

February 28, 2007

THE HUMAN GENOME SHOULD NOT BE PATENTABLE

20% of the building blocks that make up you and me are owned by somebody else...

Please Co-Sponsor H.R. 977 and Help Ban the Practice

Dear Colleague:

Fifty-four years ago this month, James Watson and Francis Crick discovered the structure of Deoxyribonucleic acid (DNA), the molecule that contains the genetic information of nearly all living organisms. Few discoveries have matched theirs in the understanding of the make up of the human species. This discovery led to the 1990 founding of the Human Genome Project whose goal was to code three billion nucleotides contained in the human genome and to identify all the genes present in it. The Project's efforts have led to the discovery of approximately 35,000 genes.

Twenty percent of these genes have already been patented and we have absolutely no say in what those patent holders do with our genes.

This cannot be what Watson and Crick intended.

Here are a few examples of the implications of gene patenting:

1. Gene patents interfere with research on diagnoses and cures. Half of all laboratories have stopped developing diagnostic tests because of concerns about infringing gene patents. One laboratory in four has had to abandon a clinical test in progress because of gene patents.
2. Forty-seven percent of geneticists have been denied requests from other faculty members for information, data, or materials regarding published research. The practice of withholding data detrimentally affects the training of the next generation of scientists. Almost one fourth of doctoral students and postdoctoral fellows reported they have been denied access to information, data and materials.
3. Disease-causing bacteria and viruses have now been patented. The genome of the virus that causes Hepatitis C, for example, is owned. This can lead to major problems, for if someone else wants to introduce inexpensive, timely public health testing for this (or another) common infectious disease, the patent holder can prevent it.

This is a serious problem and it is growing.

And it is for this reason that we have introduced the Genomic Research and Accessibility Act (H.R. 977), straight forward legislation that ends the practice of gene patenting. It is not retroactive – it does not rescind the patents already issued.

Congress has the constitutional right to proliferate and reward the advancement of invention, but it also has the responsibility to intervene should that advancement be misdirected or incorrect. Article I, Section 8 of the United States Constitution states that we must “promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.” But implicit in those words is the power of discretion – Congress’ charge to offer guidance on what exactly merits an exclusive right.

Genes are a product of nature and thus, should not be patentable. Patenting the gene for breast cancer (yes, breast cancer genes are patented) or any other gene is the analogous equivalent to patenting water, air, birds or diamonds.

Enacting the Genomic Research and Accessibility Act does not hamper invention, indeed, it encourages it. Medical innovation and economic advancement will occur if the study of genes is allowed to happen unabated. Incredible manifestations of intellectual property will result: medicines, machines, processes – most deserving of recognition, some potentially life-saving, and all worthy of a patent.

To learn more or to co-sponsor H.R. 977, the Genomic Research and Accessibility Act, please contact Steve Haro (Becerra) at 5-6235 or steve.haro@mail.house.gov, or Michelle Kirtley (Weldon) at 5-3671.

Many thanks for your time and consideration.

Sincerely,

XAVIER BECERRA
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