

Media Coverage

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Gene patent ban dangerous

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As both sides of politics move closer to a ban on gene patenting, AusBiotech is warning of dangers to investment and limited access to new treatments.

CEO Anna Lavelle says banning gene patents will reduce or even eliminate investment in related research, and diminish public access to future gene-based developments .

"Protection for gene-based technologies, in the form of patents, is an essential element for the continued development of future life-changing health products," Dr Lavelle said. "The negative impact on the health and well-being of the Australian people could be dramatic."

But politics appears to be moving in the opposite direction. Labor member for Fremantle, Melissa Parke, led a debate in the House of Representative last week calling for the *Patents Act* to be amended to eliminate gene patenting, and was met with resounding support from both sides.

She said it was a fundamental principle of patent law that there must be an invention and it was clear human genes are not inventions but naturally occurring phenomena. She said it was wrong to allow genetic and biological material to be privately owned and controlled, and said the argument that gene patents provide an incentive for companies to fund medical research was exaggerated and based on a false premise.

"The vast majority of research is publicly funded. Some of the twentieth century's greatest medical breakthroughs were not made in pursuit of a patent, penicillin and the polio vaccine, to mention just two," Ms Parke said.

"It is likely that banning gene patents will actually accelerate innovative competition in the biotechnology sector because the raw materials for new diagnostics, treatments and medicines will be freely available and unencumbered," she said.

Ms Parke added that groups opposed to the granting of gene patents include the Cancer Council Australia, the Breast Cancer Foundation of Australia, the Royal Australian College of Pathologists, the Human Genetics Society of Australia and the Australian Medical Association.

Liberal MP, Dr Mal Washer, said that unfortunately IP Australia has told the Senate Committee on Community Affairs that, unless directed by an Australian court to do otherwise, it will continue to grant patents over naturally occurring biological materials.

"So it is now a matter of critical importance that this Parliament consider this motion and take this subject seriously," Dr Washer said.

Labor MP, Janelle Saffin, said "genetic material is the common heritage of humanity and it should not be subject to private ownership," and Mr John Forrest (National Party) said, "If anybody owned the gene, it would be nature itself." Michelle Rowland (Labor) agreed that a ban on gene patenting made sense legally and scientifically.

Liberal MP, Malcolm Turnbull, said he was very strongly in support of the motion, and Labor MP Deborah O'Neill said a situation could not be allowed to develop where an Australian patient would need to travel overseas to have a test performed because it was cheaper.

Ms Parke added that there is a direct link between the granting of gene patents and increased PBS costs. An inquiry by the Senate Community Affairs References Committee into gene patents is due to report on November 25, the last sitting day of Parliament this year.

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