that it is up to individual countries to clarify the text when they implement it in domestic legislation.

Declan Butler

Transatlantic merger creates potent hybrid in bioscience research

Oxford. Chiroscience, one of Britain's leading entrepreneurial bioscience companies, has signalled its intention to become a major force in drug discovery by merging with the US biotechnology company Darwin Molecular. Darwin, based in Seattle, Washington state, counts Bill Gates, the founder of Microsoft, as one of its backers.

The merger, valued at US\$120 million, is the largest deal initiated by a UK bioscience company and involving a US company, and may become a model for others. British bioscience companies currently enjoy stronger valuations than their US counterparts, and investors in private US biotech companies may welcome the opportunity of trading their stock for shares in British companies.

Chiroscience has focused on applied research and development using chiral and other synthetic chemistry techniques to yield drug candidates, as well as having one of the most impressive research pipelines in an entrepreneurial bioscience company. It has already seen one of its products move into the marketplace, and 11 other programmes are under development.

But Chiroscience officials believe that the company's value can be significantly enhanced with the introduction of new development programmes, and a broadening and strengthening of its technology base. "Darwin is expected to help fulfil both criteria," says John Padfield, Chiroscience's chief executive officer. "The acquisition represents a significant step in potentially increasing the efficiency of development programmes through the introduction of new technologies more rapidly than would have been achieved through in-house development."

Since its foundation in 1991, Darwin has been focusing on discovering and developing diagnostic and therapeutic products for autoimmune diseases, such as psoriasis and rheumatoid arthritis, and for certain cancers. This has involved the integrated application of gene discovery, molecular biology, combinatorial chemistry and bioinformatics. Scientists at the company recently identified key genes involved in two genetic disorders, Werner's syndrome, which accelerates the ageing process, and early onset of Alzheimer's disease.

The new transatlantic company will have nearly 300 employees, about 80 per cent of them in research and development. The deal will not drain Chiroscience's coffers as Darwin shareholders are being offered Chiroscience stock worth some \$120 million rather than cash. After the merger, Darwin shareholders will own about 20 per cent of the combined company.

Mike Ward