

It isn't yours

Campaigners call for a ban on all genetic patents

A CALL to declare the planet's genetic heritage a common resource that no one can patent has divided environmentalists and raised serious questions about the Biodiversity Convention, one of the major successes of the Rio Earth Summit a decade ago.

A coalition of more than a hundred environment and citizens' groups headed by anti-biotechnology crusader Jeremy Rifkin has launched a campaign for a "Treaty to Share the Genetic Commons". They want the treaty adopted at Rio's successor, the World Summit in Johannesburg in August. "Our aim is to prohibit all patents on plant, microorganism, animal and human life, including patents on genes and the products they code for, as well as chromosomes, cells, tissues, organs and organisms," the joint declaration says.

The campaign directly contradicts one of the central tenets of the Biodiversity Convention, which green groups have persuaded most governments to sign. To encourage developing countries to preserve habitats, the convention allows them to claim intellectual property rights over their own genetic resources. That means many tropical countries now sell "bioprospecting rights" to biotech companies and deny access to independent scientists.

But Rifkin, of the Washington DC-based Foundation on Economic Trends, told *New Scientist*: "No government can claim the right to own the products of millions of years of evolution or to charge bioprospectors. What we are saying is totally against the Biodiversity Convention."

That has not stopped some prominent green groups from joining his call for a "genetic commons". Friends of the Earth International, for example, appears to back both the Biodiversity Convention and the new treaty.

Many biotechnologists claim that a lot of research wouldn't be done if companies couldn't protect their investment by patenting genes. "They should make money from patenting engineering processes, not the genes themselves," Rifkin responds. "They have no more right to lock up genes for their own use than corporations a century ago had the right to patent chemical elements they discovered."

Rifkin argues that gene patents damage academic research because results aren't published, and also make genetic tests prohibitively expensive. This week, for instance, it was reported that US labs have stopped doing genetic tests for the iron overload condition haemochromatosis, because of the cost of royalties.

But others stand by the value of patenting genes. "In an ideal world perhaps Rifkin is right, but we think patents are a more practical way of promoting research," says Gordon Conway, president of the Rockefeller Foundation, which funds agricultural research for the developing world.

Conway denies that patenting genes would leave research wholly in the hands of private corporations. "We are working to create partnerships between biotechnology companies and African research institutes," he says.

Fred Pearce

GENE FIGHT: after much debate Iceland sold the rights to its unique genetic heritage

