

The Curious Case of Ebola Patents

The US government appears to have a cure and (almost) a vaccine for the deadly disease

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As the deadly Ebola virus spreads in West Africa taking a lethal toll with its hemorrhagic fever, curious reports are emerging of the patents the US holds on a certain strain of the virus and the interest of its Department of Defence in developing a vaccine with a Canadian biotech firm. The details are sketchy but indicate an overwhelming American interest in Ebola.

The facts are thus: the US authorities administered an experimental serum, preserved in sub-zero temperature and flown under strict supervision to Africa, to two of its citizens who had contracted the virus in Liberia and were in critical condition, before flying them home. Ebola, which takes its name from a river in the Democratic Republic of Congo, has a fatality rate of 50-90 per cent. At the last count, 890 of the 1,300 people who caught the virus had died.

Reports say that Kent Brantly, one of the two American missionaries infected with Ebola, was given a second dose after he was brought to a hospital in Atlanta amidst high security and stringent medical protocol. Brantly is said to be recovering, while the other, Nancy Writebol, was on her way home as this column was being written.

What is the miraculous serum that is helping the American victims of Ebola? From the snippets put out by medical experts on US television channels it appears the drug is a cocktail of monoclonal antibodies that was tried out for the first time on humans. It is said to have worked well in trials on primates but has yet to go through the mandatory clinical trials before it is certified for use on human beings. The serum, called ZMapp, is manufactured by Mapp Biopharmaceutical in San Diego and Defyrus Inc. of Toronto. Mapp is a tiny biotech lab with just 11 employees and has reportedly been working on Ebola for a decade. It was part of a consortium that received funding of \$28 million from the government's National Institutes of Health.

It is clear that the US government has been keeping tabs on Ebola for a while now. It holds the patents on a strain of the Ebola virus known as Bundibugyo (EboBun) that was found in Uganda. It is although not clear whether it is the same strain that has created the current epidemic. The patent, awarded in October 2012 to five scientists led by Jonathan S Towner, is now deposited with the US Centers for Disease Control and Prevention.

Interestingly, the "invention" of the isolated human Ebola (hEbola) virus has not been made

available to an international depository authority as required under the Budapest Treaty that governs the rules on global deposits of microorganisms for the purpose of granting patents. However, samples of this accession (Deposit No. 200706291) will be made available to “approved facilities for 30 years from the date of deposit, and for the lifetime of the patent”.

While Mapp says it is “in the midst of an intense effort to help address the Ebola outbreak in West Africa”, Canadian firm Tekmira Pharmaceuticals Corporation is developing a vaccine for Ebola under a \$140 million project funded by the US Department of Defence. Tekmira claims its therapy has proved 100 per cent effective in protecting primates from one of five strains of the virus and has finished the first phase of clinical trials. The second phase will start once the US Food and Drug Administration reviews its protocols and gives a go-ahead.

So, look to the US for both the vaccine and the cure for Ebola.

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