

THE NEW GENETICS: PRIVATE OR PUBLIC PROPERTY?

"We wish to suggest a structure for the salt deoxyribose nucleic acid [DNA]." So begins the report in *Nature* — 50 years ago this very week — on the greatest scientific discovery of the 20th century.

The celebrated issue of *Nature* featured not one, but three, reports on DNA: by Watson and Crick, by Wilkins, and by Franklin. Watson, Crick and Wilkins went on to receive the 1962 Nobel Prize for Physiology or Medicine. Rosalind Franklin died of cancer in 1958 — tragically, the Nobel Committee only honours the living.

Today, the new genetics is valued by both science and civil society. With the genetic gold promised by the Human Genome Project, disability, disease and even death may well exert diminished power over humankind.

But something sinister has accompanied the new genetics: the notion that outcomes of research are private property, and thus exploitable.

The DNA Nobel laureates worked in an atmosphere of shared access to information — an ethos untouched by the patenting of the intellectual property of seminal discoveries. Their universities were not overtly concerned with patents, exclusive commercial agreements, spin-off companies, royalty payments or access fees.

Things are different now. The US law academics, Rebecca Eisenberg and Richard Nelson, in *Public vs propriety science: a fruitful tension?* conclude that, "Public science . . . at its best, is a social commitment . . . It is a shared archive of an expanding knowledge base, a training ground for future researchers, and the germ from which future advances in human understanding will grow. Its social value does not depend on the ultimate profitability of the advances it spawns."

Some of our universities, research institutes, and researchers would beg to differ.

Martin B Van Der Weyden

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