

Senate Standing Committee on Economics
ANSWERS TO QUESTIONS ON NOTICE
Innovation, Industry, Science and Research Portfolio
Budget Estimates Hearing 2011-12
30 May 2011

AGENCY/DEPARTMENT: IP AUSTRALIA

TOPIC: Amgen Patent

REFERENCE: Question on Notice (Hansard, 30 May 2011, E24)

QUESTION No.: BI-9

Senator Heffernan - Did IP Australia conduct any economic analysis on the impact of the Australian patent, that particular one, 600,650, prior to making the decision to extend the term of the patent? Did IP Australia consider the impact on the PBS of such a patent term extension?

Mr Noonan: Again, I could not answer that question without reviewing the particular case, so I would have to take that on notice.

Senator HEFFERNAN: So take that on the notice. Did IP Australia consider the impact on the PBS of such a patent term extension?

Mr Noonan: I would have to take that on notice. But I would point out that some of these factors that you are mentioning are not included among the legislative factors that are set out in the Patents Act.

ANSWER

No economic analysis was undertaken by IP Australia. Sections 70 to 79A of the *Patents Act 1990* set out the statutory basis for extension of term of pharmaceutical patents. The application for the extension of term was granted because the statutory provisions were satisfied. No other considerations can lawfully be taken into account when granting an extension of term.