quately the consent process for nine patients, failed to inform FDA rapidly that two monkeys in a similarly designed experiment had died, and failed to develop a "standard operating procedure to conduct a clinical study." FDA has asked Penn to respond and explain how it intends to comply with regulations in the future. Until FDA is satisfied, the clinical trials will remain suspended.

Meanwhile, members of Congress and other federal officials have jumped in. Senator William Frist (R–TN) was planning a public hearing in early February on the topic, "Gene Therapy: Is There Oversight for Patient Safety?" And the federal Office for Protection From Research Risks has launched its own broad review, a type that according to the director may take 18 months to complete. **–ELIOT MARSHALL**

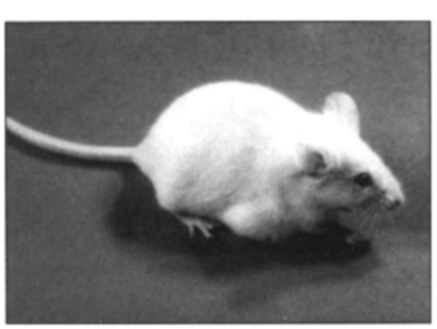
INTELLECTUAL PROPERTY

NIH Cuts Deal on Use Of OncoMouse

A new agreement cuts away some red tape that has been a serious annoyance for cancer researchers. The policy, announced by the National Institutes of Health (NIH) on 19 January, allows NIH-funded scientists doing noncommercial research to use patented transgenic animals without obtaining specific approval of E. I. du Pont de Nemours and Co. of Wilmington, Delaware.

"This is a significant deal," because it removes legal worries for many labs, says David Einhorn, counsel to The Jackson Laboratory of Bar Harbor, Maine, a major supplier of research animals. Equally important, experts say, DuPont agrees not to seek broad commercial rights to discoveries in nonprofit labs just because patented animals were used in the research.

In 1988, Harvard University was granted a patent on the OncoMouse and broad claims on any other mammal (except humans) containing foreign genes implanted to express a tumor. Harvard licensed the technology to DuPont, which didn't start enforcing its legal rights vigorously until the mid-1990s, one expert in the field says. By then, the technology was widespread. Scientists were not only publishing papers on tumor-ridden mice and other animals, but breeding and sharing them with colleagues. When DuPont demanded that they submit papers for review by the company and stop sharing animals, many scientists got upset. "In a sense, we were all violators of the patent" and all at risk of being sued, recalls Harold Varmus, the former NIH director who this month took over as president of the Memorial Sloan-Kettering Cancer Center in New York City.



CREDITS: (TOP TO BOTTOM) INSTITUT PASTEUR; DUPONT

Disentangled. DuPont has agreed to cut red tape surrounding the patented OncoMouse.

Varmus says he personally appealed to DuPont CEO Chad Holliday about the OncoMouse problem. After many months of negotiations, the DuPont and NIH technology licensing staffs reached an agreement that would exempt nonprofit researchers from restrictive licensing provisions. (The text is available at www.nih.gov/od/ott)

"It will be a great relief for many people to know they are not violating the law" by sharing animals with a colleague down the hall, says Varmus. DuPont "deeply appreciates the importance of wide dissemination of tools for basic research and is committed to making [OncoMouse] available to the academic community," corporate intellectual property manager Tom Powell commented in a written statement. However, the company will retain tight control of commercial uses.

–ELIOT MARSHALL

PASTEUR INSTITUTE

New Chief Promises Renewal and Openness

PARIS—Philippe Kourilsky has wasted little time making his mark on the illustrious Pasteur Institute. Just days into his term as its new director-general, Kourilsky spelled out plans for big changes in a meeting here last week with the research center's nearly 1100 scientists. His strategy includes a stronger concentration on public health and applied research as well as a stiffer evaluation process that some Pasteur researchers say could lead to a major reshuffling of lab heads in coming years. Yet despite this potential shake-up, Pasteurians who spoke with *Science* are casting their lot with their new boss. "Kourilsky's speech was positively perceived by most of the people here," says molecular geneticist Fredj Tekaia.

Since it was founded in 1888 by Louis Pasteur, the institute has gained a worldwide reputation in biomedical research, and its scientists racked up eight Nobel Prizes during the past century. But Kourilsky's new orientation may help resolve some longstanding debates at Pasteur, many of which revolve around just how hard basic scientists should be trying to make their research pay off in medical applications (*Science*, 15 October 1999, p. 382). Reminding his colleagues that the statutes of the institute which is run by a private foundation partly supported by the French government—put a clear emphasis on microbiology and public health as top priorities, Kourilsky said that a lack of cooperation between labs at Pasteur has created an "intolerable" gap between basic and applied research. "Is it acceptable, for example, that collectively the immunologists are so little involved in the study of several major pathologies ... [such as] *Helicobacter pylori* and even HIV?" asked Kourilsky, an immunologist himself.

No guillotine. Kourilsky says tougher evaluations will still be fair.

Some Pasteurians say that because most of Kourilsky's talk was short on details, they would wait and see how effectively their new chief implements his priorities before passing judgment. But one important change outlined by Kourilsky is far from abstract: Pasteur's 110 research labs will now be allowed to exist at most 12 years at a stretch unless they pass a rigorous scientific evaluation. Similar policies are already in force at some of France's large public research agencies, such as the CNRS and INSERM. Kourilsky intends to carry out this policy retroactively, meaning that the future of about half of the labs as well as their chiefs—will be up in the air during the next 2 years. Pasteur molecular biologist Moshe Yaniv says the 12-year rule would help address a common problem in French research: "the problem of seniority. Once you establish a lab, you rarely lose it." Adds Pasteur immunologist Antonio Freitas, "This is an excellent idea. Some labs have clearly lost steam. In a more competitive situation, they will have to improve considerably to survive."

Kourilsky tried to reassure his colleagues that the rule "has nothing to do with the guillotine" and that lab chiefs forced to step down would be given other functions. Perhaps most importantly, some Pasteur researchers say, Kourilsky has promised that these scientific evaluations—as well as the other changes he intends to make—will be carried out openly, in contrast to the behind-closed-doors approach that has often plagued the institute in recent years (*Science*, 13 November 1998, p. 1241). Says Tekaia, "This is one of the most important points, for which people have been waiting for some time." **–MICHAEL BALTER**