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Call for calm in gene patent debate

AusBiotech warns that the gene patenting debate is riddled with misconceptions and misinformation

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Australia's peak life sciences industry body AusBiotech has called for calm over the escalating debate on gene patenting, which it sees as having been hijacked by ill-informed and emotionally driven political and community groups.

According AusBiotech CEO Dr Anna Lavelle, several influential groups are arguing without all of the necessary information, and she warns that we now risk discouraging investment in Australian biotech by removing key financial incentives.

Yesterday, a team comprising of Liberal senator Bill Heffernan, Labor MP Melissa Park and independent senator Nick Xenophon presented a private member's bill that would prohibit the patenting of human genes and their natural by-products. Xenophon presented it to the senate while Park presented the bill to the lower house.

Yesterday the coalition announced that it would be introducing another private member's bill, supported by key lower house independent Rob Oakshott, similarly worded to prevent patents being taken out on genes.

Meanwhile, the federal government is waiting to hear from its Senate community affairs committee into gene patenting. The committee has delayed reporting its results several times, with the latest deadline being the end of this month.

Lavelle said that banning the patenting of gene sequences, which is what many groups are lobbying for, makes perfect sense given the ease with which scientists can now complete animal or human genomes. However, the preoccupation with this aspect of the argument misses the point she said.

Of most concern is the desire of certain parties to not only ban the patenting of genes, but to also ban patenting of other biological materials, from proteins, antibodies, viruses, plant materials and animal genes.

"What we are alarmed about is that certain commentators are arguing for a ban on patenting of all biological materials," Lavelle stressed.

"This would be hard to deliver without damaging companies' ability to develop products."

She added that current laws allow for the government to negotiate with patent holders in cases where the patent unfairly denies a benefit to the community, but that these laws need tightening if the government is serious about guaranteeing access.

“We agree that it would be wise to strengthen that clause.”

Commonwealth ownership was one of the key recommendations made in a 2005 examination of gene patenting by the Australian Law Reform Commission, which many patent attorneys agree offers the best framework so far proposed in this area. The review also recommended a law making it compulsory for holders of genetic and other sorts of biologic patents to licence their intellectual property, a move which would allay community fears about companies controlling access to medical discoveries.

Lavelle and many others worry however, the debate is moving away from a nuanced consideration of the facts, and is instead degenerating into a game of political football.