Australian Government Pharmaceutical Patents Review
INTERPAT response to the Background and Suggested Issues Paper

INTERPAT is a Swiss-registered association of research-based pharmaceutical companies having a global presence. Its member companies have a major commitment to the development and delivery of innovative medicines and vaccines to patients worldwide. Its representatives are the senior executives responsible for patent and related IP matters in member companies. Currently, 24 international, research-based pharmaceutical companies are members of INTERPAT.

The representatives of INTERPAT have had the opportunity to review the response to the Background and Suggested Issues Paper which has been prepared by Medicines Australia (the organisation which represents the research-based medicines industry in Australia) and are fully supportive of the detailed answers and comments provided in that response to the 11 questions issued for public consultation. In providing this support for the Medicines Australia response, INTERPAT would like to reinforce the following critical points.

The patent system and related legal provisions providing limited periods of exclusivity in return for innovation and disclosure are central and critical to continued investment in innovative medicines and vaccines technology. Without a strong and fair intellectual property regime, the high levels of continued investment in research and development required to invent and develop new and improved medicines and vaccines, which are both safe and effective, are placed at risk. Patent and data exclusivity legislation has been developed over many years to provide a fair and reasonable balance of protection to both the public and the innovator. INTERPAT urges the Australian Government to recognise the essential role of the patent system and data exclusivity regulations in providing incentives for continued investment, and to avoid erosion of the rights provided under current laws and regulations. INTERPAT also strongly advocates consideration of an increase in the periods of pharmaceutical patent term restoration and data exclusivity in Australia, neither of which are believed currently to be adequate to meet their intended purposes, for all of the reasons described in detail in the Medicines Australia submission.

Australia is important not only as a commercial market, but also as a centre of excellence for research and development leading to pharmaceutical and biotechnological innovation. INTERPAT companies have significant investment in R&D in Australia, particularly in clinical research. Many also have significant manufacturing facilities in Australia. These companies contribute to the pharmaceutical industry’s position as one of the largest exporters in Australia. INTERPAT therefore respectfully requests the Australian Government to consider carefully the responses provided by Medicines Australia, and in particular those relating to Questions 2 and 9, recommending consideration of increased periods of patent term extension and data exclusivity. Strong IP regimes have underpinned the development of new and improved medicines and vaccines. These innovative products, developed at substantial expense and commercial risk by research-orientated companies, have contributed to longer and healthier lives for all. There are, nevertheless, many therapeutic needs that are still unmet or unsatisfactorily addressed, and it is essential that incentives for continued investment in research and development are maintained. By maintaining and reinforcing its commitment to a strong, stable and predictable IP regime, Australia will continue to attract investment in pharmaceutical R&D and manufacturing, leading to growth in local and export activities, and in the quality careers and employment traditionally associated with this innovative industry sector.

INTERPAT
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