

the pharma letter

[HOME](#) | [7 DAY PREMIUM TRIAL](#) | [PHARMACEUTICALS](#) | [BIOTECHNOLOG](#)

Keywords: Australia, Gene patents, Legislation, Medicines Australia, AusBiotech

Australian Senate Committee rejects ban on gene patents

Article | 22 September 2011

 [Print This](#)  [Share This](#)

Australia's pharma and biotech industries breathed a sigh of relief, when a Private Members Bill seeking to ban patenting of biological materials was rejected by the country's Senate Legal and Constitution Affairs Legislation Committee. The 124 page report tabled yesterday by the Senate Committee contained only one recommendation: "The committee recommends that the Senate should not pass the Bill."

Pharma trade group Medicines Australia welcomed the decision, saying that the Committee's report is the latest to demonstrate that there is no case for banning patents on biological materials, including genetic materials. Over the last decade three other Government reports have reached the same conclusion.

Enjoying this article? Have the leading Biopharma news & analysis delivered daily on email [by signing up for our FREE email newsletter here.](#)

Medicines Australia chief executive Brendan Shaw said: "It is now time to put this matter to bed once and for all. Patents on biological materials are important because they guarantee ongoing investment in developing cutting-edge medicines and therapies. They ensure

Australians have access to these medicines as soon as they become available."

Passing of the Bill would have put Australia at odds on global IP protection

Dr Shaw continued: "Had this Bill proceeded, it would have put Australia at odds with global trends in IP [intellectual property] protection. It would have threatened access to the latest medicines and diagnostics, and violated our international trade obligations under the Australia US Free Trade Agreement."

More than 400 biological medicines are currently in development worldwide, and more than 100 are already being used to treat some of humanity's most debilitating conditions such as cancer, arthritis, and Alzheimer's disease, noted Medicine Australia.

AusBiotech chief executive Anna Lavelle has also welcomed the Committee's finding and said: "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."

There have been five Australian inquiries in recent years into patentable subject matter and each has consistently recommended that excluding specific subject matter from patentability is not the right option.

Support for "Raising the Bar" Bill

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

The separate and substantially more extensive Raising the Bar amendments to the Patent Act are intended to lift the standards of patentability for inventiveness and utility, but will not alter the scope of patentable subject matter.