

The Voice of Canadian BusinessSM
Le porte-parole des entreprises canadiennesSM

April 3, 2008

The Hon. Maxime Bernier, P.C., M.P.
Minister of Foreign Affairs
125 Sussex Drive
Ottawa, ON K1A 0G2

*Office of the President and
Chief Executive Officer*

*Cabinet du président
et chef de la direction*

The Hon. Tony Clement, P.C., M.P.
Minister of Health
Brooke Claxton Building, Tunney's Pasture
Postal Locator: 0906C
Ottawa, ON K1A 0K9

RE: World Health Organization Intergovernmental Working Group on Public Health, Innovation and Intellectual Property

Dear Ministers,

I am writing to you to express my concern regarding the Government of Canada's stance on the protection of intellectual property, specifically with regard to the World Health Organization (WHO) Intergovernmental Working Group (IGWG) on Public Health, Innovation and Intellectual Property and proposals that would undermine the legitimate rights of patent holders. I understand that representatives from both Health Canada and the Department of Foreign Affairs and International Trade have been participating in the WHO IGWG meetings to date and are currently preparing for the next round of meetings in late April in Geneva.

The Canadian Chamber of Commerce needs the Canadian government to take a consistent position regarding the protection of intellectual property (IP) in all forums. It is important that domestic and foreign policies on IP be aligned and that the Canadian government respect its Throne Speech commitment on the protection of intellectual property.

Canadian business recognizes the importance of global access to medicines and we are supportive of Canada's Access to Medicines Regime that provides humanitarian aid worldwide. Our members also understand the need for special efforts to ensure that medical technologies are widely available to developing nations. For that reason, many medical device companies are investing in public and private partnerships to develop and produce technologies specifically for developing nations. Because of IP rights, we are seeing products emerge that are better suited to the needs of developing countries, with special characteristics relating to cost, power supply, skill levels, cultural sensitivities and geographic settings. This is exactly the approach that the IGWG should be supporting – and it is an approach that requires a fair IP policy that fosters innovation.

360, rue Albert St.
Suite 420
Ottawa, Ontario
K1R 7X7

613.238.4000
613.238.7643

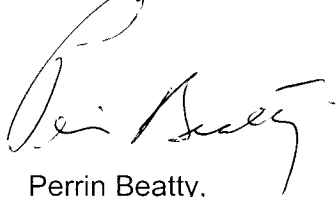
www.chamber.ca
info@chamber.ca

Instead, we are seeing proposals that would have the IGWG move away from the protection of intellectual property rights, based on an unsupported assumption held by some that protection of IP is a deterrent to affordable medicines and medical technology in developing countries. This is deeply concerning to us. We are aware of ongoing work to analyze the quality of the existing WHO research and hope that Canada will oppose hasty action at the WHO in the absence of any reliable evidence.

The Canadian government must take the stance at the WHO meetings that the protection of IP rights is vital both to ensuring that Canada remains a competitive and innovative nation and to developing new technologies that will deliver real health benefits to developing nations. We support the goal of the IGWG to ease the burden of serious diseases in developing countries and will rely on your leadership to ensure that Canada's obligations in the protection of IP both at home and abroad are met.

I would be pleased to provide you with additional information on this topic should you require it.

Sincerely,

A handwritten signature in black ink, appearing to read "Perrin Beatty". The signature is fluid and cursive, with a large initial "P" and a long horizontal stroke at the end.

Perrin Beatty,
President & CEO

cc. Gloria Wiseman, Director, International Health Division, Health Canada
Joanne Hamilton, Deputy Director, Health and Population, DFAIT
Darren Smith, Second Secretary, WIPO

Minister
of Foreign Affairs



Ministre
des Affaires étrangères

Ottawa, Canada K1A 0G2

MAY
MAI 21 2008

Mr. Perrin Beatty
President and Chief Executive Officer
The Canadian Chamber of Commerce
360 Albert Street, Suite 420
Ottawa, Ontario
K1R 7X7

Dear Mr. Beatty:

Thank you for your letter of April 3, 2008, concerning Canada's participation in the World Health Organization (WHO) Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG), in which you express concern regarding Canada's stance on the protection of intellectual property (IP) rights.

The elements under consideration in the IGWG negotiations relate to a wide range of issues that need to be addressed in order to enhance international efforts to increase innovation and access to medicines for diseases that disproportionately affect developing countries. As such, Canada has been an active participant in these negotiations since they began in December 2006.

