Since the beginning of recorded time, intellectuals have gathered for the sharing of knowledge; this sharing leads to the process of discovery, whereby new knowledge is generated. Scientific disciplines particularly have benefited from this tradition of meeting and sharing.

Most scientists discuss their theories and research with local experts before conferring with those at a distance; for instance, every surgeon may confer with his or her department chairperson, or other faculty members in the department, before presenting work at a larger meeting with scientists from other universities or research foundations. While nearly every scientist can cite some instance where his or her work, or a colleague’s, was appropriated without full credit being given to the rightful owner of the work, these instances are surprisingly (and blessedly) rare. After all, we have several centuries of historical experience to substantiate the fact that the sharing of scientific information with our colleagues is the only way in which science will advance.

As the information explosion in technology continues, the legal and ethical boundaries within which scientists must work became entwined in a Byzantine manner. The scientists of the 80s must have the “street smarts,” as well as academic smarts, to protect themselves from intellectual and financial rape.

A situation occurred recently in the field of excimer laser refractive surgery research, in which a patent was issued to one scientist that was so astonishingly broad that it included work clearly done by others. A “broad” patent such as this covers any and all uses of the excimer laser, for any purpose, on or in the cornea, by any possible delivery system. Such a broad patent inhibits the sharing of knowledge among scientists and, therefore, inhibits the advancement of science. Such a patent not only discourages the scientists who have done the original work but who have not been given due credit, but also discourages the company or companies that supported the original scientists. It further discourages future scientists and companies from entering into an area of research and development that is already completely covered by a too-broad patent or patents.

All of us suffer when such an unfortunate precedent has been set in the scientific community: the researchers, the companies, and, saddest of all, the patients.

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