

Submission to MBIE on Discussion Paper for:

**Intellectual Property Laws Amendment Bill – Patents Act 2013, Trade Marks Act 2002, Designs Act 1953**

Submission made by Dr M Janette Dixon, regarding Section 1.7 Swiss-type claims

If I understand the discussion document correctly, MBIE's proposal is to not follow international practice in allowing wider patent protection for Method of Use patents for repurposed drugs. MBIE's rationale is that repurposed drugs are not developed in NZ and allowing broader patent protection for repurposed drugs will cost Pharmac and tax payers more ... so therefore NZ should rely on the wealthier countries in EU and the US to provide drug developers with incentive to develop repurposed drug treatments and NZ, being only 1% of the global pharmaceutical market should not support drug developers, but should instead take the opportunity to save on pharmaceutical spend.

Personally, I think this is morally wrong. If New Zealanders want and expect access to new medications developed by companies outside New Zealand, then we owe a social duty to support the incentivization of those companies that do the research. We are not a third world country, we should play our part in the global drug development ecosystem by following best practice established by the countries who provide us with the vast majority of medicinal innovation.

Paragraph 234 of the discussion document seems to imply that repurposed drug development does not happen in New Zealand. If this was the intended inference, it is incorrect. Douglas Pharmaceuticals has active programmes in the repurposing of existing medications, see:

<https://www.douglas.co.nz/about-us/news-updates/research/douglas-pharmaceuticals-tackles-treatment-resistant-depression>

<http://www.scoop.co.nz/stories/BU1702/S00004/douglas-signs-new-cancer-drug-rd-deal-with-manchester-uni.htm>

Additionally, I have personally been involved in two repurposing drug programmes initiated by the Victoria University of Wellington. One of which is will be spun out into a new biotech company within the next two months. Whilst the details are currently confidential, I would be happy to talk further about this if contacted directly.

I urge MBIE to reconsider its proposal to not amend the 2013 Act to allow EPC-2000 type claims – allow New Zealand to show its support for drug development innovation rather than accepting the benefits without paying the price.