

Media Coverage

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Controversial biological and gene patent Bill delayed

The Senate has issued an extension until August for the hotly debated Patent Amendment (Human Genes and Biological Materials) Bill.

[Tim Dean](#) (Australian Life Scientist)

In news that will shock you, a Senate Inquiry has failed to report by its listed date and has been issued an extension.

The Bill in question is the controversial Patent Amendment (Human Genes and Biological Materials) Bill 2010, introduced by Senators Coonan, Heffernan, Siewert and Xenophon.

The Bill sought to amend the Patents Act 1990 to prevent the patenting of human genes and biological materials existing in nature.

After being introduced, the Bill was immediately referred to the Senate Legal and Constitutional Affairs Legislation Committee for further inquiry and report.

The Committee was expected to report to the Senate yesterday, but requested an extension, which was agreed to in a vote by the Senate yesterday.

The Inquiry is now expected to report on 25 August 2011.

The Bill was introduced as a private member's bill in November last year, just days before the Senate Committee Inquiry into Gene Patents was to release its findings.

The new Bill seeks to ban the patenting of any biological materials, even when modified from their natural form.

The biotechnology industry has been hostile to the proposed amendments, arguing that it would backfire and hamper research and commercialisation of any technology involving biological materials rather than free up research as intended.

AusBiotech and the Institute of Patent and Trade Mark Attorneys of Australia (IPTA), argue that the existing legislation prevents the patenting of any discoveries, such as genes as they're found in nature, but only allows the patenting of any development that involves an inventive step that covers something not in its naturally occurring state and which has a demonstrated use.

The two organisations also prefer strengthening the Patents Act 1990 to include an explicit research use exemption to further ensure that patents don't restrict further research.

The delay in reporting will add to uncertainty felt in the biotechnology and life sciences community over this controversial amendment.