

December 8, 2010

The Honourable Tony Clement, P.C., M.P.  
Minister of Industry  
Industry Canada  
C.D. Howe Building  
235 Queen Street  
Ottawa, ON  
K1A 0H5

**RE: Right of Appeal in Patented Medicines (Notice of Compliance) Regulations for Innovative Biopharmaceutical Companies**

Dear Minister:

The Ontario Chamber of Commerce (OCC) is a federation of 160 local chambers of commerce and boards of trade in the Province of Ontario, representing 60,000 businesses of all sizes, in all economic sectors covering every area of the province. The OCC's mandate is to advocate strong and effective policies on issues that affect its membership throughout Ontario's business community.

As you know, Ontario is home to one of the most dynamic life sciences sectors in Canada. This sector is viewed by government and industry as a crucial source of innovation, which has multiple spin-offs in terms of fostering growth and dynamism among the SMEs which supply and service the industry. Growing the next generation of innovative companies is a foremost priority in order to close Canada's substantial productivity deficit and achieve the economic diversification necessary for long-term economic sustainability.

The Ontario Chamber of Commerce is proud to support this vibrant and important sector of the province's economy. However, ensuring that both Ontario and Canada continue to benefit from this critical sector requires cooperation and collaboration with the Federal Government, particularly in areas of federal jurisdiction such as intellectual property. In this regard, we are writing to you in support of having an effective right of appeal within the Patented Medicines (Notice of Compliance) Regulations for innovative biopharmaceutical companies.

The Ontario Chamber of Commerce believes this change would address a notable deficiency in Canada's intellectual property system by restoring some balance to these Regulations. We also believe this change is important for continued investment and growth in Ontario's biotechnology industry, and, as a targeted regulatory change, one that can be implemented on an expedited basis.

More generally, the Ontario Chamber of Commerce believes it is important for our industries that Canada remains competitive with respect to intellectual property protection with our major competitors and trading partners. This would include, for example, changes to our patent and copyright regimes. In the life sciences context, further substantive improvements available to the Federal Government include extending the amount of data protection provided or allowing for appropriate compensation for patent time lost due to government regulatory approval delays.

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We understand that the Federal Government has been asked by the European Union (EU) in the context of the Canada-EU Comprehensive Economic and Trade Agreement negotiations, and also by the United States government, to address these issues. In addition to helping improve relations with our major trading partners, the Ontario Chamber of Commerce also believes that such changes would help us maintain and improve Ontario and Canada's position as a global life sciences leader.

Thank you for taking the time to review our concerns. If you have any questions or comments, you may direct your staff to contact Stuart Johnston, Vice President Policy and Government Relations at (416)-482-5222, extension 232, or [stuartjohnston@occ.on.ca](mailto:stuartjohnston@occ.on.ca).

Yours sincerely,



Len Crispino  
President & CEO

cc: The Right Hon. Stephen Harper, Prime Minister of Canada  
The Hon. Dalton McGuinty, Premier of Ontario  
Marc Garneau, MP, Liberal Critic, Industry  
Brian Masse, MP, NDP Critic, Industry  
Robert Bouchard, MP, Bloc Québécois Critic, Industry  
Michael Ignatieff, MP, Liberal Leader, Leader of the Opposition  
Jack Layton, MP, NDP Leader  
Gilles Duceppe, MP, Bloc Québécois Leader  
The Hon. Sandra Pupatello, Minister of Economic Development and Trade  
Peter Shurman, MPP, PC Critic, Economic Development and Trade  
Howard Hampton, MPP, NDP Critic, Economic Development and Trade  
The Hon. Glen Murray, Minister of Research and Innovation  
Jim Wilson, MPP, PC Critic, Research and Innovation  
Michael Prue, MPP, NDP Critic, Research and Innovation  
Tim Hudak, MPP, PC Leader, Leader of the Official Opposition  
Andrea Horwath, MPP, NDP Leader  
OCC members