

CSL Limited
45 Poplar Road Parkville
Victoria 3052 Australia

T +613 9389 1911
F +613 9389 1434
www.csl.com.au



Mr Elton Humphery
Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

By E-mail ONLY
community.affairs.sen@aph.gov.au

16 October 2009

Dear Mr Humphery

Re: Senate Community Affairs Committee's Inquiry into Gene Patents

CSL Limited ("CSL") is an Australian listed global specialty biopharmaceutical company that aims to identify, develop and commercialise important, new, biotherapeutic products that prevent or treat serious medical conditions. We are committed to significantly investing in our research and development portfolio in the areas of plasma replacement therapies, vaccines, immunomodulators and therapeutic proteins (using recombinant technology). With major facilities in Australia, Germany, Switzerland and the US, CSL has over 10,000 employees working in 27 countries. Accordingly, CSL has a strong and active interest in the patent system in Australia and overseas particularly patents in the biotechnology/biological area.

CSL is of the opinion that gene patents should be assessed in the same manner as patents in relation to any other type of technology, and that gene patents should not be excluded from patentability. We note that numerous parties have made submissions to the Committee to the same effect; see for example submissions from the Australian Law Reform Commission ("ALRC") (No. 18), Medicines Australia (No. 21), The Walter and Eliza Hall Institute of Medical Research (No. 26), Davies Collison Cave (No. 27), The Institute of Patent and Trade Mark Attorneys of Australia ("IPTA") (No. 31), the Law Council of Australia (No. 57), and the Victorian Government (No. 61). CSL agrees generally with these submissions.



Other parties have expressed different views, and Cancer Council Australia (“CCA”) and The Clinical Oncological Society of Australia (“COSA”) in a supplementary submission dated 18 August 2009 have proposed legislative amendments to exclude “biological materials” from being patentable inventions in Australia. It is not clear precisely what “biological materials” is intended to mean.

CSL is concerned by and opposed to the approach suggested by CCA/COSA, and agrees with and supports the comments made by IPTA in their supplementary submission dated 7 September 2009.

As the Committee is well aware, this is an area where the ALRC has previously made recommendations (ALRC Report No. 99 Genes and Ingenuity: Gene Patenting and Human Health (2004)), in addition many of the issues overlap with matters investigated through enquiries into Experimental Use and Public Consultation on IP Rights Reforms; details of which are readily available. We believe the outcomes of these previous and ongoing enquiries and/or consultations provide a better opportunity to deal more broadly with any issues identified in the patent system generally, including their application to gene patents, and that this is a more appropriate approach than adopting specific amendments such as those suggested by CCA that are aimed solely at gene patents.

Thank you for the opportunity to contribute to this enquiry.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Keep', written over a light grey rectangular background.

Philip Keep PhD
Director of Intellectual Property