

Cameron Stack
Ministerial Support, Research & Projects
Business Development and Strategy Group
IP Australia
Canberra ACT

20th April 2007

Dear Cameron,

We do not accept patents on life and support the views of Bob Phelps from the Gene Ethics Network as follows.

We object to scarce public resources being spent to enforce an inherently unfair system. The resources of the Director of Public Prosecutions, the federal Magistrates Court, and Commonwealth Police would be wasted enforcing a private commercial matter.

Plant breeders already have the option of suing to enforce their rights if they regard them as infringed. **This civil action is consistent** with government decisions not to introduce strict liability for GE contamination of farmers' crops by patented GE of PBR varieties. Criminal action is not.

If criminal liability (with jail and heavy fines) were to apply to alleged infringements of patents and PBR then they should also apply to the inevitable contamination that will arise from commercial use of GE and PBR plant varieties.

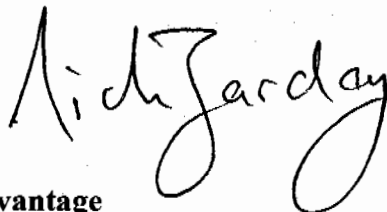
Government must not allow draconian enforcement of private PBR and patent claims at public expense without allowing similar enforcement where GE contamination puts farmers and others allegedly in breach of intellectual property 'rights'.

Protection should cut both ways yet governments have all rejected our proposal for strict liability where GE contamination occurs.

It is also very unfair that 'inventiveness' is not a criterion for registering a plant variety under PBR. Invention is a core criterion for a patent, which most GE companies claim. They therefore use patents in preference to PBR. Not having an inventive step as a criterion for PBR also means that biodiversity can be privatised under PBR by a seed or agribusiness company, with no innovation, which amounts to privatising the biological commons.

Yours sincerely

Nick Barclay



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