

25 February 2011
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

**Re: Submission to Senate Standing Committee on Legal and Constitutional Affairs -
Inquiry into the Patent Amendment (Human Genes and Biological Materials) Bill 2010**

Thank you for the opportunity to make a submission to this inquiry into the Patent Amendment (Human Genes and Biological Materials) Bill 2010.

The Bill proposes to exclude the patenting of the following under Australian law:

'biological materials including their components and derivatives, whether isolated or purified or not and however made, which are identical or substantially identical to, such materials as they exist in nature.'

Merck Serono is internationally recognised as a biotechnology leader, actively committed to future innovations through research and development and transforming lives through medical science. We specialise in the treatment of cancer, neurodegenerative diseases, infertility, endocrine and metabolic disorders and other serious, life-altering diseases.

Merck Serono supports the submission made by Medicines Australia to the Senate Community Affairs Legislation Committee and agrees that the scope of the change suggested by the Bill is far from narrow. Should the Bill be passed it will not only lead to significant uncertainty around decisions to bring innovative products to market in Australia, but also in decisions regarding investment in research and development in Australia. Whilst the intent of the Bill is "to advance medical and scientific research and the diagnosis, treatment and cure of human illness and disease", we believe that its unintended consequence will be the opposite.

It is the opinion of Merck Serono that the Patent Amendment (Human Genes and Biological Materials) Bill 2010 will impair research and development in Australia and impact negatively on the ability of Australians to access innovative treatments. We believe the Bill should be rejected by the Senate.

Yours sincerely,

David Garmon-Jones
Managing Director