In developing Canada's negotiating position, we have consulted with a wide array of Canadian stakeholders, including the pharmaceutical and biotechnology industries. Furthermore, Canadian officials from Foreign Affairs and International Trade Canada have been in recent contact with representatives of the Canadian Chamber of Commerce (CCC). From these discussions with the CCC, it is our understanding that concerns of Canadian business are focussed on specific proposals put forward in the IGWG process, rather than in the Canadian government's negotiating position per se.

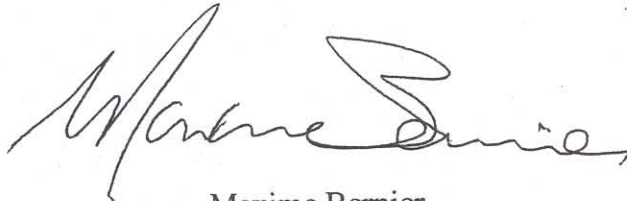
.../2

The position taken by the Canadian delegation (which included intellectual property experts from both Foreign Affairs and International Trade Canada and Industry Canada) at the most recent session of the IGWG negotiations (April 28 to May 3, 2008) was consistent with the Canadian government's support for strong intellectual property rights and maintenance of the integrity of the domestic and international IP system. From the beginning of the IGWG process, Canada has worked to achieve an appropriate balance between promoting public health and safeguarding IP interests and we are hopeful that the final outcome of the IGWG negotiations will reflect this position.

Our officials value the strong and open working relationship with industry and will continue to maintain these lines of communication to provide any further information that you may require in the future. As this matter also falls within the purviews of my colleagues the Honourable Tony Clement, Minister of Health, the Honourable David Emerson, Minister of International Trade, and the Honourable Jim Prentice, Minister of Industry, I have taken the liberty of forwarding a copy of our exchange of correspondence to them for their consideration.

Thank you again for writing and sharing your concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Maxime Bernier". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Maxime Bernier

c.c. The Honourable Tony Clement, P.C., M.P.
The Honourable David L. Emerson, P.C., M.P.
The Honourable Jim Prentice, P.C., M.P.

Minister of Health and the Minister
for the Federal Economic Development
Initiative for Northern Ontario



Ministre de la Santé et Ministre de
l'Initiative fédérale du développement
économique dans le Nord de l'Ontario

Ottawa, Canada K1A 0K9

JUL 28 2008

26/6/08
Mr. Perrin Beatty
President and Chief Executive Officer
The Canadian Chamber of Commerce
420-360 Albert Street
Ottawa, Ontario K1R 7X7

Dear Mr. ^{Perrin} Beatty:

Thank you for your correspondence of April 3, 2008, concerning Canada's participation in the World Health Organization Intergovernmental Working Group on Public Health, Innovation and Intellectual Property (IGWG), in which you express concern regarding Canada's stance on the protection of intellectual property rights.

As you know, the recommendations under consideration in the IGWG negotiations address a wide range of factors that need to be addressed in order to enhance international efforts to increase innovation and access to medicines for diseases that disproportionately affect developing countries. As such, Canada has been an active participant in these negotiations since December 2006. In the negotiations that took place from April 28 to May 3, 2008, our delegation included Canadian officials from Health Canada, Industry Canada and the Department of Foreign Affairs and International Trade, both from the foreign affairs and intellectual property divisions.

In developing Canada's negotiating position, we have consulted with a wide range of Canadian stakeholders, including the pharmaceutical and biotechnology industries. Our government's position at the IGWG negotiations is consistent with Canada's support for strong intellectual property rights and maintaining the integrity of the international intellectual property system. While Canada promotes the advancement of global public health, the Government continues to ensure that Canada's intellectual property interests are safeguarded.

.../2

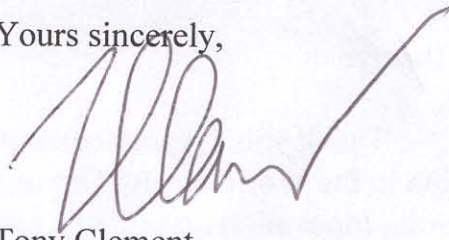
Canada

I trust that this answers your concerns and would be pleased to provide any further information that you may require. As this matter also falls within the purview of the Honourable David Emerson, Interim Minister of Foreign Affairs, Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, I have taken the liberty of forwarding a copy of your correspondence to him for his information.

Thank you for writing.

Hope all is well!

Yours sincerely,



Tony Clement

c.c. The Honourable David Emerson, P.C., M.P.