Did you know . . .

Private companies own Human Genes?

20% of the Human Genome is now patented?  

“[O]f thirty-three gene patents directly relating to serious human diseases . . . 67% had been directly funded, at least in part, by the U.S. government”?  

SACGHS found “no cases in which possession of exclusive rights was necessary for the development of a particular genetic test . . .”?

IS THIS REALLY PATENTABLE SUBJECT MATTER?

Under U.S. Patent law, inventions may not cover “nature’s handiwork,” but must be the “result of human ingenuity and research.”

Can you guess which of these people are claimed under a U.S. patent?

Method of DIAGNOSING...

... may be employed as a RESEARCH TOOL ...

THE TWO MOST COMMON CLAIMS ON HUMAN GENES RELATE TO RESEARCH AND DIAGNOSIS.

IMPEding PUBLIC ACCESS WITH EXCLUSIVE LICENSING

- More than 50 private and public entities offer testing for cystic fibrosis and Huntington’s disease.
- Only 1 company offers certain genetic testing for Alzheimer’s disease.
- Only 1 company provides BRCA breast cancer genetic testing.

GET THE PATENT LAWYERS OUT OF THE LABORATORY

“What’s more, gene patents slow down science by throwing legal barriers in the path of anyone who wants to work on those genes…”

- Steven Salzberg, Forbes

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"[Current] trends in patent law appear to pose serious obstacles to the promise of [developments in genetic research and clinical practice]. Patenting has moved upstream; instead of covering only commercial products, patents can now control foundational research discoveries…”

- Secretary’s Advisory Committee on Genetics, Health, and Society

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c. ...  
f. SACGHS Report 2 (emphasis added).  
g. Sandy M. Thomas et al., Commentary, Shares in human genome – the Future of Patenting DNA, 20 NATURE BIOTECHNOLOGY 1185, 1186 (2002).  
h. SACGHS Report 2.  
i. at 40-44.  
j. Steven Salzberg, Private Companies Own Your DNA – Appear, FORBES, Jul. 31, 2011.  
k.