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## **Pirate Party Welcomes Legal Challenge to Breast Cancer Gene Patents**

"We at Pirate Party Australia welcome the news that a legal challenge is being mounted over the BRCA1 breast cancer gene and we hope that the case will be a catalyst for laws to expressly forbid patents on genetic materials. Patents on any genetic material raise large ethical questions, and there are severe implications for the future of scientific research involved in granting monopolies for what are essentially naturally occurring mutations, in naturally occurring genes." said Party Secretary, Rodney Serkowski.

"In recent history we are seeing a move towards the granting of patents on human genes -- presently 20% of human genes have been patented, and locked away. Genetic patents give private corporations, certain individuals and research institutions like universities an exclusive monopoly over your genes -- exclusive rights to study, test or even to observe them. This drives the cost of research and related testing skywards. 'In the US, Myriad Genetics charges women about \$3,700 to test for BRCA1 and 2, and the company does not allow second opinions.'<sup>1</sup> At such a seminal stage in research, we may in fact see the retardation of research and development, the tragedy of the anti-commons,"<sup>2</sup> he continued.

"It was hugely welcome news when the US Federal District Court made the first ever decision declaring human genes unpatentable by virtue of their natural occurrence -- they are products of nature and are simply abstract ideas, not tangible man-made products."

Brendan Molloy, spokesperson for the Pirate Party said, "Being diagnosed with breast cancer must be one of the most shocking experiences in the world for those afflicted and their families.<sup>3</sup> Locking down access to fundamental genetic sequences that can be linked to diseases is an affront to both scientific freedom and research, as well as the rights of all men and women. It is completely unacceptable that we should even consider permitting this sort of monopolist behaviour with our genes, and we hope the courts comes to the same conclusion."

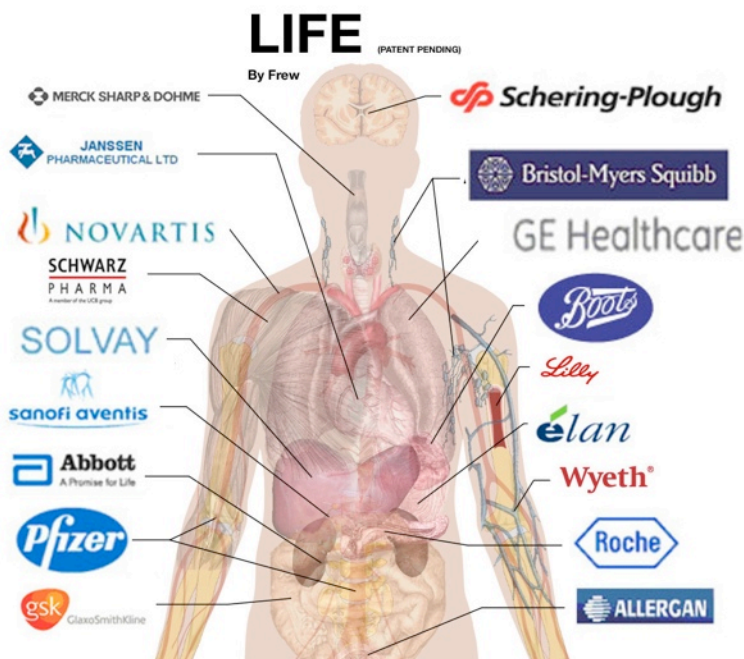
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<sup>1</sup> <http://www.abc.net.au/news/stories/2010/06/08/2920908.htm>

<sup>2</sup> [http://en.wikipedia.org/wiki/Tragedy\\_of\\_the\\_anticommons](http://en.wikipedia.org/wiki/Tragedy_of_the_anticommons)

<sup>3</sup> <http://www.nbcc.org.au/our-organisation/campaigns/boys-do-cry>

Rodney Serkowski continued "The current trend seems to be simply looking to patents and stricter enforcement, for which there is no evidence to say delivers better or more innovation.<sup>4</sup> Alternatives need to be sought, including looking at more open approaches to development<sup>5</sup> and data sharing<sup>6</sup>. If we don't move now, at this seminal stage, to ensure that things like genes remain patent free, we are jeopardising future research and development, and it is ultimately the public that suffers."



This graphic can be found at: <http://pirateparty.org.au/media/bodypatent.jpg> and has been created by Simon Frew.

### About Pirate Party Australia

The Pirate Party Australia is a forming political party, currently seeking membership for the purposes of registration with the Australian Electoral Commission and intends to contest the next Australian federal election if successful.

Pirate Party Australia has an interest in reforming legislation and policy surrounding culture, innovation and the protection of civil liberties, with sister organisations fully registered, seeking registration or otherwise active in over 30 countries throughout the world.

The Swedish Piratpartiet have two elected sitting Members of the European Parliament, after the 2009 European Elections, in which they attained 7.1% of the vote.

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<sup>4</sup> [http://news.bbc.co.uk/2/hi/science\\_and\\_environment/10150685.stm](http://news.bbc.co.uk/2/hi/science_and_environment/10150685.stm)

<sup>5</sup> <http://www.economist.com/node/16163154>

<sup>6</sup> <http://www.biotorrents.net/>