

US drops patent claim to Hagahai cell line

San Francisco. The US National Institutes of Health (NIH) has dropped a controversial claim to the patent for a cell line derived from a Hagahai man of Papua New Guinea which had been criticized by activist groups that oppose patents on living organisms — including human tissue.

The patent, issued to the Department of Health and Human Services in March 1995, was the first to be based on a human cell line taken from an indigenous population, and was based on the fact that the cell line contained a unique variant of the human t-lymphotropic virus. The notice of the disclaimer was due to be published on Tuesday (10 December) in the *Official Gazette* of the US Patent and Trademark office.

NIH filed papers to forfeit its rights to the patent claims at the patent office in October. Barbara McGarey, deputy director of the NIH's Office of Technology Transfer, says that after initially filing patent applications on a wide variety of biological products, the NIH decided to limit such applications to products with significant commercial potential, and the Hagahai cell line patent therefore became unnecessary. "We have stopped filing patents on what are primarily research tools," she said.

The US government had shared invention on the patent with Carol Jenkins, principal research fellow at the Institute of Medical Research in Papua New Guinea.

Jenkins, who had agreed to hand over her 50 per cent of the royalties to the Hagahai people, eventually apparently decided that the difficulty and expense of setting up a trust outweighed any potential benefit from the patent, according to a source. The NIH, which had long made known its lack of interest in the patent, readily agreed.

Originally Jenkins, who is involved in AIDS intervention research in Papua New Guinea's central highlands, had agreed with the Hagahai people that patenting was the best approach to protecting their interests. But a patent would cost up to US\$17,000 to maintain over its 17-year lifespan, not

including the costs of maintaining a trust.

Both parties had been aware from the beginning that the likelihood of any commercial value from the HTLV-1 variant protected by the patent was small. But at the time, scientists involved with the research said they felt compelled to establish some precedent to protect the Hagahai's interest in their own tissue.

The Hagahai patent became the focus of international controversy, and Jenkins narrowly avoided deportation by the Papua New Guinea government, which later cleared her of any wrongdoing and concluded that her work had been conducted with the full consent of the Hagahai people (see *Nature* **380**, 374; 1996).

She stayed and agreed to work with government officials to develop a policy on appropriate conduct for research on indigenous populations. Eventually Jenkins, her institute and the Hagahai decided to disclaim the patent.

The Rural Advancement Foundation International, which had condemned the patent and HGDP for affronting human rights and treating human tissues as commodities, claimed victory following the NIH's patent disclaimer. "I hope this is the end of what is arguably the most offensive patent ever issued," says Alejandro Argumedo of the Indigenous People's Biodiversity Network in Canada. **Sally Lehrman**

IMAGE
UNAVAILABLE
FOR COPYRIGHT
REASONS

Planet Earth/John Downer

Hunting genes: the Hagahai patent attracted criticism but research had their consent.

Germany extends academic-industry competition plans

Munich. Germany's federal research ministry is to launch a series of competitions next month intended to reward joint teams of academic and industrial scientists for the best ideas for new products or processes.

The idea is part of an attempt by Jürgen Rüttgers, the research minister, to avoid funding only those research projects that fall under strict headings laid down by the ministry, and to let the research community itself identify leading projects (*Leitprojekte*).

Competitions will be launched in four areas: molecular medicine, new materials and miniaturization technologies, information technology in education and mobility in large cities. Winning projects will be funded for about five years.

In a first phase, teams will be invited to provide a description of their general ideas. About a dozen of these ideas will be selected by a jury to take part in the second phase — to be subsidized by the ministry — in which fuller applications describing specific projects must be submitted. The winner or winners (Rüttgers has not decided how many there will be) will probably be announced next autumn.

The idea of funding *Leitprojekte* comes from pressure from industry to establish

closer connections with state-funded research institutions. In a document published last July, the Bundesverband der Deutschen Industrie (BDI), the group representing German industry in its negotiations with government, recommended that researchers from the academic community and industry should agree with politicians on the strategic research areas of economic or social benefit to Germany, and on realistic research programmes within those areas.

According to the BDI, such research programmes, which it termed *Leitprojekte*, would be carried out jointly by industry and state-financed institutions. Rüttgers' idea of introducing *Leitprojekte* through competitions has been inspired by the success of his recent 'BioRegio' competition (see *Nature* **384**, 298; 1996), in which consortia of academic institutes and companies were encouraged to come up with ideas for developing biotechnology in their regions.

As in the BioRegio competition, Rüttgers has not specified the conditions of the *Leitprojekte* contests, or the nature of the prizes. But about DM100 million (US\$64.5 million) is expected to be made available out of existing ministry budgets, and the scheme could command up to 10 per cent of the ministry's

normal budget for industrial research. (Participants are also likely to be asked to contribute significantly to project costs.)

The scheme has the enthusiastic approval of Germany's industrial research community. Heinrich Höfer, head of the BDI's department of technology and innovation politics, says the idea is a "winning formula". Basic research organizations, such as the Max Planck Society and the Helmholtz Society, which represents Germany's 16 national research centres, are more circumspect.

Detlev Ganten, head of the Max Delbrück Centre for Molecular Medicine, a national research centre in Berlin, acknowledges the advantages of the competition idea. Although his region was not a winner of the BioRegio competition, he recognizes its leverage effect. "It was a good way to concentrate research effort and mobilize people, for very little money," he says.

But Ganten shares the concern of many scientists about Rüttgers' desire to extend the idea, particularly if it goes too far. With ever-decreasing industrial and government funding, he says, basic research could lose out if an increasing proportion of available money is directed toward strategic research goals.

Alison Abbott