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## Senate Committee rejects ban on gene patents

The Senate Committee tasked with reviewing the bill proposing the ban of patents on genes and biological materials has recommended the Senate not pass the bill.

Tim Dean (Australian Life Scientist) | 22 September, 2011 12:09 | [Comments](#)  | [Like](#) 

The move to ban gene and biological patents has taken a hit with the Senate Committee reviewing the most recent bill on the matter recommending that the Senate should not pass the bill.

The [124 page report](#) tabled yesterday by the Senate Legal & Constitutional Affairs Legislation Committee contained only one recommendation: "The committee recommends that the Senate should not pass the Bill."

The biotechnology and legal communities reacted positively to the news. "We're delighted that the Senate has agreed with our original position, which is not to support the bill," AusBiotech CEO, [Dr Anna Lavelle](#) told *ALS*.

"This is the right outcome for patients, researchers and for innovation in this country. I now call on the Senate to abandon the Bill, as recommended," she said.

The Licensing Executives Society of Australia & New Zealand (LESANZ) and The Institute of Patent and Trade Mark Attorneys in Australia (IPTA) also welcomed the recommendation.

"The Senate Committee's report, which focuses on safeguarding the community's access to all technologies, rather than an outright and arbitrary rejection of the patenting of genes and other biological materials, is correctly placed," said an IPTA statement.

"There have been five Australian enquiries over the last seven years into patentable subject matter and each of these enquiries has consistently recommended that excluding specific subject matter from patentability is not the best way forward," said IPTA spokesperson Dr Tania Obranovich.

"Rather we should focus on ensuring both the existence of effective safeguards and that patentability thresholds are appropriately set and properly implemented."

The bill sought to place restrictions on what materials could be covered by patents, specifically and genes or other biological materials that could also be found in nature, even when modified from their natural form.

Dr Lavelle hopes this will be the end of the gene and biological patent debate for the foreseeable future.

"I'm hoping this is the end of this conversation. This is the fifth report in a row that has said we should not carve out material for patenting."

AusBiotech, which was referenced several times through the report, does support strengthening the existing Patent Act to provide protection for existing patents while offering a research exemption to allow new research to be conducted using protected intellectual property.

"AusBiotech supports the government 'Raising the Bar' Bill and urges Parliament to support a bill that will guarantee improvements to intellectual property management in Australia," said Dr Lavelle.

This view is also supported by Dr Mark Horsburgh, President of LESANZ: "We believe that existing provisions contained in the Patents Act are already entirely capable of providing access to patented genes and other biological materials. This is both in situations where patented technologies are of national importance, and also where the patent owner may be inappropriately preventing access."

More about: [ANZ, Bill](#)

## Comments

**1** [no Bill, Bill](#)  
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Excellent. Australia will be able to continue to import new treatments and therapies as they are developed overseas. Imagine if we couldn't get in the next break through treatment like herceptin. As for the researchers, they will continue to ignore bio patents anyway so all returns to normal.