

## Australian woman wins legal battle against US biotech company's BRCA genes patent

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Queensland cancer survivor Yvonne D'Arcy has won a historic High Court victory against the patenting of human genes.

D'Arcy, who has twice survived cancer, brought a landmark legal challenge against US company Myriad Genetics after it was granted a patent over the BRCA 1 and BRCA 2 genes.

Mutations in the genes dramatically increase a woman's chance of developing breast and ovarian cancer.

The High Court ruled unanimously in Ms D'Arcy's favour, finding that an isolated nucleic acid was not a "patentable invention".

The 69-year-old said she was "thrilled" with the result.

"It's been such a long hard fight and it means so much to so many people," she said.

"I am so proud to have been part of this case."

D'Arcy had argued the genes were naturally occurring in the human body and so were "discovered" rather than "invented".

However, Myriad Genetics had argued that the patent applied to a product — an isolated nucleic acid — that was chemically, structurally and functionally different to naturally occurring DNA.

The High Court's decision overturns a 2013 ruling by Federal Court judge John Nicholas that found that isolated gene sequences were the product of human intervention and therefore patentable. That decision had been upheld by the full Federal Court.

Consumers Health Forum's Mark Metherell said the High Court's finding that a human gene could not be patented was a "victory for consumers, researchers, and for common sense".

**Read full, original post:** [Yvonne D'Arcy wins High Court battle over breast cancer gene patent](#)