



Media Release

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WHAT SHOULD BE PATENTED?

Patent law should be amended to clarify what should and should not be patentable, an Advisory Council on Intellectual Property (ACIP) report has found.

The report on patentable subject matter was released today by the Chair of ACIP, Mr Leon Allen.

“There has been recent debate in Australia on the patenting of genes, computer software and business methods”, Mr Allen said today.

“Concern has been expressed that mere discoveries or abstract ideas are being patented, and that these patents are hampering access to important innovations and restricting the development of new products.”

“Others say that unethical or offensive inventions can be patented.”

“ACIP’s recommendations provide a framework to deal with these concerns”, Mr Allen said.

In conducting the review ACIP received a number of submissions from stakeholders and consulted with them at public discussions in most major capital cities.

Key recommendations of the report include:

- codifying the established principles of patentability – so that an invention must be an artificially created state of affairs in the field of economic endeavour
- maintaining the current exclusion from patentability of human beings and biological processes for their generation – but not introducing any further specific exclusions
- introducing a general exclusion from patentability of inventions whose commercial exploitation would be wholly offensive to the Australian public

The report also recommends including a statement of objectives in the *Patents Act 1990* to outline its purpose, and changes to assist the Commissioner of Patents when applying the test for patentability.

“ACIP has listened to the concerns of the community, business and other stakeholders, and has sought a balanced approach to take account of their diverse views and interests”, Mr Allen said.

A copy of the report is available at www.acip.gov.au

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