

Thank you for the opportunity to respond to the questions in the Issues Paper.

1. In the coming years new areas of interest will emerge so we must not make sweeping assessments on entire fields.
2. The consequence of imposing limits on patentable subject matter clearly dampen the incentive to carry on with the system we have. The effect of removing limits on patentable subject matter would probably be beneficial. No I am not aware of empirical data other than my own observations on the encouragement which inventors take from the benefits of IP ownership. Inventors do not fully realise the complexity and the expense of the task they take on and most of them need the encouragement of the society they live in to persevere.
3. It is more appropriate for the courts to decide proposals on a case by case basis. I would prefer ethics to be left out of it because in Australia we have for example made dumb decisions in the area of human cloning merely as a result of politicians being poorly informed.

Patent law is not an appropriate avenue for dealing with ethical issues. Mr. Rudd should pass this over to a large scale consultation of the type which has already been used to identify the direction society wants to go (early 2008).

4. Removing limits on patentable subject matter would create a surge in social engineering suggestions, eg. prison reform in which set ups for dealing with recidivists are detailed. Imposing limits on patentable subject matter has been tried. One of the European countries abolished patents in the late 1800's and fell so far behind that after a few years they re-introduced patents.
5. No comment.
6. Current Australian law mostly meets the objectives of the system. People see fresh needs and have contributions to make, eg. happiness seeking; ways to bring up children; choosing a partner. I meet people who want to turn such counselling into businesses. The structure of the current test excludes methods concerning equity/saving in superannuation. This area exercises many minds already and the system says no.
7. Yes the manner of manufacture concept needs replacing. The pre-grant panel sounds like a good coarse filter.
8. Go with best practice. Australians and Kiwis are a different breed of evolved white thinkers. They have the ability to go to boundaries beyond those likely in USA and Europe.
9. No comment.
10. Financial plans; investment plans; selection of staff by zodiac; large scale environment improvement plans. This content is not compliant with Australia's international obligations.

11. The Issue Paper arrived too late to give it the required depth of study.

12. People are brimming with ideas and a few of them will be practical enough to make them the basis of a new business. They are encouraged by the notion that a patent is there to help them. We should not underestimate the importance of starting businesses which create wealth and tax. That's how the Industrial Revolution began in UK.

May I direct your attention to an article by Joff Wild in the UK CIPA magazine in which he points out that there is financial gain not only for IP owners and creators but huge benefits for society as a whole. The marked passages are very quotable to the council.

Yours sincerely,

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