

Status of gene patents in Canada still uncertain despite recent legal battles

The GLP aggregated and excerpted this blog/article to reflect the diversity of news, opinion and analysis.

One of the most contentious issues in genetics is whether researchers should be allowed to patent human genes found to cause disease and to commercialize diagnostic tests based on those mutated snippets of DNA.

Courts in the U.S. and Australia, for example, have banned the practice, but in Canada no law prohibits scientists from taking out patents on bits of the human genome and their associated products for use in patients.

But an out-of-court settlement between an Ottawa hospital and a global company that holds patents on genes and a related test for a potentially deadly heart rhythm disorder may have vastly altered the Canadian gene-patenting landscape.

In what could be characterized as a David and Goliath contest, the Children's Hospital of Eastern Ontario (CHEO) launched a court challenge in late 2014 against U.S.-based Transgenomic Inc., which holds patents on five of the flawed genes underpinning long QT syndrome and the diagnostic test for the inherited disorder.

CHEO argued that human genes should not be subject to patents for commercial or any other purposes. In the case of Canadian patients suspected of having long QT syndrome, their DNA samples had to go to U.S. labs for testing at a cost of at least \$4,500, more than double the price tag in Canada.

Read full, original post: [Status of gene patents in Canada unresolved, despite successful challenge](#)