

## **USA TAKES ON BIG PHARMA'S PATENT ABUSE**

Citing rising drug costs, Business for Affordable Medicine – a group of U.S. Governors, large employers (including Walmart and GM) and labour unions – has called on the US Congress to close loopholes in the Hatch-Waxman Act that delay access to lower priced, generic drugs. This should help in the battle to persuade the Government of Canada to stop brand company abuse of the Patented Medicines Regulations.

Loopholes in the Act allow brand name pharmaceutical makers to use legal maneuvers to keep generic drugs off the market for months and sometimes years after brand name patents have expired. Health Canada cannot give generic drugs final approval until ALL patent disputes are resolved. This provides a huge financial incentive to keep listing patents on the same drug and differs from rules for patent dispute for every other industry in Canada. The Canadian Drug Manufacturers Association points out that this has cost Canada's health care system hundreds of millions of dollars. The USA is the only other country in the world that provides special rules for patent disputes and any action taken south of the border will eventually help our cause.

(From CDMA's Viewpoint – spring 2002 issue)