

*The Voice of Canadian Business<sup>SM</sup>*  
*Le porte-parole des entreprises canadiennes<sup>SM</sup>*

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.

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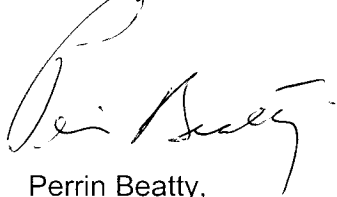
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Instead, we are seeing proposals that would have the IGWG move away from the protection of intellectual property rights, based on an unsupported assumption held by some that protection of IP is a deterrent to affordable medicines and medical technology 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