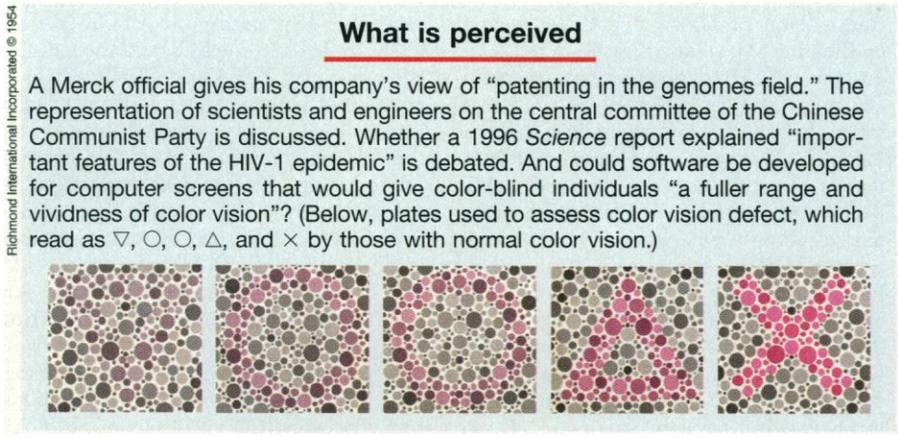
LETTERS



Genome Patenting

Please allow me to comment on statements made in the News & Comment article "Snipping away at genome patenting" by Eliot Marshall (19 Sept., p. 1752). The boldfaced partial quote attributed to me inaccurately links two statements, one incorrect and the other out of context, that refer to my remarks as moderator of the National Human Genome Research Initiative Advisory Council session on 11 September 1997. The attribution reads: "Merck opposes patenting genetic data because it 'noticed that royalty claims were stacking up' on its products."

Regarding the first point, Merck & Co., Inc., does not oppose patenting in the genomes field. Merck, along with other research-intensive companies in the pharmaceutical and biotechnology industries, believes that the availability of intellectual property protection for genomic inventions will promote the advancement of biomedical research and the development of new gene-based or gene-derived therapeutics and diagnostics. However, Merck believes that patentability of genomic inventions and broad access to these inventions as basic research tools are mutually compatible. Together, patents and appropriate access maintain incentives for commercial investment in genomics research, while promoting an open public exchange of scientific information, thereby speeding identification of disease-related genes and development of gene-based or gene-derived therapies.

My comment on the stacking of royalties was made in the context of the whole industry, not Merck specifically. While patent stacking is a concern, it did not form the basis of the Merck view of patents in genomics. Merck believes that the requirements of patentability for biotechnology inventions should be the same as those for nonbiotechnology inventions. Under U.S. patent law, the invention must fall within the definition of patentable subject matter; must be novel and nonobvious; and must have utility. Consistent with patent law, Merck does not believe that patents should be awarded to either genes or expressed sequence tags for which the function or utility is purely speculative.

Merck has taken a consistent position that it is possible, and desirable, to distinguish between access and appropriate patenting in the genomics field. Public access to sequence data, including single nuclear polymorphisms (SNPs) will maximize the probability that new genes will be discovered and that there will be improvements in health care.

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Chinese Academy Members

The News article "China elevates scientists to party posts" (ScienceScope, 26 Sept., p. 1915), mentioned that only two of the five members and alternates of the 15th Chinese Communist Party Central Committee (CCPCC) who are members of the Chinese Academy of Sciences (CAS) served on the previous central committee. That is incorrect. Lu Yongxiang, the current CAS president, was also a 14th CCPCC member along with Song Jian and Zhou Guangzhao. In terms of CCPCC members and alternates