SUPREME COURT: GENES ARE NOT PATENTABLE
June 2013

The ethical stance taken by HUGO over the years has suggested that the outcomes of genomic research should be used for the benefit of society. In its Statements on *Benefit-Sharing* and on *Genetic Databases as Global Public Goods*, for example, it has addressed some of the practical applications of this position. In the light of these considerations, the recent judgment of the US Supreme Court[1] about gene patents is to be welcomed. The ruling held that genes are products of nature and as such not patentable. The mere fact of isolating a gene does not make it eligible for patenting. This judgment has been regarded as removing barriers to wider genetic testing and indeed to whole genome sequencing. On the other hand questions might arise about what the implications might be for commercial investment in future research. Looked at more closely, however, as several commentators have noted, the judgment can be regarded as a compromise between the biotechnology industry, public health and scientific research. While genes as products of nature are not patentable, synthetically created DNA is, as are methods and applications. The fact that to some extent the result can be regarded as 'win-win' is good: industry does not come away empty handed, while on the other hand testing opportunities for patients are opened up. The central point of the ruling, however, that genes are a product of nature, is not only in harmony with the ethical point that the human genome is the common heritage of humanity, but also facilitates the capturing of the benefits for society.

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[1] *US Supreme Court Ruling on Myriad Genetics' Patent Rights for BRCA 1 & BRCA 2 (http://www.supremecourt.gov/opinions/12pdf/12-398_1b7d.pdf)*