Charity makes cancer gene freely available across Europe

Susan Mayor *London*

The charity Cancer Research UK announced last week that it had obtained a Europe-wide patent on the hereditary breast cancer gene BRCA2 and will allow publicly owned laboratories and hospitals to use the gene free of charge.

The granting of the European patent will extend access to the gene. Currently access is available to UK researchers because the charity already holds a UK patent on the gene.

The patent covers all attempts to sequence the gene or to test for damaged or inactive variants—such as testing people for BRCA2 variants to assess their risk of developing cancer. Any laboratory wanting to investigate the gene would usually have to pay a licence fee to the patent holder, but Cancer Research Technology, the commercial subsidiary of Cancer Research UK, has agreed to

waive the fees for all public laboratories that apply to use the gene for non-profit making research and clinical purposes.

John Toy, medical director of Cancer Research UK, said: "We are very pleased that the European Patent Office has granted this patent, as it will mean that cancer researchers throughout Europe who wish to work on the BRCA2 gene will be able to do so easily and without expense."

The situation in Europe was previously complicated by the fact that a US biotechnology company, Myriad Genetics, had been awarded patents on the BRCA1 and BRCA2 genes, as well as patents covering antibodies to the BRCA proteins coded for by the genes. These patents gave the company rights to develop commercial laboratory testing services, diagnostic tests, and treatments that are based on the gene sequences.

However, a UK patent was also held by Cancer Research Technology because much of the BRCA2 gene was first published by Professor Mike Stratton's group at the Institute of Cancer Research, London, on the basis of work funded by Cancer Research UK.

"Myriad had been trying to offer commercial deals to

A dividing breast cancer cell. Cancer Research UK believes that cancer is too major a threat to human life for research "to be limited by commercial greed"

researchers working on BRCA1 and 2. Our patent will break that gridlock," explained Dr Toy. "Cancer is too major a threat to human life for research to be limited by commercial greed," he added.

A spokesman for the charity said that Cancer Research Technology's patent was wider than Myriad's, and therefore covered more applications.

Gert Matthijs, head of molecular diagnostics at University Hospital Leuven, Belgium, and a representative

of the European Society of Human Genetics, said: "On behalf of the many European genetic diagnostic laboratories involved in the opposition procedures against the patents on the BRCA1 and BRCA2 genes owned by Myriad Genetics, we wish to express our strong appreciation to Cancer Research UK, because they have chosen to offer royalty free licences on its patent on the BRCA2 gene to the public health services." □

Reid refuses to accept all recommendations of Blofeld report

Mark Gould *London*

Health secretary John Reid has agreed, in his response to the report into the death of a black mental health patient while in hospital, that there is no place for discrimination in the NHS.

But he gave no commitment to accepting the 22 recommendations of the report from Sir John Blofeld into the death of David "Rocky" Bennett (14 February, p 367). He insisted that the government was acting to tackle concerns and pointed out that Professor Kamlesh Patel, one of the Blofeld team and the chairman of the Mental Health Act Commission, was chairing a national programme to ensure the black and ethnic minority groups secured equitable representation in the NHS.

Sir John's report said it would take at least 10 years to intro-

duce training on the management of violence and aggression that ensures that black and ethnic minority patients are not mistreated.

Kevin Gournay, professor of psychiatric nursing at the Institute of Psychiatry, London, and the chairman of a National Institute for Clinical Excellence committee designing new guidelines on the management of violence and aggression, said that current training had no reference to race, culture, or ethnicity and was "a mess."

Professor Gournay gave evidence to the Blofeld inquiry. David "Rocky" Bennett died in an NHS clinic in Norwich in 1998 after he was pinioned face down for 28 minutes by up to five members of staff.

The inquiry made 22 recom-

mendations to eliminate what it described as the "abscess" of "institutional racism" in the NHS.

It was welcomed by organisations such as the King's Fund, the Sainsbury Centre, and the Mental Health Act Commission. These groups previously revealed a system in which minority groups were four times more likely to be detained than white people and in which staff were inadequately trained and did not reflect the racial mix of the communities they served.

Sir John found unacceptably high levels of detention, medication, and restraint and called for wholesale changes, including the creation of a black and ethnic minority mental health tsar, three-minute limits on prone restraint, and better training in managing violence and aggression.

Professor Gournay's guidelines, which should be issued by the Department of Health following consultation in the spring, will create a national "kite

marked" accreditation system. But he said implementation would be an "enormous 10 year task" owing to the difficulty in releasing teams to take part in courses lasting seven days.

Gill Morgan, the chief executive of the NHS Confederation, said that as the largest employer of ethnic minority groups in Europe, the NHS had a duty to equality. Nearly 8% of the United Kingdom's population were black or from an ethnic minority, and they make up 8.4% of the NHS's 1.3 million staff. At senior levels, 10% of non-executive directors and 5.5% of chairs were black or from an ethnic minority, but only 1% of NHS chief executives came from these groups, the confederation said.

Results of a survey (response rate 89%) last December by the Royal College of Psychiatrists of its UK and Ireland members showed that nearly 67% of members are white, that the largest ethnic minority group is Asian (15%), and that only 2.46% of its members are black. □