



AUSTRALIAN MEDICAL  
ASSOCIATION  
ABN 37 608 426 793

T | 61 2 6270 5400  
F | 61 2 6270 5499  
E | info@ama.com.au  
W | www.ama.com.au

42 Macquarie St Barton ACT 2600  
PO Box 6090 Kingston ACT 2604

07/103

Mr Brendan Bourke  
Secretariat, Advisory Council on Intellectual Property  
IP Australia  
PO Box 200  
WODEN ACT 2606

Dear Mr Bourke

Thank you for providing the Australian Medical Association (AMA) with the opportunity to comment on the Advisory Council on Intellectual Property's (ACIP) options paper *Patentable Subject Matter (September 2009)*. We will limit our comments to gene patents. Whilst aware that there is a concurrent Senate *Inquiry into Gene Patents*, we would also like to inform ACIP of our position on this very important matter.

The AMA strongly reaffirms the fundamental principle of equal dignity inherent in all people and asserts that the human genome should be regarded as the common heritage of humanity.

We support research related to the human genome whilst recognising the range of complex ethical issues that arise as a consequence. Concurrently with research, resources should be directed to the consideration of these issues, and to community education regarding the benefits and risks of the application of genetic research.

The AMA's position on gene patents states that the holding of patents should not infringe the principle that the human genome is the common heritage of humanity. Further, gene patents should not present an obstacle to the prevention, management, and treatment of disease (*AMA Position Statement on Human Genetic Issues. 1998. Revised 2000. Revised 2002*).

Research into the human genome has the potential to benefit humanity and should be applied to the prevention, management, and treatment of disease. Human genetic research must be conducted under appropriate ethical guidelines and in secure environments according to recognised international standards. We commend ACIP's inquiry and look forward to your report and recommendations regarding patentable subject matter.

Yours sincerely

Dr Andrew Pesce  
President

26 October 2009

D09/9232