Senate push to ban gene patents
Adam Cresswell, Health editor | August 01, 2009

A BID to halt the controversial patenting of human genes will be launched before a Senate committee next week, when experts will argue that the practice is akin to patenting the moon and is strangling vital research.

About 20 per cent of human genes are already patented in the US. The issue sparked alarm in Australia last year when a Melbourne-based company that owned rights to a gene mutation that causes breast cancer ordered all other laboratories to stop performing the $2100 test.

It said at the time it would funnel all testing through its own labs instead, creating fears that prices would rise and expertise at other centres would be lost.

The ASX-listed company, Genetic Technologies, later backed down after a public outcry and a boardroom spill. But the scare was enough to forge a coalition of health and legal experts determined to fight for a tightening of Australia's patent rules.

Late last year, Liberal senator Bill Heffernan agreed to help, taking up the cause and securing an inquiry by the Senate's community affairs committee. The committee will hold its first hearings in Melbourne.

Senator Heffernan yesterday said the issue was "the most fundamental question for the future wellbeing of humans" and everyone he had lobbied on the issue, including federal Health Minister Nicola Roxon, was concerned.

"You have lawyers and bankers seeing this as the next river of gold, in which the human body will be traded," he said. "It's the most fundamental question -- who owns your body?"

Biotechnology patent expert Luigi Palombi said he would be asking the committee to recommend that the patenting of biological material extracted from the body be prohibited, if it was identical or substantially identical to its natural state.

"Genes are not 'inventions', and we need to make that very clear -- that the patent system is about providing protection for inventions," Dr Palombi said.

"It's also becoming clear that patents on genes are hindering scientific research."

Other experts are also backing the push for changes to the patent rules.

Cancer Council Australia chief executive Ian Olver said the explosion in patent numbers was "going to restrict the ability of scientists to actually develop new treatments", at a time when many new drugs targeting specific genetic profiles were in development. "It's early enough in the process to draw a line and not allow further gene patents," he said.

"Australia should ensure the patent system is not exploited by corporations who want to hold 20-year exclusivity over a gene."

However, the Melbourne-based Walter and Eliza Hall Institute will argue the patent laws should be left intact, claiming they offer the only means whereby companies could recoup the investment on lifesaving drugs such as the anti-cancer treatment Herceptin.

The WEHI owns some 20 gene patents, which head of business development Julian Clark said brought in royalties worth about $4 million annually, about 5 per cent of its spending.