



7th March 2011

**MS Research Australia Submission to the Standing Committee on Legal and Constitutional Affairs'
*Inquiry into Patent Amendment (Human Genes and Biological Materials) Bill 2010***

Thank you for providing MS Research Australia and MS Australia with the opportunity to comment on the Patent Amendment (Human Genes and Biological Materials) Bill 2010.

MS Research Australia is the research arm of MS Australia. Its mission is to accelerate research toward the prevention, better treatments and a cure for MS. MS Research Australia partners with relevant medical research institutes and scientists around Australia, encouraging collaborations and focussing on Australia's strengths in this research.

Multiple sclerosis (MS) is a progressive, chronic disease of the central nervous system (brain and spinal cord). It is the most frequent neurological disease in young and middle-aged adults in developed countries and has a lifelong impact. Because MS involves multiple areas of the central nervous system, it is characterised by a variable and complex range of symptoms, including visual disturbance, fatigue, pain, reduced mobility and coordination, cognitive impairment, and mood changes. Average age at onset is between 20 and 40, and 75% of people with MS are women.

Thus, MS tends to strike people in their most productive years. It affects ability to fulfil expected life roles at a stage when careers, relationships, and adult life in the community are consolidating, with resulting impact on work, family, and social life.

The last decade has brought significant changes in medical management, with the introduction of disease-modifying drugs that reduce exacerbations in relapsing-remitting MS, resulting in less unpredictability in the early stages of the disease. For patients with primary progressive MS or those entering the secondary progressive phase of relapsing remitting MS, there is a very limited response to these therapies. Further research and drug development is vital to offer hope to these patients.

The majority of disease modifying drugs currently available for MS are biological molecules or closely based on biological molecules.

MS Research Australia and MS Australia support the restriction of patents on genes and materials where they are identical to, or isolated from, nature. However, the suggested amendments to the current act are too broad. They will impede the development (and clinical trials) of further medicines based on biological agents that could offer real hope for improved treatments for both relapsing-remitting MS and progressive MS.

MS Research Australia
PO Box 1246
Chatswood, NSW 2057
T +61 2 9468 8390
F +61 2 9411 7456
www.msra.org.au

We therefore support the Patent Act in its current form and recommend no amendments as proposed.

In this submission, we acknowledge the positions of Medicine's Australia and organisations such as AAMRI and the AMA who have set out the issues in detail. We find ourselves aligned with these positions and believe that very careful consideration should be given to any amendments to the wording of the Act to ensure that genuine innovation and the opportunity to progress towards new treatments continues to be maximised.

Yours sincerely,

Jeremy Wright
Executive Director

