

30 April 2004

Dr Rod Crawford
ACIP Secretariat
PO Box 200
WODEN ACT 2606

Dear Dr Crawford

On behalf of the members of Medicines Australia we thank you for the opportunity to provide the following comments on the ACIP's *Patents and Experimental Use – Issues Paper*. Medicines Australia is the industry association which represents the major suppliers of prescription medicines in Australia. Our membership encompasses both domestically and internationally domiciled companies most of which are heavily involved in the researching and development of new prescription medicines and hence have a keen interest in the issues raised in your paper.

Medicines Australia congratulates the ACIP on the development of its balanced and solid analysis of the important issue of patents and experimental use. As the Issues Paper correctly identifies, any new policy development in this area must have at its core, the protection of intellectual property. The protection of intellectual property should however be balanced against the need to stimulate innovation and thus to accelerate technological development. If the current patent laws are seen to be restricting true innovation, Medicines Australia would support the introduction of an “experimental use” exception.

If such a system was to be introduced the following elements would be essential to protect current patent holders and to create a pro-innovation environment:-

- Such exceptions would clearly prohibit commercial exploitation of a patent (by someone other than the patent owner) in the guise of scientific inquiry.
- Provides certainty to innovators so they can assess more reliably the extent of what is allowed in doing innovative research and improving already existing inventions

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Medicines Australia would also encourage the further analysis of the European research exemption system as this may provide the basis for a workable and appropriate system in the Australian environment.

Given the importance of the intellectual property regime to the development of new and innovative medicines, Medicines Australia would like to continue to provide input to any potential reviews of Australia's patent laws and can bring both its domestic and international experience in these areas to these discussions.

Should you wish for any further information or comment from Medicines Australia we would be pleased to provide it.

With best wishes.

Sincerely

Fiona Woodard
Director, Operational Strategies