

Million pound row over Aids test

By Steve Connor, Science Correspondent

A CANCER charity and a British pharmaceutical company face having to pay millions of pounds to a French research institute because of a possible patent dispute over the NHS blood test for Aids.

The patent is held by the Institute of Cancer Research, a registered charity, and is licensed to the Wellcome Foundation.

Nationwide screening of blood donations was introduced in Britain in 1985. Until last June, Wellcome's was the main test to ensure that recipients were not infected with Aids; the test won the Queen's Award for Technology in 1987. The company sold several million tests for about £1 each.

But the researchers who invented the blood test now believe that they may not have made a new discovery. Because of a laboratory mix-up, they fear, they used a discovery from the Pasteur Institute in Paris, contravening a

written agreement between the British and French institutes.

Robin Weiss, joint leader of the research team, confirmed last week that he had carried out the necessary checks which would resolve the issue, but said that he had been "muzzled" by Wellcome and the cancer institute. "We have commercial agreements that anything which might be construed sensitive is not discussed."

To develop a blood test, scientists had to isolate an Aids virus. The British team, led by Dr Weiss and Richard Tedder, a virologist at the Middlesex Hospital, claimed in 1985 that they had discovered a new Aids virus in a patient attending the Royal Marsden Hospital, London. They called the virus CBL-1 after the institute's Chester Beatty Labora-

tories, of which Dr Weiss is director. They filed a patent in 1986.

Since then, Dr Weiss has said it was possible that he mistakenly used an Aids virus supplied to him by the Pasteur Institute. The French virus appears to have contaminated laboratory equipment used to isolate CBL-1. Dr Weiss had signed an agreement with the Pasteur in 1984, stipulating that the French virus, called LAV, was to be used for research, not commercial purposes. So, if LAV was used, even accidentally, to develop an Aids blood test, the agreement would be breached.

A comparison of the molecular sequences of the two viruses — the genetic signatures which make each Aids virus unique — could resolve whether or not they are the same. Scientists from

Wellcome carried out the sequence analysis of CBL-1 several years ago. They passed the results on to Dr Weiss. Wellcome and the cancer institute deny muzzling Dr Weiss. Martin Sherwood, a company spokesman, said that Wellcome cannot comment on whether CBL-1 is the same as LAV because Dr Weiss plans to publish a scientific paper on the subject and the company does not want to pre-empt publication.

In an earlier dispute, the Pasteur made a legal claim that Dr Robert Gallo, a leading Aids researcher at the US National Cancer Institute in Washington DC, had used LAV to make the American blood test. Dr Gallo insisted that he used a virus he had discovered. The Pasteur virus, discovered by a team led by its chief Aids researcher, Luc Montagnier, and Dr Gallo's virus have the same genetic signature, suggest-

ing a laboratory contamination. The ensuing public row had to be settled out of court in a statement by President Ronald Reagan and France's then Prime Minister, Jacques Chirac. Dr Gallo and Dr Montagnier shared credit.

Dr Montagnier said he would like to compare the genetic sequence of his virus with Dr Weiss's CBL-1. If they proved to be the same virus, he said, he could not rule out the possibility of the Pasteur pursuing legal action to recover patent royalties.

In support of the belief that CBL-1 is a new virus, Dr Weiss's team has deposited it at a virus bank, the European Collection of Animal Cell Cultures, at Porton Down. The patent states that a "preliminary" analysis showed that, while CBL-1 was related to LAV, it is not identical "but exhibits some sequence variation at various locations".