



The Secretary Senate  
Community Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

**RE: Senate Inquiry into Gene Patents**

I am providing in this letter some thoughts on the issues the Senate Inquiry into Gene Patents is addressing.

It is my opinion that there should not be the ability to patent genes or their products that are naturally occurring in any organism. These are, obviously, a fundamental part of that organism and should be freely available for research and use to the general community.

Furthermore, I do not see the need to patent the actual genes. Surely it is the use of the genes, or more likely their products, that is and should be patentable. Use of the gene or gene products for, for example, developing ways to test for disease is appropriate.

Take as a further example the use of Prostate Specific Antigen that is used to help in the diagnosis of prostate cancer. The medical, research and general community should be able to use this protein. Should researchers, medical personnel etc choose to measure this protein in a specific way, or in combination with other specific markers to better diagnose or monitor disease, then that may require the use of patented techniques. In this event, it is appropriate for companies or individuals to protect this use.

Another example comes from the discovery of various antimicrobial agents. These are most often discovered as part of the naturally occurring armamentarium of micro-organisms themselves. I believe these should not be patented. What can be patented are modifications that researchers/industry might make to the naturally occurring antibiotics to improve their safety, efficacy, ability to be used in various ways to treat disease, or to improve yields of the naturally occurring antibiotic to facilitate large scale production. As an example, it is my belief that naturally occurring penicillin should not be patentable, but modifications to this basic form to produce manufactured forms such as methicillin that have improved efficacy should be patentable.



I believe this differentiation can form the basis for sound regulation, whilst still allowing researchers and industry to develop and protect aspects of the naturally occurring substance.

Please do not hesitate to contact me should you require any further clarification of my position.

Yours faithfully

Prof Mark Willcox  
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