



Media Release

Patent transparency critical for innovation, say open source biotech pioneers

Influential IT mag Red Herring features CAMBIA's BiOS Initiative and the Patent Lens as its cover story this week.

(April 13, 2006) Canberra Australia. Exploding numbers of patents and their declining quality, in both IT and the life sciences, are creating an urgent need for greater patent transparency and better public oversight. CAMBIA's Patent Lens, as featured in *Red Herring's* cover story this week, is a major step toward solving this problem.

The lifeblood of both the IT and life sciences sectors is continuing innovation. The key function of the patent system is to fuel innovation by disclosing new and non-obvious inventions for public benefit. There is a need in both industries to ensure an open and fair patent system that keeps this public good function in focus.

"As in software, where tests of obviousness are not well established, and where the industry is moving too fast for prior art to become well known, biotechnology raises fundamental issues about whether the 19th century patent system is up to the task of understanding 21st century science, said Tim O'Reilly, CEO of O'Reilly Media. "In biology, the boundaries between discovery and invention are blurred, and there is a serious risk that patents will turn over fundamental science to private monopolies."

"The open source software community has done a remarkable job creating and providing new and useful software to the public and to business," notes Dr. Richard Jefferson, CEO of CAMBIA. "But with software patents – many of them of very dubious quality - emerging at an astonishing rate of 20,000 per year, we can't overstate the danger of seeing this effort stalled or even completely undermined.

This has clear parallels with life sciences where over 20% of human genes, and even more genes from the essential crops, are now patented, and where countless patents on the basic tools form a complex web of rights navigable only with difficulty and by lawyers.

CAMBIA's Patent Lens is set to bring together data from the world's patent systems, sharing it and subjecting it to the rigors of the informed public eye. The key features of the Patent Lens are:

- An open access, internationally integrated patent database, which contains all of the latest U.S. patent applications, life sciences patents from Europe along with patents applications filed under the international Patent Cooperation Treaty.

- Opportunities for public engagement in patent annotation, commentary and navigation.

“Innovation in software comes not from individuals working in isolation or small private teams, but from joint initiatives carried out publicly between developers around the world, which brought us the Internet, Linux, and the Wikipedia,” said Brian Behlendorf, CTO at CollabNet and founder of the Apache Software Foundation.

"Patents are not antithetical to this process, but they can limit innovation when used offensively or when they threaten essential processes, so I can see tremendous potential in the Patent Lens to help those who work in patent-encumbered spaces better understand the patents that might apply, and potentially challenge mis-awarded patents," he added.

Adds Jefferson, “The ability to map and to navigate the complex landscape of intellectual property rights will restore public oversight, and will encourage patent offices worldwide to meet high standards and rebuild society’s confidence in the system.”

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About CAMBIA Patent Lens and the BIOS Initiative

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More information about patents:

www.uspto.gov

www.wipo.org

www.european-patent-office.org

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