

## MEDIA RELEASE

### Government's rejection of call to ban patenting of genes and biological materials welcomed

**Sydney, 24 November 2011:** The Institute of Patent and Trade Mark Attorneys of Australia (IPTA) applauds the Federal Government's response to the recommendations of the Senate Community Affairs Committee, the Advisory Council on Intellectual Property and the Australian Law Reform Commission in relation to the gene patents. The Government's rejection of an outright ban on the patenting of genes and other biological materials clearly reinforces the crucial role of the patent system in fostering innovation, investment and development in medical research and will restore certainty and confidence in the biotechnology sector in Australia.

According to IPTA spokesperson Dr Tania Obranovich, 'The Government's recommendations are well placed. They focus on ensuring patentability thresholds consistent with International standards, while acknowledging the safeguards already present in the Patents Act to control how patent rights are exercised to prevent abusive monopolistic behaviour.'

'The Government recognises the importance of ensuring fair and reasonable access to patented medical technologies, both in terms of affordable healthcare and access for research purposes' Dr Obranovich said. 'Crucially, the recommendations highlight the importance of these outcomes, as sought by the wider community, across all technologies.'

In its recommendations, the Government has acknowledged the significance of the *Raising the Bar Bill*, which seeks to raise Australian patentability thresholds. However, it does also recommend that further legislative consideration be given to a number of additional issues, including the introduction of an ethical exclusion to the patenting of technologies where such patenting may be out of step with community values.

The Government's acceptance of the recommendation that patents for genes and biological materials not be banned should now bring an end to consideration of the Private Members Bills which seek to ban the patenting of these materials in Australia. Were these Bills to be enacted, there would flow a raft of detrimental consequences across a broad range of Australian industries including those in the biotechnology, healthcare, agriculture, food technology and livestock sectors.

'IPTA applauds the Government's response and we look forward to continuing to work supportively with members of the scientific and legal communities going forward,' Dr Obranovich said.

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***About IPTA:***

The Institute of Patent and Trade Mark Attorneys of Australia (IPTA) is the peak professional body representing Australian patent and trade mark attorneys.