

## **RCPA welcomes landmark US court ruling on gene patents**

The Royal College of Pathologists of Australasia (RCPA) welcomes this week's US District Court ruling which invalidated certain patents on two genes, BRCA1 and BRCA2, linked to an increased risk of familial breast and ovarian cancer.

The significant decision by US District Court Judge Robert Sweet ruled that several patents related to BRCA1 and BRCA2 should not be granted because, amongst other things, the genes are found in nature in the same form (sequence) as they are isolated in the test tube.

President of the RCPA, Associate Professor Paul McKenzie says the decision is a major step forward for science and medical care, and he expects that the decision will have far reaching implications for pathology, the biotechnology industry, and genetics-based research.

"This is a significant breakthrough towards protecting the public from monopolies on genetic research and testing," says Associate Professor McKenzie.

"This decision will help drive research opportunities for pathologists and scientists, which in turn will greatly enhance the development of new diagnostic tests and treatments for patients."

The Australian Senate is currently preparing a report on its inquiry into gene patent law. The RCPA recommends that the Senate take heed of this landmark decision when making its recommendations.

"This ruling supports the view that gene patents may be invalid, and is consistent with the RCPA's submission to the Senate Inquiry," says Associate Professor McKenzie.

"We encourage Australian policy makers to be acutely aware of this ruling when making decisions on patent law.

"As pathologists, we know that it is essential to put measures in place now to ensure there are no inappropriate barriers to patient care or medical research in the future."

The US court ruling calls into question the validity of patents held on a further 2,000 human genes.

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