Dear Senator:

I write on behalf of the member universities of the Association of American Universities to express our concern about a provision in the omnibus appropriations bill authored by Rep. Weldon of Florida that would prohibit the Patent and Trademark Office from issuing “patents on claims directed to or encompassing a human organism.” This provision was included in both House and Senate Commerce, Justice, State Appropriations bills without discussion in the appropriate jurisdictional committees and without a vote in the Senate Appropriations Committee.

Although the intended goal of this proposal may be to prevent the cloning of human beings, we are extremely concerned that its impact, if enacted into law, would be to retard progress on developing cures and treatments for a wide range of diseases and debilitating conditions.

AAU is on record in opposition to human reproductive cloning, but we believe that the Weldon proposal would reduce investment in cell and tissue therapy and other forms of biomedical research that show such great promise in the search for cures and treatments for human afflictions. The patent system is designed to provide financial incentives to invest in the development of useful products and processes. The prohibition against patents contained in this measure would diminish investments in future medical advances.

The issues surrounding this proposal are exceedingly important and complex. We believe it is unwise to enact such a proposal, with its far-ranging public policy and public health implications, through an omnibus appropriations legislation, with virtually no chance for thoughtful debate or further amendment. It is our view that the intent and consequences of such a proposal should be examined carefully through established legislative procedures, including hearings in the committees of jurisdiction for biomedical research and intellectual property law.

For these reasons, we urge you to support any effort to remove the Weldon proposal from the omnibus appropriations bill. Thank you for your consideration of our request.

Sincerely,

Nils Hasselmo
President
November 19, 2003

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