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## **Children’s Hospital Sues over Gene Patent, with Help from top McGill University Patent Law expert**

“It is time to restore certainty in Canada for the benefit of patients and innovators.”

**OTTAWA, November 3, 2014** – Dr. Richard Gold of McGill University’s Faculties of Law and of Medicine announces his involvement in the Children’s Hospital of Eastern Ontario (CHEO) legal action challenging U.S. patent holders of a gene related to a rare heart disorder. The legal action, a first in Canada, seeks to ensure that Canadian hospitals and laboratories can offer cutting-edge health care to their patients.

The gene patent relates to Long QT syndrome – a heart rhythm disorder that can cause fast, chaotic heartbeats that trigger sudden fainting spells, seizures or often sudden death. Doctors can diagnose Long QT with a blood test and ECG and, if treated, patients can live a healthy life. Currently, rights to this test are exclusively controlled in the United States.

Gold will lead a group of internationally recognized experts on gene patenting and its impact on the delivery of medical care. They will offer their expert assistance to the court in understanding both the genetics and policy questions involved in this case. Gold and his team are funded through PACEOMICS, a project supported by Genome Canada, Genome Alberta, Genome Quebec and the Canadian Institutes for Health Research.

“We are pleased to bring international expertise to help Canadian courts better appreciate the effect of these patents on innovation and the delivery of quality care,” said Christopher McCabe, health economist and co-Project Leader of PACEOMICS. “Our independence from both government and industry ensures that we will be able to bring forward the best and most reliable information.”

The case aims at clearing up whether Canadian patent law prevents hospitals and laboratories from offering genetic tests to patients. “There is a big question mark hanging over the validity of these patents,” said Gold. “The Supreme Court of the United States ruled these types of patents invalid last year. Similar arguments will be presented to Australia’s highest court. It is time to restore certainty in Canada for the benefit of patients and innovators.”

Unlike litigation in the United States and Australia, the Canadian case aims not at answering an abstract legal question about whether genes can be patented but at the practical issue of whether Canadian hospitals and laboratories are free to provide all of the genetic tests that their patients need. “CHEO is interested in getting these answers to meet the very practical needs of its patients,” said Gold. “The lawyers at Gilbert’s LLP are seeking to enable CHEO to offer this genetic test in the same way CHEO already offers tests for many other conditions that are not subject to patents.”

Dr. Gold is an internationally recognized expert on patent law and innovation, having advised the Canadian, Ontario and US governments on gene patents as well as international organizations ranging from the World Intellectual Property Organization to the World Health Organization and the Organisation for Economic Cooperation and Development. His team at McGill University's Centre for Intellectual Property are world leaders in innovation and health policy.

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