

Peter Ollier
Asia editor
Managing Intellectual Property
Tel: +852 2842 6944
Email: peter.ollier@euromoneyasia.com

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Dr Anna Lavelle, CEO of AusBiotech said: Any technology, regardless of what it is applied to, must satisfy three threshold tests to be eligible for patentability. We believe the current legislation is sufficient to adequately make determinations in this regard, while acknowledging that there could be some further clarification on 'exceptions for experimental use'.

Due to the significant capital investment required for the development of therapeutics and diagnostics, the community's need is unlikely to ever be satisfied by publicly-funded sources and therefore relies upon private companies. Such a model requires intellectual property protection if it is continue delivering newly-developed and improved therapeutics and diagnostics to patients.

Whatever is decided by the standing Senate Inquiry into gene patents, the decision must not undermine innovation and commercial development of much-needed medical therapeutics and diagnostics.

We believe that Genetic Technologies Limited is operating within the legislation in providing commercial access to the gene test it has licensed from its US-based patent holder.