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Professor Examines Licensing of DNA Patents

Washington, D.C. – Contrary to prevailing beliefs, a major survey conducted by Georgetown University professor **LeRoy Walters** and six colleagues shows that the licensing of DNA patents at U.S. academic institutions has not led to the decline in academic cooperation and technology transfer that many observers have feared.

Recent discussion in academic circles has raised concerns that increased licensing of DNA patents by universities and non-profits could lead to a "tragedy of the anti-commons," stifling the advancement of research. This discussion has relied heavily on anecdotal evidence. Walters' study, published in the January 2006 issue of *Nature Biotechnology*, reported on responses from 19 of the 30 largest U.S. DNA patent-holding universities. The study demonstrates that in most cases the licensing behavior of universities allows for collaboration and sharing of DNA-based inventions among academic institutions. This dissemination of technology occurs despite the fact that some of the inventions -- particularly those related to new therapies -- are licensed "exclusively" to private commercial firms.

"We found that patenting and licensing policies at large research universities have evolved over time and that technology transfer officers are attuned to NIH guidelines about the sharing of important biomedical innovations with researchers at other academic institutions," says Professor Walters. "These officials were quite forthcoming with information and perspectives on policy options, in large part because one of our coauthors, Lori Pressman, is a former technology transfer officer herself and is known and trusted by her peers."

The study also shows that patenting and licensing behavior among academic institutions is influenced by market forces, as the DNA inventions deemed likely to attract commercial interest are more likely to be patented. Simultaneous interest by multiple companies tends to reduce the degree of exclusivity in the patent licenses.

The paper concludes that current practices in technology transfer offices at large research universities "appear to be designed pragmatically to accommodate both economic goals, such as revenue generation and new company formation, and social goals, such as ensuring utilization and availability of federally funded inventions."

The survey was funded by grants from the Ethical, Legal, and Social Issues (ELSI) programs of the National Human Genome Research Institute, NIH, and the U.S. Department of Energy.

LeRoy Walters is the Joseph P. Kennedy, Sr. Professor of Christian Ethics at Georgetown University's Kennedy Institute of Ethics, as well as a Professor of Philosophy at Georgetown. He has served on the Recombinant DNA Advisory Committee of the National Institutes of Health and advised President Bush on the ethical considerations of stem cell research.

Source: [Office of Communications](#) (January 10, 2006)

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