

FALL SYMPOSIUM 2002:

Commercialization of Human Genomics: Consequences for Science and Humanity

DUKE UNIVERSITY CENTER FOR GENOME ETHICS, LAW, AND POLICY

Special thanks: The Center for Genome Ethics, Law, and Policy thanks the following groups for their assistance with the Fall Symposium: North Carolina State University's Institute for Emerging Issues and Kenan Institute for Engineering, Technology & Science; Duke Law School; Duke's Kenan Institute for Ethics; and the Duke Law Students' Intellectual Property and Cyberlaw Society.

Program

Friday, September 27, 2002

10:30 am — 12:30 pm

Panel 1: The Political Philosophy and Economy of Intellectual Property

Room 3043, Duke Law School

Alex Rosenberg

Professor of Philosophy, Duke University

Max N. Wallace

*President and CEO, Cogent Neuroscience, Inc.,
Durham, NC*

James Boyle

*William Neal Reynolds Professor of Law, Duke Law
School*

This panel will set the stage for what follows by exploring the underlying philosophical basis for intellectual property, including property in the intellectual achievements of the genomic revolution. Is there an adequate conception of private property that makes the ownership of abstract objects morally permissible? Does such a conception extend to ownership of scientific discoveries, and if so, of what kinds of discoveries? Can ideas be owned? Can we create property rights over inventions without allowing individuals to own the ideas or facts upon which those inventions are based? Does ownership of ideas produce market failures in the same way that ownership of other public goods does? What are the institutional arrangements that will minimize the costs to society of privately owned ideas while preserving the incentives that intellectual private property offers to inventors and discoverers?

12:30 — 2:00 pm

Lunch

Duke Law School

2:00 — 4:00 pm

Panel 2: Biotech Patenting and the Common Good

Room 3043, Duke Law School

Lila Feisee

*Director, Government Relations & Intellectual
Property, Biotechnology Industry Organization (BIO),
Washington, DC*

Barbara Caulfield

*Executive Vice President and General Counsel
Affymetrix, Inc., Santa Clara, CA*

Patrick Terry

*President, International Genetic Alliance; President,
PXE International, Inc., Sharon, MA; and Director of
Consumer Advocacy, Genomic Health Inc., Redwood
City, CA*

This panel will explore the role of patenting and intellectual property rights in genomic sciences, including the debate between those who argue that strong IP rights promote innovation in the area of biotechnology, and those who argue that broad IP rights result in private control over fundamental scientific discoveries, stifling further research. Other issues to be examined include alternative property regimes, patients' rights, and technology and knowledge transfer in human genomics to assist people of less developed countries.

4:00 — 4:30 pm Refreshments

5:00 — 6:30 pm

**BOYARSKY LECTURE IN LAW, MEDICINE, AND
ETHICS**

**Sponsored by the Kenan Institute for Ethics
Reynolds Theater, Bryan Center, Duke University**

Speaker: Dr. Craig Venter

This endowed biennial lecture was established by Drs. Saul and Rose Boyarsky to inspire achievement in social justice and public health through science. The 2002 Boyarsky Lecture will be presented by Dr. Craig Venter, the renowned genomics researcher who led the private effort to sequence the human genome, and was selected by Time Magazine as its 2000 Scientist of the Year. Dr. Venter, the former president of Celera Genomics and founder of The Institute for Genomic Research, is credited with several major advances in human genomics. His lecture will focus on the ethical challenges of the genomics revolution.

This event is open to the general public; no registration required.

Saturday, September 28, 2002

8:30 am

**Continental Breakfast
Duke Law School**

9:00 — 11:00 am

**Panel 3: Reframing the Intellectual Property
Debate: Gene Patenting and Policy Options
Room 3043, Duke Law School**

Arti Rai

*Assistant Professor of Law, University of Pennsylvania
Law School*

Robert Cook-Deegan

*Director, Center for Genome Ethics, Law, and Policy,
Duke University*

Sharon Terry

*President, Genetic Alliance, Inc., Washington, DC; and
Executive Director, PXE International Inc., Sharon, MA.*

This panel starts from an assumption that some gene patents are valuable, while others can hinder innovation, depending on their definition, scope, and licensing requirements, and will look at possible policy options for promoting a just and beneficial use of genomic knowledge and technology. Should the Bayh-Dole Act, dealing with the transfer of new technology from university laboratories to the private sector, be reformed, and if so, how? What is the role of DNA patents in the international context? How might intellectual property rights serve as a tool for benefit sharing?

11:00 — 11:15 am
Break

11:15 — 1:15 pm
Panel 4: Genomic Data: Publication, Access and Secrecy
Room 3043, Duke Law School

Allen Buchanan
Professor of Philosophy and of Public Policy, Duke University

Daniel Drell
Program Manager, Life Sciences, US Department of Energy

Peter Newmark
Editorial Director (Biology), BioMed Central, London, England

Jerome Reichman
Bunyan S. Womble Professor of Law, Duke Law School

This panel will explore a wide range of issues concerning the publication of and access to scientific data, and examine "open science" efforts, free online journals, and regulatory reform. Large amounts of genetic information are being collected in public and private databases, in the form of information, or as actual biological samples. Both types of databases raise overlapping questions concerning collection, storage and access, and have led to debates about how and when scientific data should be published, what should be deposited in public databases, what levels of confidentiality or privacy are appropriate, and who should have access to the data.



Conference Website: <http://www.law.duke.edu/conference/gelp/>