

Anti-patent amendments bite the dust

Tuesday, 27 September 2011

THE biotechnology sector has welcomed a report by a Senate committee recommending the Senate reject legislation that would rewrite Australia's existing patent laws.

The 124-page report on the Patent Amendment Bill by the Senate Legal and Constitutional Affairs Committee inquiry was tabled in the Senate last Wednesday night. It had just one recommendation, that Senate "not pass the bill".

The Human Genes and Biological Materials Private Members Bill sought to ban patents on biological materials including genetic materials.

The report rejecting the amendments proposed by the 2010 bill to the existing Patent Act was celebrated by the wider scientific community.

Ausbiotech chief executive officer Dr Anna Lavelle welcomed the committee's findings and said it was the right outcome for patients and researchers.

She called on the Senate to abandon the bill.

"The bill does not serve the interests of patients, researchers or industry and, in fact, the Bill threatens the very foundations of scientific research and development of biological therapies and other technologies which are built on patents," 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."

Lavelle's comments follow the organisation's submission to the committee review held in Canberra in April this year, which said the proposed bill failed to address concerns about gene patents and should be rejected.

Ausbiotech's submission was just one of 122 made to the inquiry, two-thirds of which opposed the bill.

The committee's report is one of at least three other government reports in the last decade that have reached the same conclusion.



AusBiotech CEO,
Dr Anna Lavelle



Medicines
Australia CEO, Dr
Brendan Shaw

Medicines Australia chief executive officer Dr Brendan Shaw echoed Ausbiotech's position and said it was time to put the matter to rest once and for all.

"Patents on biological materials are important because they guarantee ongoing investment in developing cutting-edge medicines and therapies," Shaw said.

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

"Had this bill proceeded it would have put Australia at odds with global trends in IP 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."

The Licensing Executives Society of Australia and New Zealand said the proposed amendments to the patent system were unnecessary.

LESANZ released a briefing paper last week arguing that existing license-based provisions in the Patents Act 1990 and in the Competition and Consumer Act 2010 already provided adequate access to genes and biological materials for public benefit, if used properly.

President Dr Mark Horsburgh said it had been one of the key issues of the gene patenting debate but was often overlooked.

"The majority of submissions on the proposed amendments to the Patents Act have dealt with the substantive issues on whether gene patenting should be allowed and the moral arguments that arise," Horsburgh said.

"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."

LESANZ is calling for the passing of the Raising of the Bar Bill 2011, which will include exemptions that should provide appropriate access to patented technologies.