

Biotech Daily



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Daily news on ASX-listed biotechnology companies

*** AUSBIOTECH WINS SUPPORT TO OPPOSE 'PATENT AMENDMENT BILL'**

AUSBIOTECH

Ausbiotech has won broad support from the industry in its call for the Federal Parliament to reject the 'Patent Amendment (Human Genes and Biological Materials) Bill 2010'. Ausbiotech said signatories included Medicines Australia, Research Australia, the Walter and Eliza Hall Institute, Foursight, IVD (in vitro diagnostics) Australia, Osteoporosis Australia, the Federation of Australian Scientific and Technological Societies, IBM Com, The Institute of Patent and Trade Mark Attorneys of Australia and GBS Venture Partners.

The letter said that "should the Bill become law the signatories hold grave concerns about the unintended consequences on the access of Australians to life-changing medicines and diagnostics, on the ability of scientists to conduct medical research in this country and on the future of the Australian biotechnology and medicines industry".

"Instead of addressing community concerns about access to innovative medicines and diagnostic tests, the Bill puts at risk such potentially life-altering products being available in a timely manner to anyone in Australia," the letter says.

The letter said that the identification of naturally-occurring biological material such as a gene was a discovery and not an invention.

"The existing law protects this difference by requiring patent applicants to provide substantive evidence about their technology in support of its novelty, utility and inventiveness," The letter said.

"Without reservation, supporters are in favor of the rigorous and consistent application of the patent system in this country, in relation to all technologies, to ensure the granting of high quality patents and the continued distinction between discovery and invention," the letter said.

The letter said the Bill's sponsors claimed its purpose was to "advance medical and scientific research and...cure human illness and disease...by enabling free and unfettered access to biological materials."

The letter of objection said that while the Bill was well-intentioned, it said the Bill's architects missed several fundamental points.

"There is no evidence to support the notion that patents stifle research or that there is currently anything other than free and unfettered access to biological materials among the Australian research community," the letter said.

“Far from advancing medical research, the ambiguous language of the Bill will seriously delay research progress by tying up parties in the courts for what could amount to years of legal debate and cost to determine what can and what cannot be patented,” the letter said. “Such uncertainty will surely be further disincentive to investors as it will drive up the costs of research,” the letter said.

“It’s also possible that such uncertainty coupled with the lack of investor confidence arising from the absence of patents for biological materials in Australia could spill-over into other parts of our economy and trigger real or perceived views of the country’s sovereign risk,” the letter said.

The letter of objection said the Bill would “not address the specific concern being expressed by the Australian public about access to diagnostic tests (eg: to the BRCA diagnostic test or to other potentially life-changing tests) because the patent for the test itself will still be allowable under the Bill”.

The letter said the interests and needs of the public could be protected via existing provisions that already exist in law.

The letter said a review of these safeguards was needed followed by an effective legislative response to ensure the safeguards are readily-accessible and not costprohibitive if required.

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