

The Ethics and Social Issues Committee (ESIC) of the Human Genetics Society of Australasia (HGSA) Response to the Advisory Council on Intellectual Property Patents and Experimental Use Options Paper

The ESIC of the HGSA was invited to comment on the above paper only a short time before a submission was requested.

The issues discussed are highly technical and involve knowledge of processes both legal and administrative that the membership of ESIC does not have the necessary expertise to address. For HGSA to respond appropriately there would need to be consultation with HGSA members engaged in research and those who hold patents or are involved with biotech companies. The time frame for comment has precluded this. Even following such consultation, the HGSA does not have the relevant expertise to consider the legal, administrative and commercial issues that will determine the balance of the pros and cons for each option.

Taking these provisos into account and based on experience as a group of health professionals and researchers, ESIC believes that Options A and B would not meet the needs of the research community and that Option D appears to represent too great a change in patent law and may conflict with international treaty obligations. The Ethics and Social Issues Committee of the HGSA therefore favours one of the versions of Option C.