

SENATE COMMUNITY AFFAIRS COMMITTEE

INQUIRY INTO GENE PATENTS

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EXECUTIVE SUMMARY

I am a senior lecturer and the associate director for research at the Australian National University College of Law based in Canberra, Australia. I am also an associate director of the Australian Centre for Intellectual Property in Agriculture (ACIPA). I have a BA (Hons) and a University Medal in literature, and a LLB (Hons) from the Australian National University, and a PhD in law from the University of New South Wales. I am a member of the Copyright and Intellectual Property Advisory Group of the Australian Library and Information Association, and a director of the Australian Digital Alliance. I am the author of two books, *Digital Copyright and the Consumer Revolution: Hands off my iPod*, and *Intellectual Property and Biotechnology: Biological Inventions*, and the editor of the collection, *Patent Law and Biological Inventions*, and co-editor of the collection, *Incentives for Global Public Health: Patent Law and Access to Essential Medicines*. I have also published three book chapters and thirty-eighty refereed articles.

I have particular expertise in the field of intellectual property and biotechnology – having looked at the implications of intellectual property rights for agriculture, health-care, research, and the environment. I am the author of *Intellectual Property and Biotechnology: Biological Inventions* (Edward Elgar, 2008). This book documents and evaluates the dramatic expansion of intellectual property law to accommodate various forms of biotechnology from micro-organisms, plants, and animals to human genes and stem cells. It makes a unique theoretical contribution to the controversial public debate over the commercialisation of biological inventions. I also edited the thematic issue of *Law in Context*, entitled *Patent Law and Biological Inventions* (Federation Press, 2006). I was also a chief investigator in an Australian Research Council Discovery Project, "Gene Patents In Australia: Options For Reform" (2003-2005), and an Australian Research Council Linkage Grant, "The Protection of Botanical Inventions (2003). I am currently a chief investigator in an Australian Research Council Discovery Project, "Promoting Plant Innovation in Australia" (2009-2011). I have participated in inquiries into plant breeders' rights, gene patents, and access to genetic resources.

To assist the Senate Community Affairs Committee in its inquiry into gene patents, I would like to provide the members with copies of my research in respect of gene patents. This material will have to be treated as exhibits for the purposes of the inquiry.

I would be happy to appear before the Senate Community Affairs Committee to discuss the policy issues, which have arisen in respect of intellectual property and biotechnology.

EXHIBITS

Books

1. Rimmer, M. *Intellectual Property and Biotechnology: Biological Inventions*, Cheltenham (UK) and Northampton (Mass.): Edward Elgar, January 2008, (available in the Parliamentary Library).

Edited Collections

2. Rimmer, M. (ed). *Patent Law and Biological Inventions: Law in Context*, 2006, Vol. 24 (1), (available in the Parliamentary Library).

Refereed Articles

3. Rimmer, M. "The Sorcerer II Expedition: Intellectual Property and Biodiscovery", *Macquarie Journal of International and Comparative Environmental Law*, 2008, (forthcoming).
4. Rimmer, M. "Race Against Time: The Export of Essential Medicines to Rwanda", *Public Health Ethics*, July 2008, Vol. 1 (2), p. 89-103, <http://phe.oxfordjournals.org/current.dtl>

5. Rimmer, M. "The New Conquistadors: Patent Law and Expressed Sequence Tags", *Journal of Law, Information, and Science*, 2007, Vol. 16, p. 10-50, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=979686
6. Rimmer, M. "The Genographic Project: Traditional Knowledge and Population Genetics", *Australian Indigenous Law Review*, 2007, Vol. 11 (2), p. 33-55, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1019182
7. Rimmer, M. "The Alchemy of Junk: Patent Law and Non-Coding DNA", *The University of Ottawa Law and Technology Journal*, 2006, Vol. 3 (2), p. 539-599, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=868390
8. Rimmer, M. "Miami Heat: Patent Law, Informed Consent, and Benefit-Sharing", *Journal of International Biotechnology Law*, 2006, Vol. 3, p. 177-192, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=868389.
9. Rimmer, M. "Japonica Rice: Intellectual Property, Scientific Publishing, and Data-Sharing", *Prometheus*, September 2005, Vol. 23 (3), p. 325-347, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=654863
10. Rimmer, M. "The Jean Chretien Pledge to Africa Act: Patent Law and Humanitarian Aid", *Expert Opinion on Therapeutic Patents*, July 2005, Vol. 15 (7), p. 889-909, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=680222
11. Rimmer, M. "The Freedom To Tinker: Patent Law and Experimental Use", *Expert Opinion on Therapeutic Patents*, February 2005, Vol. 15 (2), p 167-200, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=648325
12. Rimmer, M. "The Race To Patent The SARS Virus: The TRIPS Agreement And Access To Essential Medicines", *Melbourne Journal of International Law*, October 2004, Vol. 5 (2), p 335-374, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603234

13. Rimmer, M. "The Last Taboo: Patenting Human Beings", *Expert Opinion on Therapeutic Patents*, July 2004, Vol. 14 (7), p. 1061-1074, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603231
14. Rimmer, M. "Blame It On Rio: Biodiscovery, Native Title, And Traditional Knowledge", *The Southern Cross University Law Review*, December 2003, Vol. 7, p. 1-49, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603229
15. Rimmer, M. "Franklin Barley: Patent Law And Plant Breeders' Rights", *Murdoch University Electronic Journal of Law*, December 2003, Vol. 10, No. 4, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603228
16. Rimmer, M. "The Attack Of The Clones: Patent Law And Stem Cell Research", *Journal Of Law And Medicine*, May 2003, Vol. 10 (4), p. 488-505, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603225
17. Rimmer, M. "Beyond Blue Gene: Intellectual Property And Bioinformatics", *International Review of Industrial Property And Copyright Law*, January 2003, Vol. 34 (1), p. 31-49, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603223
18. Rimmer, M. "Myriad Genetics: Patent Law And Genetic Testing", *European Intellectual Property Review*, January 2003, Vol. 25 (1), p. 20-33, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603222
19. Rimmer, M. "Genentech And The Stolen Gene: Patent Law and Pioneer Inventions", *Bio-Science Law Review*, 2002/ 2003, Vol. 5 (6), p. 198-211, SSRN: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=603221